

## **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 “Leaf Blower Regulations” and shall read as follows:

- A. As used in this section, “leaf blower” shall be defined to include any device powered by gasoline 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 31 and September 30 every year, subject to the following limitations:
  - 1. This provision does not take effect until May 31, 2019.
  - 2. This provision does not apply to cemetery properties and on pavement/impervious surfaces when the leaf blower is being operated at half-speed.
  - 3. During times of emergency caused by storm or other exigent circumstances, the Town Supervisor may declare a temporary moratorium on the operations of this provision.
  - 4. The Building Inspector may, in his discretion and upon application, grant permits for the temporary operation of leaf blowers for a period not to exceed seven days to accommodate special circumstances, which special circumstances shall not include regular property maintenance, and shall charge and collect a fee of \$35 for each permit granted.
- C. Additional rules for any person operating a leaf blower when permitted under the provisions of this Section are as follows:
  - 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.

#### D. Violations

1. Any person, individually or on behalf of a business, operating a leaf blower in contravention of this section and/or any tenant or owner of property where a leaf blower is being operated in contravention of this section may be deemed violators of this section and may be penalized as set forth herein.
2. Any person violating this section shall first be given a warning advising them of this section and the requirements set forth herein. After receiving a warning, for any subsequent violations of this section, the violator shall be penalized as set forth in Section 130-10(B) of this Chapter.

**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