

A BILL

22-234

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Noise Control Act of 1977 to prohibit the sale and use of gasoline-powered leaf blowers in the District of Columbia on or after January 1, 2022.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Leaf Blower Regulation Amendment Act of 2018”.

Sec. 2. Section 5(d)(6) of the District of Columbia Noise Control Act of 1977, effective March 16, 1978 (D.C. Law 2-53; 20 DCMR § 2808), is amended as follows:

(a) Subparagraph (A) (20 DCMR § 2808.1) is amended as follows:

(1) The existing text is redesignated as sub-subparagraph (i)

(2) A new sub-subparagraph (ii) is added to read as follows:

“(ii) Except as provided under subparagraph (B) of this paragraph, effective January 1, 2022, no person shall sell, offer for sale, or use a gasoline-powered leaf blower in the District of Columbia.”.

(b) Subparagraph (B) (20 DCMR § 2808.2) is amended as follows:

(1) The existing text is redesignated as sub-subparagraph (i).

(2) A new sub-subparagraph (ii) is added to read as follows:

“(ii) A person who sells at retail a gasoline-powered leaf blower in the District of Columbia on or after January 1, 2022, must provide conspicuous notice to the consumer that the leaf blower shall not be used in the District of Columbia.”.

(c) Subparagraph (D) (20 DCMR § 2808.4) is amended by striking the phrase “In addition to any other enforcement measure authorized under this act, the Mayor” and inserting the phrase “The Mayor” in its place

(d) New subparagraphs (F), (G), and (H) are added to read as follows:

“(F)(i) Section 13 shall not apply to this paragraph.

“(ii) A civil fine not to exceed \$500, penalties, and fees may be imposed as alternative sanctions for any infraction of this paragraph pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Code § -2-1801.01 *et seq.*).

“(G)(i) Any person may file a complaint alleging usage of a gas-powered leaf blower in violation of this paragraph with the Mayor.

“(ii) A complaint under sub-subparagraph (i) of this subparagraph shall be submitted in writing on a form prescribed by the Mayor and made available on the District of Columbia website. The complaint shall be submitted no later than one week following the occurrence of the alleged violation and shall be signed by an original complainant who shall attest to its accuracy, under penalty of perjury. The complaint shall include:

“(I) The name of the individual or company alleged to have used a gas-powered leaf blower in violation of this paragraph;

“(II) The location of the alleged violation;

“(III) The date and time of the alleged violation; and

“(IV) Any additional identifying information regarding the user of the gas-powered leaf blower.

“(iii) A District inspector need not witness a violation for a complaint to be valid.

“(iv) A complainant under sub-subparagraph (i) of this subparagraph may appear and give testimony at any administrative hearing or administrative review of the complaint, or any other judicial or quasi-judicial action that may result from the complaint.

“(v) If the Mayor deems that the complaint has merit, the Mayor shall file a Notice of Infraction and proceed pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

“(vi) The Mayor shall provide a copy of the Notice of Infraction to the Office of Administrative Hearings.

“(H) Section 13(A) shall not apply to the use of leaf blowers on federal lands and at federal facilities.

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66 Sec. 3. Fiscal impact statement.

67 The Council adopts the fiscal impact statement in the committee report as the fiscal
68 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
69 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

70 Sec. 4. Effective date.

71 This act shall take effect following approval by the Mayor (or in the event of veto by the
72 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
73 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
74 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
75 Columbia Register.