



October 28, 2021

Jonathan Yeo, Chief Operating Officer  
John Lojek, Commissioner of Inspectional Services  
John Carmichael, Jr., Chief of Police

*RE: Following up discussion of #49-20(3) relating to leaf blower enforcement*

Dear COO Yeo, Commissioner Lojek and Chief Carmichael,

Thank you for attending the discussion of the leaf blower enforcement on Wednesday, October 20, in a joint meeting of the Programs & Services and Public Safety & Transportation Committees of the Council. As you know, both Committees voted to hold the above item.

The Programs & Services Committee also agreed to send a letter through the Acting Chair, Vice-Chair Noel, to recommend some ideas for you to consider in enhancing enforcement of this important regulation for the health and welfare of both residents and landscaping personnel. The Committees may request you return after some further experience to see what progress has been made and to discuss possible next steps, if any.

Ultimately the success of the effort will require an unusual cross-cooperation among both Inspectional Services and the Police. That a part-time individual has been hired to help inform landscapers of their obligation, leaving rapid response in the hands of the police, is a welcome sign. (It was disappointing, however, to learn that the new hire is not bilingual, since language barriers are reported as a challenge to enforcement. We hope that he might be aided somehow in this regard to enhance his success in his work.). When the Committees take this item up again, we would welcome having him join us to describe his experience and offer advice after some time on the job. In the meantime, here are some of the ideas, some of which were discussed on Wednesday:

- **Updating the online ordinances:** Currently, the City Ordinances, which are updated in print form every five years, but updated unofficially on a regular basis, have not yet incorporated the provisions passed last May and effective Labor Day this year. President Albright mentioned at the meeting that this is something which the Clerk of the Council might help with, though she and her staff will need the assistance of the Law Department as it should review the updated noise ordinance as a whole.
- **Updating the leaf blower brochure:** The City has prepared a brochure, currently available on the Inspectional Services website, that needs updating to reflect the new rules. We note that it is bilingual, and we believe that effective communication to those using the devices is needed.
- **Enhancing the registration application:** Currently, the application requires leaf-blower operator certification that the operator understands the new rules. It would enhance enforcement if the application itself, as Commissioner Lojek indicated at our meeting, might be expanded to summarize the new rules. The advent of online permitting may lead to a swift click-through without fully understanding the application, so it should acknowledge that these new requirements, at a minimum, may include:
  - Annual registration and sticker display on each vehicle.

## #108-22/198-22

- Identifying information (spelled out) on each vehicle, including the responsible person to call.
- Operation of no equipment greater than 65db on the machine in any season.
- Use of electric-only equipment from Memorial Day to Labor Day.
- Operation of leaf-blowers allowed only during certain hours, and not on Sundays or legal holidays (including Monday holidays celebrated in Newton).
- Fines for violations, and suspension of operations in Newton for multiple violations while registered.
- **Making sure large users are aware of the new rules:** These include municipal agencies and large users with their own staff and equipment, such as schools and colleges.
- **Helping our enforcement personnel work together with affected citizens:**
  - Cross-refencing police and ISD enforcement experiences with landscapers (Several of the violators on the police logs are not yet registered).
  - Ensuring tickets follow warnings (Two landscapers have received multiple warnings in the logs provided).
  - A welcoming protocol for citizen complaints (Currently citizens are asked to give not only the address of the violation, but also their name and their phone number. Some citizens might be afraid to disclose their identity without some sense it would be protected).
  - Awareness that there are multiple leaf-blower related rules which might usually show up in the police logs. For example, log references to leaf blowers as being in compliance do not reference whether the landscaper, not just the leaf-blower, complied with such non-equipment related aspects such as hourly limits, registration, visible identification or other requirements of the updated ordinance.
  - Analyzing response times to see whether they impact effective enforcement, as a delay may allow reported violators to leave the premises (This response time analysis recognizes that other public safety matters may take priority).
  - Warnings and tickets to property owners whose landscapers violate the rules and are unregistered at the time.
  - Education that compliant models can look almost identical to non-compliant models (easy to mistake for one another). Landscapers may use a mix of compliant and non-compliant models, so each blower should still be verified by checking its noise rating on the manufacturer's sticker. This mix of equipment will require a check of each machine, not just the one which may be first offered to the inspector, or the officer involved (Please see the photo below from one manufacturer showing machines which may seem identical but are not).
  - ISD adopts a dedicated phone line, webpage, and/or email for complaints and information as it will need to assess a pattern of violations to see when and if a suspension is warranted.
  - Helping our personnel use protective equipment, as may be appropriate, which may also be advisable for those operating the equipment – including City personnel - but

often rarely seen. See <https://www.stihlusa.com/information/how-to-guides/leaf-blower-safety-tips/>

We are sure that there are other ideas to help the enforcement effort succeed, and we look forward to continuing the conversation with you.

Sincerely,



Councilor Brenda Noel,  
Vice Chair, Programs and Services Committee

CC: City Council  
Mayor Ruthanne Fuller  
Alissa Ocasio Giuliani, City Solicitor



BR 500

65db



BR 600

75db



BR 700

75db



BR 700 X

75db