City Council 263-22(2)

2022-2023 City of Newton

Memorandum



To: Members of the Finance Committee

From: Councilors Baker, Humphrey, and Noel

Subject: Docket item #263-22(2) relating to adjustment of the fines for leaf blower

violations to \$300 after warning

Date: June 24, 2022

Three of us are members of the Programs and Services Committee that on June 8 considered recommendations to enhance compliance with the provisions of Newton's noise ordinance relating to leaf blowers. Docket item #263-22(2), below, came out of that discussion. This memo is designed to provide some brief background in advance of our discussion on June 27.

Referred to Programs & Services and Finance Committee

#263-22(2) Request for Discussion and Amendments to the Noise Ordinance
COLINCILORS BAKER HUMPHREY NORTON BYAN AND WRIGHT recomments

<u>COUNCILORS BAKER, HUMPHREY, NORTON, RYAN, AND WRIGHT</u> recommending discussion of possible amendments to strengthen the ordinances relating to leaf blower activity, including adjustment of fines to \$300 after a warning, [and consolidation of leaf blower violation fines in one section].

You may recall that in May of 2021, the Council voted to require landscapers doing business in Newton to register with the City and affirm as part of that registration process that the landscaping firm understands and will be complying with the leaf-blower provisions of the noise ordinance.

https://www.newtonma.gov/home/showpublisheddocument/73583/637739497447030000. Failure to register is subject to a flat \$300 fine after an initial warning.

To assure registration and then compliance with ordinance, the Inspectional Services Department has recently employed a part-time enforcement agent, Charles Edrehi, to assist Andrew Mavrelis, who heads up ISD's enforcement work. They have been warning, then ticketing, firms which have not registered. This process has added increased the number of registered landscapers.

https://www.newtonma.gov/home/showpublisheddocument/73825/637914070268649489.

While much less frequent, the ISD enforcement team have also been warning and ticketing operational violations when observed, usually for using improper more noisy equipment. They have been more recently sharing their leaf-blower enforcement data with the Newton police and vice-versa,

The revised ordinance does not fine the field personnel but instead the registered firm which provides the equipment. Also, homeowners who employ landscapers can avoid liability if they hire a registered firm. To make registration work, however, is important that those firms who are registered and abiding by the

ordinance not be at a competitive disadvantage with firms still out of compliance. The more from comply, the fewer calls to police or ISD, which can work proactively in the field but not respond to individual calls, like the police.

The Commissioner of ISD, John Lojek, and his enforcement officer, Andrew Mavrelis, felt that having the same fine for operating violations as for failure to register would help enhance compliance, rather than having to keep track of which leaf-blower ordinance provision was violated by which contractor after a warning for purpose of a graduated fine. Police Chief John Carmichael concurred. Commissioner. Lojek and Mr. Mavrelis also felt it would be good to have all the leaf-blower fines consolidated in one place in the ordinance. Associate City Solicitor Marie Lawlor helped draft the language to accomplish these changes.

In response to this information, the Programs and Services Committee supported these adjustments to the ordinance 7-0. Because the current graduated fine would be replaced by a flat fine, the Committee felt that the Finance Committee should also approve it. Assuming the Finance Committee concurs, then the joint recommendations would be reported to the full Council at its July meeting, which would allow the adjusted fine to be effective for the balance of the summer and into the fall. The hope would be to enhance compliance further so that violations, and the enforcement responses they require, will be less frequent.

We hope that this information will be helpful in informing the Finance Committee discussion on Monday, but please let us know if you have any questions.

Cc: CAO Jonathan Yeo, Commissioner John Lojek, Chief John Carmichael, Associate City Solicitor Marie Lawlor