CITY OF HYATTSVILLE
ORDINANCE 2022-02

An Ordinance whereby the City Council amends Chapter 79 of the Hyattsville
Code to implement a prohibition the use of gas-powered leaf blowers within
the City’s municipal boundaries as well as a gas-powered leaf blower rebate
program.

WHEREAS, the Maryland Code, Local Government Article, Section 5–202, as amended,
authorizes the legislative body of each municipal corporation in the State of Maryland to pass
ordinances that such legislative body deems necessary to assure the good government of the
municipality, to protect and preserve the municipality’s rights, property and privileges, to preserve
peace and good order, to secure persons and property from danger and destruction, and to protect
the health, comfort, and convenience of the citizens of the municipality;

WHEREAS, Section C3-1 of Article III of the City Charter grants to the City Council the
power to pass all such ordinances, resolutions and laws not contrary to the Constitution and laws
of the State of Maryland or this Charter as it may deem necessary for the good government of the
City in order to promote health, safety, comfort, convenience, welfare and happiness of the
residents of the City and visitors thereto and sojourners therein;

WHEREAS, the Hyattsville Environment Committee proposed to the City Council that
the City Council amend Chapter 79 of the Code of the City of Hyattsville to implement a phased
ban on the use of gas-powered leaf blowers within the City’s municipal boundaries and a rebate
program, under which eligible participants may provide gas-powered leaf blowers to a contractor
retained by the City to oversee the rebate program and be compensated for a certain percentage of
the cost associated with purchasing a replacement electric powered leaf blower; and

WHEREAS, on December 20, 2021, the City Council approved a motion, which directed
staff to develop a communications and outreach strategy and to draft an ordinance amending
Chapter 79 of the Hyattsville Code, Noise, to implement the proposed restrictions on the use of
gas-powered leaf blowers within the City’s municipal boundaries as well as the proposed rebate
program.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Hyattsville
in regular session assembled that Chapter 79 of the Hyattsville Code be hereby amended to read
as follows:

Chapter 79 NOISE

§ 79-1. Definitions. [Amended 2-2-1983 by HB No. 3-83; 12-19-1983 by HB No. 15-83]

For purposes of this chapter, the following words or terms shall have meanings ascribed to them:

ANSI
American National Standards Institute or its successor bodies.
CONSTRUCTION
Any site preparation, assembly, erection, repair, alteration or similar activity.

DAYTIME HOURS
8:00 a.m. to 6:00 p.m., local time.

DEMOLITION
Any dismantling, destruction or removal activities.

EMERGENCY
Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

EVENING HOURS
6:00 p.m. to 10:00 p.m., local time

NIGHTTIME HOURS
10:00 p.m. to 6:00 a.m., local time.

NOISE
The intensity, frequency, duration and character of sound, including sound and vibration of subaudible frequencies.

PERSON
Any individual, group of individuals, firm, partnership, voluntary association or private, public or municipal corporation, or political subdivision of the state.

ZONING DISTRICT
The general land use category as designated and defined in Subtitle 27, Zoning, of the Prince George's County Ordinances.

§ 79-2. Noise standards. [Amended 2-23-1983 by HB No. 3-83]

A. No person shall cause or permit, subject to the exceptions set forth in Section 79-2(B), noise to be generated from a residential property that is audible from a distance of fifty feet from the property line of the property where the noise originates.

B. Exceptions:

(1) Construction or demolition activities shall be permitted during Daytime Hours, provided that such activity shall not be audible from 150 feet from the property line of the property where said activities are occurring. Such activities shall not be audible from 50 feet from the property line during Evening Hours.

(2) Household tools and portable appliances in normal usage.
(3) Lawn care and snow removal equipment (daytime only), excluding the use of gas-powered leaf blowers, when used and maintained in accordance with the manufacturer's specifications.

(4) Agricultural field machinery when used and maintained in accordance with manufacturer's specifications.

(5) Blasting operations for demolition, construction and mining or quarrying (daytime only).

(6) Motor vehicles on public roads.

(7) Aircraft.

(8) Motor vehicles or boats on state lands or waters.

(9) Emergency utility operations.

(10) Pile-driving equipment during the daytime hours of 8:00 a.m. to 5:00 p.m.

(11) Sound not electronically amplified created by sporting, amusement and entertainment events and other public gatherings operating according to terms and conditions of the appropriate local jurisdictional body. This includes but is not limited to athletic contests, amusement parks, carnivals, fairgrounds, sanctioned auto racing facilities, parades and public celebrations.

(12) Rapid rail transit vehicles and railroads.

(13) Any activity causing noise if a variance for such activity and the noise resulting there from has been obtained from the environmental health administration of the Maryland Department of Health and Mental Hygiene or is being processed pursuant to the rules and regulations of that Department. This exception shall apply only to the extent of any such variance so granted or being processed.

(14) Use of any machinery or vehicles by personnel of the State of Maryland or any political subdivision thereof.

§ 79-3. Loud and unnecessary noise prohibited. [Amended 2-23-1983 by HB No. 3-83]

It shall be unlawful for any person to make, continue or cause to be made or continued any of the following noises, which are hereby declared to be loud and unnecessary.

A. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street, way, avenue or alley or other public place of the City, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh
sound; the sounding of any such device for any unnecessary or unreasonable length of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

B. Use of radios, phonographs and musical instruments.

(1) The using of, operating of or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto.

(2) The using of, operating of or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound during Nighttime Hours in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located.

C. Yelling, shouting, hooting, whistling and singing.

(1) Yelling, shouting, hooting, whistling or singing on the public streets or from private property at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence or any persons in the vicinity.

(2) Yelling, shouting, hooting, whistling or singing on the public streets or private property at any time or place in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle from which the noise emanates.

D. The operation of any vehicle equipped with any broadcasting, record-playing or amplification system when any music, the human voice or any other noise shall be broadcast from said vehicle.

§ 79-4. Responsibility of property owner. [Amended 2-23-1983 by HB No. 3-83]

Any owner of property who shall permit loud and unnecessary noise or noise which is in violation of the level established by this chapter shall be subject to the penalties hereof.

§ 79-5. Violations and penalties. [Added 3-3-1980 by HB No. 6-80; amended 8-2-1982 by HB No. 13-82, 6-1-1998 by HR 98-03, 7-16-2001 by HB No. 01-03, 12-3-2007 by HO-2007-14]

A. Violations of this chapter shall be punishable as a municipal infraction as provided in Chapter 20 of this Code. The fine for any single initial violation shall be $100.00, and the fine for each repeat of that offense shall be $200.00, except as otherwise specified in Section 79-5(B).

B. Effective July 1, 2024, violations of Section 79-6(B) will be addressed by the City in the
following manner:

(1) For any first offense, the City will issue a warning to the property owner or person responsible for the violation.

(2) For any second offense, the City will issue a warning to the property owner or person responsible for the violation, which shall include a notice informing them that the City will issue a municipal infraction for any subsequent violations.

(3) For any third offense, violations will be punishable as a municipal infraction as provided in Chapter 20 of this Code. The City shall issue a citation to the property owner or person responsible for the violation. The fine for such a violation shall be $100.00.

(4) For any subsequent offenses, violations will be punishable as municipal infractions as provided in Chapter 20 of this Code. The City shall issue citations to the property owner or person responsible for the violation. The fines for such violations shall be $250.00.


The City will implement a phased ban on the use of gas-powered leaf blowers within the City’s municipal boundaries, as follows:

A. On or before August 1, 2022, the City, including City staff and contractors acting on behalf of the City, will cease using gas-powered leaf blowers.

B. Effective July 1, 2024, the use of gas-powered leaf blowers will be prohibited within the City’s municipal boundaries.

§ 79-7. Gas-Powered Leaf Blower Rebate Program.

A. Eligibility. To participate in the City’s gas-powered leaf blower rebate program, one must be either:

(1) A person owning or renting a home within the City’s municipal boundaries; or

(2) A landscaping contractor that provides services to at least ten (10) properties located within the City’s municipal boundaries.

(3) Eligibility to participate in the City’s gas-powered leaf blower rebate program shall not be conditioned on a resident’s or a landscaping contractor’s citizenship or immigration status.

B. The Rebate Program. During the applicable periods of the gas-powered leaf blower rebate program, as set forth in Subsection (D), the rebate program will operate in the following manner:

(1) A homeowner, renter, or landscaping contractor must purchase an electric leaf
blower to be eligible to participate in the rebate program.

(2) Trade in events will be arranged for or held at the discretion of the Director of Public Works.

(3) At a trade in event, the homeowner or landscaping contractor will submit the following:

(a) Proof of residency;

(b) A receipt, or other proof of purchase, evidencing the amounts expended by the eligible homeowner or the landscaping contractor in purchasing an electric leaf blower;

(c) An operable gas-powered leaf blower that is owned by the eligible homeowner or landscaping contractor, which will be forfeited in exchange for the rebate;

(d) For eligible landscaping contractors, a list of at least ten (10) properties located within the City’s municipal boundaries upon which the landscaping contractor provides landscaping services.

(4) Upon satisfying the conditions set forth in Subsection (3), the Contractor responsible for oversight of the rebate program will begin processing a rebate for the eligible homeowner or landscaping contractor, based on the percentages set forth in Subsection (D).

C. Restrictions. The following restrictions shall apply to the City’s gas-powered leaf blower rebate program:

(1) Trade-ins shall be limited to one (1) gas-powered leaf blower per eligible household or up to three (3) gas-powered leaf blowers for eligible landscaping contractors.

(2) Eligible residents may not trade-in gas-powered leaf blowers that are owned by anyone other than a resident who maintains a household within the City’s municipal boundaries. In the event of a violation of this Subsection, the violator will be issued a fine not to exceed $100.00.

(3) Eligible landscaping contractors may not trade-in gas powered leaf blowers for other contractors. In the event of a violation of this Subsection, the violator will be issued a fine not to exceed $250.00.

D. The Gas-Powered Leaf Blower Rebate Program. The gas-powered leaf blower rebate program shall be implemented in a phased structure, as set forth below:

(1) From August 1, 2022 through July 31, 2023:
(a) Eligible homeowners will be reimbursed for 75% of the value of an electric leaf blower purchased to replace a gas-powered leaf blower, in an amount not to exceed $150.

(b) Eligible landscaping contractors will be reimbursed for 75% of the value of electric leaf blowers purchased to replace gas-powered leaf blowers, in an amount not to exceed $900, or a maximum rebate of $300 per each electric leaf blower purchased.

(2) From August 1, 2023 through January 31, 2024:

(a) Eligible homeowners or renters will be reimbursed for 50% of the value of an electric leaf blower purchased to replace a gas-powered leaf blower, in an amount not to exceed $100.

(b) Eligible landscaping contractors will be reimbursed for 50% of the value of electric leaf blowers purchased to replace gas-powered leaf blowers, in an amount not to exceed $600, or a maximum rebate of $200 per each electric leaf blower purchased.

(3) From February 1, 2024 through August 1, 2024:

(a) Eligible homeowners will be reimbursed for 25% of the value of an electric leaf blower purchased to replace a gas-powered leaf blower, in an amount not to exceed $50.

(b) Eligible landscaping contractors will be reimbursed for 25% of the value of electric leaf blowers purchased to replace gas-powered leaf blowers, in an amount not to exceed $300, or a maximum rebate of $100 per each electric leaf blower purchased.

(4) The City’s gas-powered leaf blower rebate program shall end on August 1, 2024. After that date, the City will not accept trade-ins of gas-powered leaf blowers and no rebate shall be provided.

E. Disposal of Gas-Powered Leaf Blowers. Any gas-powered leaf blowers received by the City pursuant to the gas-powered leaf blower rebate program will be safely disposed of.

AND BE IT FURTHER ORDAINED that a fair summary of this ordinance shall forthwith be published in twice in a newspaper having general circulation in the City and otherwise be made available to the public;

INTRODUCED by the City Council of the City of Hyattsville, Maryland, at a regular public meeting on June 6, 2022.
ADOPTED by the City Council of the City of Hyattsville, Maryland at a regular public meeting on June 21, 2022.

Adopted: ________________________

Attest: ________________________
Laura Reams, City Clerk

Robert Croslin, Mayor

Effective Date: July 11, 2022