

**116-O-21**

**AN ORDINANCE**

**Amending the City of Evanston's Leaf Blower Policy to Remove Leaf Blowers from 9-5-20, "Noises Prohibited" and to add the Leaf Blower Policy to Title 8, "Health and Sanitation"**

NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

**SECTION 1:** That Section 9-5-20, "Noises Prohibited" of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

**9-5-20. – NOISES PROHIBITED.**

*(D) Drums; Hammers; ~~Blowers.~~*

~~4. Leaf Blowers: A person may use any backpack mounted or handheld gasoline powered leaf blower type of machine only during the following days of each year:~~

~~March 30 to May 15; and~~

~~October 15 to the first Thursday of December.~~

~~A person may use any backpack mounted or handheld gasoline powered leaf blower type of machine on those days only during the following times:~~

~~Monday through Friday, 9:00 a.m. to 5:00 p.m.~~

~~Saturday 12:00 p.m. to 4:00 p.m.~~

~~Leaf blower usage is prohibited on all recognized City holidays.~~

~~Any person who uses a leaf blower or any person who permits the private or commercial use of a leaf blower on their property during restricted days or times, shall be fined one hundred dollars (\$100.00).~~

**SECTION 2:** That Title 8, "Health and Sanitation" of the Evanston City Code of 2012, as amended is hereby further amended to add as follows:

**CHAPTER 26 – LEAF BLOWERS.****8-26-1. – TITLE.**

This Chapter shall be titled and referred to as the “Leaf Blower Ordinance.”

**8-26-2. – PURPOSE AND INTENT.**

The purpose of this Chapter is to promote sustainable landscape practices in the City of Evanston by transitioning from the use of gas-powered leaf blowers to the use of electric leaf blowers by April 1, 2023.

**8-26-3. - DEFINITIONS.**

For purposes of this Chapter, the words and terms listed shall have the meanings ascribed to them in this Section:

<u><i>ELECTRIC LEAF BLOWER.</i></u>	<u>Any leaf blower that is powered solely by electricity.</u>
<u><i>GAS POWERED LEAF BLOWER.</i></u>	<u>Any leaf blower that is powered by gasoline or propane.</u>
<u><i>PORTABLE GENERATOR</i></u>	<u>Includes both stand-alone fossil fuel powered generators and generators powered by vehicle engines.</u>

**8-26-4. – USE OF LEAF BLOWERS BEFORE APRIL 1, 2023.**

Before April 1, 2023, gasoline-powered or propane-powered leaf blowers may be used only during the following days of the year:

March 30 to May 15; and

October 15 to the first Thursday in December

There are no seasonal restrictions on the use of electric leaf blowers.

**8-26-5 – USE OF LEAF BLOWERS AFTER APRIL 1, 2023**

The use of gasoline-powered or propane-powered leaf blowers is not permitted after April 1, 2023.

Electric leaf blowers may continue to be used with no seasonal restrictions.

The use of portable generators to power electric leaf blowers or to recharge leaf blower batteries is not permitted.

**8-26-6. – PERMITTED HOURS OF LEAF BLOWER USE.**

Permitted hours for the use of any leaf blower shall be as follows:

<u>Monday through Friday</u>	<u>9:00 a.m. to 5:00 p.m.</u>
<u>Saturday</u>	<u>9:00 a.m. to 4:00 p.m.</u>
<u>Sunday</u>	<u>12:00 p.m. to 4:00 p.m.</u>

Leaf blower usage is prohibited on all recognized City holidays.

**8-26-7. – USE OF LEAF BLOWERS FOR SPRAYING PESTICIDE PROHIBITED.**

The use of any type of blower to spray pesticide is prohibited.

**8-26-8. – EXCEPTIONS.**

The provisions of this Chapter shall not apply to:

- City baseball fields and artificial turf fields;
- In play areas of golf courses;
- Construction projects involving paving, repair, or patching of public streets.

**8-26-9. – PENALTIES.**

Any person who uses a leaf blower or permits the private or commercial use of a leaf blower on their property in violation of this Chapter shall be subject to the following penalties:

- First Offense: Written Warning.
- Second Offense: \$100.00 fine.
- Third Offense: \$150.00 fine.
- Fourth Offense: \$200.00 fine.
- Five and any subsequent offenses: \$250.00 fine.

**SECTION 3:** That the findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

**SECTION 4:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5:** That this Ordinance 116-O-21 shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

**SECTION 6:** That if any provision of this Ordinance 116-O-21 or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance 116-O-21 that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance 116-O-21 is severable.

Introduced: November 08, 2021

Approved:

Adopted: November 08, 2021

11/10, 2021

*Daniel Biss*

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Daniel Biss, Mayor

Attest:

Approved as to form:

*Stephanie Mendoza*

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Stephanie Mendoza, City Clerk

*Nicholas E. Cummings*

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Nicholas E. Cummings, Corporation Counsel