

## **Chapter 8.66: Leaf Blowers**

### **8.66.010 Purpose.**

The purpose of this Chapter is to reduce the health impacts of using gasoline leaf blowers.

### **8.66.020 Definitions.**

- A. **"Code Enforcement Officer"** means any individual authorized to enforce this Chapter.
- B. **"Director"** means the Director of the Bureau of Planning and Sustainability, or any successor bureau, or the Director's designee.
- C. **"Electric leaf blower"** means any leaf blower powered by only electric means, including but not limited to battery-powered leaf blowers, cordless rechargeable leaf blowers and corded leaf blowers.
- D. **"Gasoline leaf blower"** means any leaf blower powered by an internal combustion engine using gasoline, alcohol or other liquid or gaseous fluid.
- E. **"Inclement weather"** means extreme weather conditions resulting from rain, snow, ice, flood, or other storm that pose a significant risk of injury to persons or property.
- F. **"Leaf blower"** means any hand-held or backpack device designed or intended to blow, vacuum, or move leaves or any other type of debris or material by generating a concentrated stream of air. Leaf blower includes any device or machine that accepts vacuum attachments.
- G. **"Owner"** means any of the following:
  - 1. One or more individuals or entities, jointly or severally, in whom is vested: all or part of the legal title to real property; or all or part of the beneficial ownership and right to present use and enjoyment of real property.
  - 2. A mortgagee of real property who is in possession of that property.
  - 3. In the case of a condominium, the board of the association of condominium unit owners responsible for overall management.

### **8.66.030 Authority of Director.**

- A. The Director is authorized to administer the provisions of this Chapter.
- B. The Director may, upon request, issue written interpretations of how this Chapter applies in general or to specific circumstances.
- C. The Director is authorized to adopt, amend, and repeal rules, procedures, and forms to implement the provisions of this Chapter.
  - 1. Before adopting, amending, or repealing a rule, the Director will notify interested parties and hold a public comment period. Such notice, which may be provided by mail or electronic means, such as posting on the Bureau of Planning and Sustainability's website, will be published at least 4 weeks before the close of the public comment period. The notice will include instructions on how an interested party may comment on the proposed rule, a brief description of the subjects covered by the proposed rule and how to access the full text of the proposed rule.

2. During the public comment period, the Director will receive written comments concerning the proposed rule. At the conclusion of the public comment period, the Director will either adopt the proposed rule, modify it, or reject it, taking into consideration the comments received. If a substantial modification is made, an additional public comment period will be held, as determined in the Director's sole discretion. Unless otherwise stated, all rules are effective upon adoption by the Director. Copies of all current rules will be posted on the Bureau of Planning and Sustainability's website.
3. Notwithstanding Subsections 1. and 2., the Director may adopt an interim rule to temporarily suspend or modify the requirements of this Chapter based on the determination that such requirements are temporarily infeasible due to economic or technical circumstances. An interim rule may be adopted without prior public notice upon the Director finding that failure to act promptly will result in serious prejudice to the public interest or the interest of the affected parties, stating the specific reasons for such prejudice. An interim rule adopted pursuant to this Subsection is effective for a period of not longer than 365 calendar days. The Director may extend the interim rule past the 365 calendar days for good cause, as determined in the Director's sole discretion.

#### **8.66.040 Requirements.**

- A. Effective January 1, 2026, no owner will allow the operation of a gasoline leaf blower on the owner's property from January 1 to September 30, except in cases of inclement weather as determined: (i) on a citywide basis, by the Director; (ii) for park facilities managed by the City, by the Director of the Bureau of Parks or any successor bureau; or (iii) for an individual property, by the Code Enforcement Officer.
- B. Effective January 1, 2028, no owner will allow the operation of a gasoline leaf blower on the owner's property.
- C. No leaf blower will be operated in a manner that deposits dust and debris onto any neighboring parcel, storm drain, public property, or public street except for the purpose of scheduled debris collection by the City.

#### **8.66.050 Extensions.**

The Director may grant an extension of time to comply with Section 8.66.040 to an owner who submits documentation that compliance will require the owner to upgrade electric infrastructure. The owner must provide the Director any documentation requested to substantiate the extension or otherwise assist the Director in the extension determination. If the Director learns that an extension was granted based on materially inaccurate submissions, the Director may revoke or modify the extension.

#### **8.66.060 Penalties for Violations.**

It is a violation for any owner to fail to comply with this Chapter or to misrepresent any material fact.

- A. Violations may result in a written notice of violation. The notice will state the date, address and violation and specify any corrective action required to comply with this Chapter.
- B. First and second violations may result in a warning. A third violation may result in a civil penalty of \$250. A fourth or subsequent violation may result in a civil penalty of \$500. Each day an owner is in violation is deemed a separate violation.
- C. Enforcement activity in 2026 for the requirement in Subsection 8.66.040(A) will focus on education and outreach.
- D. Enforcement activity in 2028 for the requirement in Subsection 8.66.040(B) will focus on education and outreach.

**8.66.070 Right of Appeal.**

An owner who receives a civil penalty may, within ten calendar days of the date the notice was issued, either pay the penalty amount or request an appeal hearing before the Code Hearings Officer in accordance with procedures set forth in Chapter 22.10 of the Portland City Code. The filing of an appeal request will stay the effective date of the penalty until the appeal is determined by the Code Hearings Officer. If payment of the penalty is ordered, such payment must be received by the Director or postmarked within 15 calendar days after the order becomes final.