

Chapter 25

LEAF BLOWERS

Section 1. STATEMENT OF PURPOSE

The purpose of this bylaw is to establish reasonable limitations on the use of gas leaf blowers in the town of Winchester (the “Town”) in order to lessen the impact of gas leaf blowers’ adverse effects on the health, welfare and environment of the Town and its inhabitants.

Adverse effects caused by gas leaf blowers include, but are not limited to, one or more of the following:

- (a) Excessive noise
- (b) Release of particulate matter;
- (c) Use of gasoline- and/or oil-based fuels; and
- (d) Carbon emissions.

Such adverse effects negatively impact the quality of life for Town inhabitants and Town visitors. The reduction of such adverse effects is therefore a public purpose.

Section 2. DEFINITIONS

2.1 “Leaf blower” means any motorized device (portable or wheeled) whose primary function is to use forced air to move leaves, grass clippings, dirt, dust, sand, or any type of litter or debris.

2.2 “Electric leaf blower” means any leaf blower powered by electricity, whether corded or battery-operated.

2.3 “Gas leaf blower” means any leaf blower powered in any part by gasoline.

2.4 “Commercial leaf blower operator” means any individual, entity or organization, including a contractor or commercial landscaper that receives compensation for services that include operation of a leaf blower.

2.5 “User” means any individual, entity or organization of any kind, public or private, including town homeowners and residents, commercial leaf blower operators, and municipal departments and their employees and agents.

Section 3. REQUIREMENTS

3.1 Electric leaf blowers may be used year-round, subject to the limitations set forth in Section 4.

3.2 Gas leaf blowers may be used from April 1 through May 15 and October 1 through December 15, subject to the limitations in Section 4.

Section 4. LIMITATIONS

4.1 Electric leaf blowers may be used year-round by all users as follows:

- (a) Mondays through Fridays from 7am to 6pm
- (b) Saturdays and Sundays from 8am to 5pm, subject to state law restrictions on commercial activity on Sundays.

4.2 Gas leaf blowers may be used, subject to the limitations set forth in Section 3, by all users as follows:

- (a) Mondays through Fridays from 8am to 5pm
- (b) Saturdays and Sundays from 8am to 5pm, subject to state law restrictions on commercial activity on Sundays.

Section 5. EXEMPTIONS

All leaf blowers may be used without limitation where necessary for public safety and emergency situations as determined by the Town’s DPW, police or

fire departments.

Section 6. REGISTRATION REQUIRED

6.1 No commercial leaf blower operator may operate a leaf blower or permit or authorize an agent or employee to operate a leaf blower in Winchester unless such operator has obtained, no later than March 1, an annual permit from the Town Clerk, who shall provide an online application form and collect a \$25 permitting fee. Such application form shall require disclosure of the name, address, telephone number and Massachusetts Driver's License number of the landscaping business owner and shall require such owner to certify that he or she has read and understands all leaf blower restrictions set forth in this bylaw and has or will inform all employees or agents of same.

The landscaping business owner is liable for any violation of this bylaw whether the leaf blower be operated by the owner or by any employee or agent; no individual acting in his or her capacity as an employee or agent of a landscaping business shall be individually liable under this bylaw.

6.2 The Town Clerk may promulgate rules and regulations to implement this section.

Section 7. PENALTIES AND ENFORCEMENT

7.1 This bylaw shall be enforceable pursuant to M.G.L. Chapter 40, Section 21D, through noncriminal disposition by any Town police officer.

7.2 Any leaf blower user who violates any provision of Sections 3, 4 and 6 of this bylaw shall be subject to the following penalties:

- (a) A verbal warning for a first offense;
- (b) Written notice of bylaw violation for a second offense;
- (c) A fine of one hundred dollars (\$100) for the third offense;
- (d) A fine of two hundred dollars (\$200) for the fourth offense and each subsequent offense.

7.3 Each day in violation shall constitute a new offense.

Section 8. EFFECTIVE

This bylaw shall take effect June 1, 2023.

Section 9. SEVERABILITY

The provisions of this bylaw are severable. If any provision of this bylaw shall be declared invalid, the remainder shall continue in full force and effect.