

LOCAL LAW NO. ____ OF 2020

TOWN BOARD
TOWN OF NEW CASTLE
PROPOSED LOCAL LAW AMENDING
CHAPTER 90 OF THE
CODE OF THE TOWN OF NEW CASTLE

A LOCAL LAW to amend Chapter 90 of the Town Code concerning Motorized Leaf Blowers.

BE IT ENACTED by the Town Board of the Town of New Castle as follows:

Section 1. Purpose

The Town of New Castle finds that noise pollution, health hazards, and the blowing of dust particles and other airborne pollutants into the air and onto other nearby properties resulting from the use of motorized leaf blowers and other engine-driven power equipment are public concerns that affect the public health, welfare, and environment of the Town of New Castle and its citizens. In an effort to control dust pollution, eliminate health hazards, promote the usage of safe leaf blower equipment and minimize noise pollution resulting from the use of motorized leaf blowers the Town of New Castle finds that limiting the use of fuel-powered motorized leaf blowers will substantially meet the objectives of the Town.

Section 2. Chapter 90, Section 3 of the Code of the Town of New Castle entitled “Definitions” is hereby amended to include the following definitions:

ELECTRIC-POWERED MOTORIZED LEAF BLOWER

Any portable, handheld or backpack style device that is powered by electricity including battery-power which is used to produce a stream of air for the purpose of blowing, moving or distributing leaves, grass clippings, dust, dirt, trimmings from trees or shrubs, or any other litter or debris.

FUEL-POWERED MOTORIZED LEAF BLOWER

Any portable, handheld or backpack style device that is powered by a gasoline, diesel or similar fuel engine which is used to produce a stream of air for the purpose of blowing, moving or distributing leaves, grass clippings, dust, dirt, trimmings from

trees or shrubs, or any other litter or debris.

MOTORIZED LEAF BLOWER

Commonly referred to as a leaf, garden or landscaping blower, and includes any portable, handheld or backpack style device that is powered by electricity or a gasoline, diesel or similar fuel engine which is used to produce a stream of air for the purpose of blowing, moving or distributing leaves, grass clippings, dust, dirt, trimmings from trees or shrubs, or any other litter or debris.

PERSON

Any individual, corporation, company, association, society, firm, partnership or joint-stock company

Section 3. Subsection B of Chapter 90, Section 4 of the Code of the Town of New Castle entitled “Method of Sound-Level Measurement; Unregulated Activities; Maximum Levels,” is hereby amended as follows:

§ 90-4 Method of sound-level measurement; unregulated activities; maximum levels.

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- B. Other activities. Noise produced by other activities on properties within any residential or nonresidential zoning district shall not exceed 60 dB(A) during the hours of 8:00 a.m. to 6:00 p.m. or 45 dB(A) during the hours of 6:00 p.m. to 8:00 a.m. on any other property used for residential purposes within any residential zoning district unless otherwise permitted in § 90-7, Exceptions. However, the restrictions contained in this Subsection B shall not be applicable to specific activities or noise sources that are subject to and governed by § 90-5A, Sound reproduction devices; § 90-5B, Burglar alarms; § 90-5C, Animals; and § 90-6A, Permitted and regulated noises, Air conditioning and air handling equipment; § 90-6B, Construction activities; or § 90-6C, Domestic tools and equipment; vehicle repair.

Section 4. Chapter 90, Section 6 of the Code of the Town of New Castle entitled “Permitted and regulated noises” is hereby amended to create Subsection C as follows:

§ 90-6 Permitted and regulated noises.

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C. Domestic tools and equipment; vehicle repair.

- (1) In addition to the restrictions of § ~~90-6B~~, no person shall or no owner or occupant of any premises shall operate or permit to be operated or use or cause to be operated any hand tool or power tool or equipment, including but not limited to saws, hammers, sanders, drills, grinders, lawn or garden tools, mowers, tractors, chain saws, wood chippers of any kind, or cause or permit vehicle repair or engine tune-up activities so as to create noise in excess of the following limits. This prohibition includes equipment used by lawn care or landscape services.
- (2) Noise levels from domestic tools and equipment and from vehicle repair shall not be restricted by this subsection during the hours of 8:00 a.m. to ~~8:00 p.m.sundown~~, Monday through Friday, except holidays, and 9:00 a.m. to ~~sundown8:00 p.m.~~, Saturday, and 9:00 a.m. to 5:00 p.m., Sunday and holidays, ~~shall not be restricted by this subsection~~. At all other times, such noise levels shall not exceed 45 dB(A) on any ~~other~~ property used for residential purposes within any residential zoning district. Notwithstanding this provision, use of motorized leaf blowers is prohibited outside the hours set forth herein and shall be further regulated pursuant to § 90-6E.
- (3) ~~However, u~~Uses of snowblowers, chain saws and other domestic tools and equipment are exempted from these limits when they are being used to clear driveways, streets or walkways during and within 24 hours after snowfalls, rainstorms, ice storms, windstorms or similar emergencies.

Section 4. Chapter 90, Section 6 of the Code of the Town of New Castle entitled “Permitted and regulated noises” is hereby amended to create Subsection E as follows:

§ 90-6 Permitted and regulated noises.

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E. Seasonal Limitations on Motorized Leaf Blowers

- (1) The use of any fuel-powered motorized leaf blower shall be unlawful in the Town during the period from June 1 through and including September 30 of each year.
- (2) During the period of June 1 through and including September 30 of each year, the use of all electric-powered motorized leaf blowers shall be permitted during the hours set forth in § 90-6C(2):

- (3) During the period of October 1 through and including May 31 of each year, the use of all motorized leaf blowers shall be permitted during the hours set forth in § 90-6C(2).
- (4) The Commissioner of Public Works may authorize the use of fuel-powered motorized leaf blowers during the period June 1 through September 30 for a period of time not to exceed seven days after significant storm events or during other emergency circumstances as determined by the Commissioner of Public Works. The Commissioner of Public Works may extend the seven-day time period by issuing an official notification, if, in his or her sole discretion, such additional time is deemed necessary.
- (5) Subsection (E)(1) above shall not apply to the use of motorized leaf blowers on Chappaqua Central School Districts' recreational fields and tennis courts, country clubs' tennis courts, homeowner associations' tennis courts, swim clubs' tennis courts, golf courses, and cemeteries. Use of any fuel-powered motorized leaf blower shall be minimized to the maximum extent practicable.

Section 5. Subsection G of Chapter 90, Section 7 of the Code of the Town of New Castle entitled "Exceptions" is hereby amended as follows:

§ 90-7 Exceptions.

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G. ~~Sounds connected with a~~Activities and equipment of the Town of New Castle Department of Public Works are exempted from the limitations of this chapter.

Section 6. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 90 of the Town Code of the Town of New Castle is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 7. Numbering for Codification

It is the intention of the Town of New Castle and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of New Castle; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 8. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 9. This Local Law shall take effect October 1, 2020.