

LOCAL LAW NO. __ of 2018

A Local Law known and cited as Regulating Use of Leaf Blowers within Unincorporated Town

Be it enacted by the Town Board of the Town of Ossining as follows:

SECTION 1. Purpose and Intent. The Town Board is aware that leaf blowers can present numerous hazards to the community and the environment, including impacts from noise, fuel and exhaust emissions, and dust. The New York State Department of Environmental Conservation and several environmental organizations have recognized these impacts and several municipalities throughout Westchester County and beyond have implemented legislation to regulate the use of leaf blowers. The Town Board now intends to adopt legislation to regulate the use of leaf blowers, as there are feasible and practical alternatives to the unregulated use of leaf blowers, but while recognizing that under certain circumstances leaf blowers still serve a necessary function that should be permitted. In addition to these restrictions, operators should exercise courtesy and take reasonable steps to minimize impacts from the permitted use of leaf blowers at all times.

SECTION 2. A new section to Chapter 130 of the Town Code (“Noise”) shall be added as Town Code § 130-7.1 entitled “Lawn Maintenance Equipment Regulations” and shall read as follows:

- A. As used in this section, “leaf blower” shall be defined to include any device powered by ~~an electricity, gasoline, diesel or similar fuel engine~~ which is used, designed or operated to produce a current of air for the purpose of pushing, propelling or blowing leaves, dirt, gardening and grass clippings and cuttings, refuse or debris.
- B. No person shall operate within the Unincorporated Town of Ossining any leaf blower between May ~~15-31~~ and September 30 every year, subject to the following limitations:
- ~~1. with the exception that~~ 1. This restriction provision does not take effect until May 15³¹, 2019.
 2. This provision does not apply to municipal and school properties, municipal and school employees while in the performance of their regular duties, individual lots exceeding one acre in size, and driveway/road paving and sealing activities.
 3. Leaf blowers may be used to clean up after major storms or other emergencies when authorized by the Town Supervisor, for a period not to exceed seven days from the end of the storm or other emergency, except where the Town Supervisor approves additional time for cleanup.
 - ~~1-4.~~ 4. The Town Supervisor may, in her discretion and upon application, grant temporary special permits for the temporary operation of leaf blowers to accommodate special circumstances, and shall charge and collect a fee of \$35 for each permit granted.

~~B.C.~~ Additional rules for any person operating a leaf blower when permitted by ~~law~~under the provisions of this Section are as follows:

- ~~1. No leaf blower shall be operated simultaneously on the same lot with any other type of machine-powered law equipment.~~
- ~~2. Two or more leaf blowers shall not be operated simultaneously, except in R-40 and R-30 residence districts as indicated on the Town of Ossining Zoning Map.~~
- 3.1. Leaf blowers can only be operated during the following dates and times:
 - a. Monday through Friday, excluding federal holidays: between 8:00 a.m. and 5:30 p.m.
 - b. Saturday: between 9:00 a.m. to 6:00 p.m.
 - c. Sunday and federal holidays: between 10:00 a.m. and 5:00 p.m.
2. No leaf blower may be used unless:
 - a. It meets the current Environmental Protection Agency (EPA) exhaust standards;
 - b. It is operated and maintained in accordance with manufacturer's instructions and specifications; and
 - c. It operates at a noise level of 65 dBA or less, according to ANSI standard B175.2.
3. The use of leaf blowers to move leaves or yard debris into Town streets, public property, storm drains or other lots is prohibited at all times.

~~C. This section shall not apply to the following entities and activities: municipal, schools, religious institutions, membership clubs, golf courses, hospital and retirement communities, parks, cemeteries, and driveway/road paving and sealing activities, except that any leaf blower use shall be minimized to the maximum extent practicable in proximity to residences.~~

D. Violation of any of the requirements set forth in this section shall be punishable as set forth in Section 130-10(B).

SECTION 3. Validity. The invalidity of any provision of this Local Law shall not affect the validity of any other portion of this Local Law which can be given effect without such invalid provision.

SECTION 4. Effective Date. This Local Law shall take effect immediately upon filing in the office of the Secretary of State, and is subject to review and renewal by resolution of the Town Board for an additional period of time, effective immediately.

BY ORDER OF THE TOWN BOARD OF
THE TOWN OF OSSINING