

2808 LEAF BLOWERS

2808.1

- (a) Except as provided under § 2808.2, no person shall sell, offer for sale, or use, at any time, a leaf blower in the District of Columbia that has an average sound level exceeding seventy (70) dB(A) at a distance of fifty feet (50 ft.) from the leaf blower as measured in accordance with § 2808.5 of this section. A leaf blower shall not be used at nighttime, between the hours of 8:30 p.m. and 8:00 a.m. in the District of Columbia.
- (b) Except as provided under § 2808.2, effective January 1, 2022, no person shall sell, offer for sale, or use a gasoline-powered leaf blower in the District of Columbia.

2808.2

- (a) Upon the effective date of the District of Columbia Noise Control Amendment Act of 1992 ("1992 Act"), a person who sells, at retail, a leaf blower in the District of Columbia that exceeds the maximum sound level established in § 2808.1 of this section must provide conspicuous notice to the consumer that the leaf blower may not be used in the District.
- (b) A person who sells at retail a gasoline-powered leaf blower in the District of Columbia on or after January 1, 2022, shall provide conspicuous notice to the consumer that the leaf blower shall not be used in the District of Columbia.

2808.3

A person who purchased a leaf blower prior to the effective date of the 1992 act, or who can demonstrate that the leaf blower was manufactured prior to the effective date of the 1992 Act, may use that leaf blower for the next five (5) years, even though its average sound level exceeds the standard established in § 2808.1 of this section, if its use is otherwise permitted by the Act.

2808.4

The Mayor may inspect and, upon request, require a person to produce any leaf blower that is sold, offered for sale, or used, in order to determine compliance with this act. The Mayor shall use, to the extent possible, a manufacturer's written sound level representations, design and use specifications, and approximate manufacture date, as appropriate, as aids to determine compliance. A person who in good faith relies on a manufacturer's written sound level representation is not subject to penalties under § 13 for violation of the Act.

2808.5

Compliance with sound level requirements of this act shall be determined in accordance with a sound measurement testing standard for leaf blowers that have been deemed by the Mayor to be acceptable and adopted by regulation.

2808.6

- (a) The penalties provided in Section 13 of the District of Columbia Noise Control Act of 1977 (D.C. Law 2-53) shall not apply to this section.
- (b) A civil fine not to exceed five hundred dollars (\$500), penalties, and fees may be imposed as a sanction for any infraction of this paragraph, pursuant to Titles I through 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. Official Code §§ 2-1801.01 *et seq.*).

2808.7

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

- (a) A complaint filed pursuant to this subsection shall be submitted in writing of a form prescribed by the Mayor and made available on the District of Columbia website. The complaint shall be submitted not 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:
 - (1) The name of the individual or company alleged to have used a gas-powered leaf blower in violation of this paragraph;
 - (2) The location of the alleged violation;
 - (3) The date and time of the alleged violation; and
 - (4) Any additional identifying information regarding the user of the gas-powered leaf blower.
- (b) A District inspector need not witness a violation for a complaint to be valid.
- (c) A complainant under this subsection 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.
- (d) If the Mayor determines 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.*).
- (e) The Mayor shall provide a copy of the Notice of Infraction to the Office of Administrative Hearings.

2808.8 Subsection 2808.1 shall not apply to the use of leaf blowers on federal lands and at federal facilities.

SOURCE: Section 2 of the District of Columbia Noise Control Amendment Act of 1992, effective July 23, 1992 (D.C. Law 9-135; 39 DCR 4079 (June 12, 1992)); as amended by the Leaf Blower Regulation Amendment Act of 2018, effective February 22, 2019 (D.C. Law 22-0225; 66 DCR 191 (January 11, 2019)).