

AN ORDINANCE

NO. \_\_\_\_\_

**AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 92, Entitled Property Maintenance, To Add Formatting Of The Chapter Into Articles, And To Add A New Article III, Gas Powered Leaf Blowers; To Provide Definitions For Terms Used; To Prohibit The Use Of Gas Powered Leaf Blowers During The Period May 1 To October 1 And January 1 To March 1 Annually; To Prohibit The Use Of Portable Generators To Directly Power Electric Leaf Blowers Or To Charge The Electric Batteries Thereof; To Require That Notice Of The Prohibition Of The Use Of Gas Powered Leaf Blowers Be Posted At Establishments In The Township That Sell Them; And To Provide Violations And Penalties For The Enforcement Hereof.**

WHEREAS, Article 1, Section 27 of the Pennsylvania Constitution, known as the Environmental Rights Amendment (the “Amendment”), provides that the people of the Commonwealth have the right to clean air, pure water, and to the preservation of the natural, scenic, historic, and esthetic values of the environment. Pennsylvania’s public natural resources are the common property of all the people, including generations yet to come. As a Trustee of these resources, the Commonwealth and its political subdivisions shall conserve and maintain them for the benefit of all the people.

WHEREAS, the Amendment imposes two basic duties on the Commonwealth and its political subdivisions such as the Township - one is to prohibit the degradation, diminution, and depletion of the public natural resources and the second is to act affirmatively via legislative action to protect the environment, *Pennsylvania Environmental Defense Foundation v. Commonwealth of Pennsylvania*, 161 A.3d 911 (Pa. 2017); and

WHEREAS, the First Class Township Code specifically authorizes the Township to prohibit any nuisance on public or private grounds and to make regulations as necessary for the health, safety general welfare and comfort of the Township and its inhabitants; and

WHEREAS, this Ordinance is enacted to minimize the degradation, diminution and depletion of the public natural resources, to affirmatively enact regulations designed to protect the local environment plus to reduce the nuisance of the air pollution and noise generated by gas powered leaf blowers.

NOW THEREFORE, in consideration of the above, the Board of Commissioners of the Township of Lower Merion hereby ordains:

**Section 1.** The Code of the Township of Lower Merion, Chapter 92, entitled Property Maintenance, Sections 92-1 and 92-2 thereof, shall be consolidated under newly designated Article 1, Property Maintenance Code, as follows:

**Chapter 92. Property Maintenance**

**Article I Property Maintenance Code**

§ 92-1 Adoption of Standards

\* \* \* \* \*

§92-2 Insertions, additions and revisions.

\* \* \* \* \*

**Section 2.** The Code of the Township of Lower Merion, Chapter 92, entitled Property Maintenance, Section 92-3 thereof, shall be consolidated under newly designated Article II, Fire Insurance Proceeds, as follows:

**Chapter 92. Property Maintenance**

\* \* \* \* \*

**Article II Fire Insurance Proceeds**

§ 92-3 Use of fire insurance proceeds

\* \* \* \* \*

**Section 3.** The Code of the Township of Lower Merion, Chapter 92, Property Maintenance, shall be amended by the addition of a new Article III, Gas Powered Leaf Blowers, to provide as follows:

**Chapter 92. Property Maintenance.**

\* \* \* \* \*

**Article III Gas Powered Leaf Blowers**

§92-4. Purpose

Gasoline-powered leaf blowers create air pollution and noise pollution, contribute to climate change through the release of greenhouse gas emissions, and impair the health, social welfare, peace and quality of life of persons residing and working in Lower Merion Township. The practice of blowing leaves and other debris for property maintenance has unintended environmental and health consequences. The blowing of leaves, dust and debris causes fine particulate emissions and disruption to pollinator habitats. Exposure to fine particulate matter may impact workers using this equipment, individuals with respiratory conditions, children, and other vulnerable populations. Accordingly, the purpose of this ordinance is to reduce the adverse

impact of such equipment.

## §92-5 Definitions.

### **Customer**

Any person purchasing goods or services from a Retail Establishment or a Resale Marketplace.

### **Gasoline-Powered Leaf Blower**

Any handheld, backpack, or tow-behind leaf blower, or other device fitting the definition of leaf blower below, which is directly powered by an internal combustion or rotary engine using gasoline or other hydrocarbon fuel. An electric-powered leaf blower that is plugged into an operating generator that is powered by an engine using gasoline or a mixture of gasoline and oil blend as fuel shall be deemed a gasoline-powered leaf blower.

### **Effective Date**

The date that this ordinance is adopted.

### **Electric-Powered Leaf Blower**

Any handheld or backpack leaf blower powered only by electric means, including but not limited to battery-powered leaf blowers, and corded leaf blowers.

### **Leaf Blower**

A device that is commonly or primarily used, designed or operated to produce a current of air for the purpose of moving, pushing, propelling, dispersing, redistributing or blowing leaves, dust, dirt, gardening or grass clippings and cuttings, trimmings from trees and shrubs, refuse, debris, chemical mists, pesticides, or other similar material other than snow or water, whether portable and carried, or similar machine.

### **Portable generator**

A portable device that uses an internal combustion engine fueled by propane or gasoline to generate electricity.

### **Property Maintenance Personnel**

Individuals or entities, including but not limited to landscapers, contractors, or caretakers, engaged in the upkeep, landscaping, or grounds maintenance of properties not owned or occupied by themselves.

### **Resident**

A person or household that owns, leases, or resides on a property within Lower Merion Township, including tenants of rental properties and condominium units.

### **Retail Establishment**

A location where lawn equipment or other products are offered to the public for direct sale or delivery to a customer, including but not limited to the following: hardware stores, department store, and home improvement stores.

## **Resale Marketplace**

A physical or online channel where previously owned or used lawn equipment or other products are offered to the public for direct sale or delivery to a customer.

### **§92-6 Gasoline-Powered Leaf Blowers.**

A. Beginning May 1, 2026 and for every year thereafter, the use of gasoline-powered leaf blowers shall be prohibited from May 1 to October 1 (“Summer”) and from January 1 to March 1 (“Winter”) each year. This seasonal restriction shall apply to all persons and entities, including residents, commercial landscapers, contractors, and property maintenance personnel, on all properties within the Township.

B. The use of electric-powered leaf blowers shall be permitted all year.

**§92-7 Portable Generators.** Beginning on May 1, 2026, no person or entity shall use a portable generator to directly provide power to electric-powered leaf blowers or to charge the batteries of electric-powered leaf blowers.

**§92-8 Emergency Suspensions.** The Township Manager and/or his designee at their sole discretion may waive any or all of the prohibitions on gasoline-powered leaf blowers in times of emergent need (e.g., a storm that caused fallen trees, branches or debris) for a stated period.

**§92-9 Notice of Provisions.** Beginning 30 days after the Effective Date, and for two (2) years thereafter, Retail Establishments and Resale Marketplaces that sell gasoline-powered leaf blowers in the Township of Lower Merion shall post at all points of sale conspicuous signage informing customers of the restrictions set forth in §105-43 above.

### **§92-10 Enforcement.**

A. Any person or entity who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of \$100 for the first offense, a fine of \$250 for a second offense within a 12 month period from the first offense and a fine of \$600 for a third or any subsequent offense with a 12 month period from the first offense, plus court costs and reasonable attorneys’ fees incurred by the Township in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced to imprisonment for a term not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this Article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Township may enforce this chapter in equity in the Court of Common Pleas of Montgomery County.

B. The failure of the Township of Lower Merion to enforce any provision of this Article shall not constitute a waiver by the Township of Lower Merion of its right to future enforcement hereunder.

**Section 4.** Nothing in this Ordinance or in Chapter 92 of the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 92 prior to the adoption of this amendment.

**Section 5** The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**Section 6.** This Ordinance shall take effect and be in force from and after its approval as required by law.

Approved by the Board of Commissioners of the Township of Lower Merion this  
day of \_\_\_\_\_, 2025.

BOARD OF COMMISSIONERS OF THE  
TOWNSHIP OF LOWER MERION

\_\_\_\_\_  
Todd M. Sinai, President

ATTEST:

\_\_\_\_\_  
Jody L. Kelley, Secretary