

LOCAL LAW ____ OF 2023

AMENDING THE NUISANCE CHAPTER OF THE VILLAGE CODE
WITH RESPECT TO LEAF BLOWERS
(May 12, 2023)

Be it enacted by the Board of Trustees of the Village of Irvington as follows:

Section 1: Subsection B(10) of §148-4 of the Village Code (Unnecessary noises; penalty) is hereby amended to read as follows (deleted language ~~stricken~~; new language in *italics*):

- (10) Gas-powered leaf blowers *and sprayers*.
- (a) Effective December 16, 2023, using or operating, or permitting to be used or operated, any gas-powered leaf blower *or sprayer* at any time.
- (b) Until December 16, 2023, gas-powered leaf blowers *and sprayers* may be used, but only in the following situations:
- [1] During the spring and fall cleanup periods, i.e., March 15 through May 15 and October 1 through December 15, and then only during the following time periods: Monday through Friday, between 8:00 a.m. and 5:00 p.m.; and Saturday, between 10:00 a.m. and 4:00 p.m.
- [2] 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.
- [3] When responding to an emergency.
- [4] When removing snow.
- (c) Until December 16, 2023, no gas-powered leaf blower *or sprayer* may be used unless it meets the current Environmental Protection Agency (EPA) exhaust standards, and it is operated and maintained in accordance with manufacturer's instructions and specifications.
- (d) *Responsible parties: The following parties shall have committed a violation of §148-4.B(10) if any of its provisions is not complied with:*

[1] *The party operating the gas-powered leaf blower or sprayer; and*

[2] *The party who employed the person to operate the leaf blower or sprayer; and*

[3] *The party who owns or rents the property where the violation occurs.*

(e) *Penalties. Any person found guilty of violating §148-4.B(10) shall be subject to a penalty of \$250 for the first offense, and \$500 for any subsequent offense.*

Section 2: Subsection C of §148-4 of the Village is hereby amended to read as follows (deleted language ~~stricken~~; new language in *italics*):

C. *Penalty. Persons found guilty of violating any of the provisions of §148-4, except Subsection B(10), shall be subject to a penalty of not less than \$50 nor greater than \$250 for each and every violation. Any person found guilty of violating Subsection B(10) and any property owner or tenant on whose property such a violation occurs shall be subject to a penalty of \$250 for the first offense, and \$500 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 immediately upon filing in the office of the New York Secretary of State.