

LOCAL LAW __ OF 2017

**AMENDING CHAPTER 148 (NUISANCES) OF THE IRVINGTON CODE
TO LIMIT THE USE OF LEAF BLOWERS
(June 15, 2017)**

Be it enacted by the Board of the Trustees of the Village of Irvington that the Code of the Village of Irvington is amended as follows:

Section 1: Section 148-4 (Unnecessary noises; penalty) is hereby amended by adding the following new paragraph (10) to subsection B (listing noises in violation of this chapter):

- (10) Gas-powered leaf blowers. The following restrictions apply to the use of gas-powered leaf blowers:
 - (a) Gas-powered leaf blowers may not be used except in the following situations:
 - [1] During the spring and fall clean-up periods, *i.e.*, March 15 through June 1 and September 15 through December 15, and then only during the following time periods: Monday through Friday, between 8:00 a.m. and 5:00 p.m.; Saturday, Sunday and federal holidays, between 10:00 a.m. and 4:00 p.m.
 - [2] On one- or two-family properties, the property owner may use one gas-powered leaf blower once a week for no more than 30 minutes and only during the following time periods: Monday through Friday, between 8:00 a.m. and 5:00 p.m.; Saturday, Sunday and federal holidays, between 10:00 a.m. and 4:00 p.m.
 - [3] On multifamily and cluster residential developments and attached one-family dwelling developments, but only between 9:00 a.m. and noon Monday through Friday and not at all on Saturdays, Sundays and federal holidays. This exception will automatically expire on December 31, 2018.
 - [4] Golf and tennis clubs and municipal employees performing their regular duties, provided that any leaf blower may not be used within 100 feet of the nearest residence.
 - [5] When responding to an emergency.

[6] When removing snow.

- (b) In addition to the time limitations above, walk-behind leaf blowers may not be used unless the property that is being cleaned is greater than one-half acre.
- (c) No more than a total of two handheld or backpack leaf blowers may be used at a time, unless the property that is being cleaned is greater than one-half acre.
- (d) No gas-powered leaf blower may be used unless: [1] it meets the current Environmental Protection Agency (EPA) exhaust standards; [2] it is operated in accordance with manufacturer's instructions and specifications; and [3] it operates at a noise level of 65 dBA or less.

Section 2: Section 148-4, subsection C (Penalty) is hereby amended as follows (new language in *italics*):

- C. Penalty. Persons found guilty of violating any of the provisions of § 148-4, *except subsection 10*, shall be subject to a penalty of not less than \$50 nor greater than \$250 for each and every violation. *Any property owner or tenant on whose property a violation of subsection 10 occurs shall be subject to a penalty of \$100 for the first offense, and \$250 for any subsequent offense.*

Section 3: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 4: This local law shall take effect on August 1, 2017.