

**LOCAL LAW NO. 5 OF 2024**

**TOWN BOARD  
TOWN OF BEDFORD**

**PROPOSED LOCAL LAW TO AMEND CHAPTER 83,  
ARTICLE I OF THE CODE OF  
THE TOWN OF BEDFORD**

A LOCAL LAW to amend Chapter 83, Article I, Sections 83-3 and 83-5 of the Code of the Town of Bedford regarding noise control definitions and prohibited act.

**BE IT ENACTED** by the Town Board of the Town of Bedford as follows:

**Section 1. Legislative Intent.**

This local law is intended to amend Chapter 83, Article I, Section 83-3, entitled “Definitions,” and Chapter 83, Article I, Section 83-5 entitled “Prohibited acts” to modify the term of applicable clean-up seasons.

**Section 2. Authority.**

This Local Law is adopted pursuant to the provisions of the New York State Municipal Home Rule Law.

**Section 3. Amendment.**

Chapter 83 of the Town Code of the Town of Bedford, Article I, Section 83-3 entitled “Definitions,” is hereby amended to modify the term of applicable clean-up season as follows:

§ 83-3 Definitions.

As used in this article, the following terms and phrases shall mean:

**CLEAN-UP SEASON**

The period of time between October 26 and December 7. The Bedford Recreation and Parks Superintendent will report annually to the Town Board on the sufficiency of this time for the Recreation Department to maintain Town properties, with details regarding the progress in electric technology and the use of alternative landscaping practices, and advise the Town Board as to whether the clean-up season dates should be amended or the provision allowing

the use of internal combustion leaf blowers during clean-up season should be eliminated.

#### DECIBEL (dB)

A unit for measuring the volume of sound, equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to a standard pressure of 20 micronewtons per square meter.

#### EMERGENCY WORK

Any work or action necessary to deliver essential services, including but not limited to repairing water, gas, electricity, telephone or sewer facilities or public transportation facilities, removing fallen trees on public rights-of-way or abating life-threatening conditions or work used to clean up after major storms or other emergencies, as determined by the Town Supervisor, or his or her designee. In such an event, snow blowers, chain saws, leaf blowers, and other domestic tools and equipment are exempt from the provisions of this chapter for the purpose of cleaning up for a period not to exceed seven days from the end of the storm or other emergency, except for municipal operations and where the Town Supervisor, or his or her designee, approves additional time for cleanup in response to a major storm or other emergency.

#### HOLIDAYS

New Year's Day; Birthday of Dr. Martin Luther King, Jr.; Lincoln's Birthday; Columbus Day; Election Day; Veterans Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Yom Kippur; Thanksgiving Day; and Christmas.

#### INTERNAL COMBUSTION LEAF BLOWER

Any device powered by an internal combustion engine/motor which is used or designed to move leaves, grass clippings, dust, dirt, or other matter by blowing them with air emitted by such device.

#### LEAF BLOWER

Any device which is used or designed to move leaves, grass clippings, dust, dirt, or other matter by blowing them with air emitted by such device.

#### MOTORIZED EQUIPMENT

Any power equipment utilizing an electric or internal-combustion engine.

#### NOISE DISTURBANCE

A. That level of sound which, in each context described in § 83-5 below, either:

- (1) Annoys or disturbs a reasonable person of normal auditory sensitivities; or
- (2) Is loud, disturbing, unusual, unreasonable and unnecessary as well as audible outside the structure or the real property boundary from which it originates.

B. The following criteria shall be considered in determining whether a particular noise constitutes a noise disturbance:

- (1) The volume of the noise;
- (2) The intensity of the noise;
- (3) Whether the nature of the noise is usual or unusual;
- (4) Whether the origin of the noise is natural or unnatural;
- (5) The volume and intensity of the background noise, if any;
- (6) The proximity of the noise to parks or other public places, hospitals, nursing homes, day-care centers or schools, and houses of worship;
- (7) The nature and the zoning district of the area within which the noise emanates;
- (8) The time of day or night the noise occurs;
- (9) The duration of the noise;
- (10) Whether the sound source is temporary;
- (11) Whether the noise is continuous or impulsive;
- (12) The presence of discrete tones; and
- (13) The determination by this chapter that an activity constitutes a noise disturbance.

C. A noise disturbance, or other violation of this chapter, may be substantiated by any of the following:

- (1) Sworn affidavits from two or more unrelated persons who reside in different residences and who are in general agreement as to the times and durations of the noise; or
- (2) Direct observation by an officer or official tasked with enforcement of this chapter; or
- (3) A noise in excess of the maximum permissible sound levels, as measured by a sound level device, as set forth in § 83-4C below.

(4) A time-stamped geo-video/photo of any violation by any person, accompanied by a sworn affidavit confirming the validity of the video/photo.

#### REAL PROPERTY BOUNDARY

An imaginary line along the ground surface, and its vertical extension, which separates the real property owned or controlled by one person from that owned or controlled by another person, including intrabuilding real property divisions.

#### SOUND LEVEL

The quantity in decibels measured by a sound level meter satisfying the requirements of American National Standards Specification for Sound Level Meters S1.4-1971. This publication is available from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018. "Sound level" is the frequency-weighted sound pressure level obtained with the standardized dynamic characteristic fast or slow and weighting A, B or C; unless indicated otherwise, the A-weighting with a slow response is understood.

#### SOUND-LEVEL METER

An instrument for the measurement of sound levels which conforms to Type 1 or Type 2 standards under ANSI Specification S1.4-1971 or the latest approved revision thereof.

#### SOUND-REPRODUCTION DEVICE

Any electronic or electrical device that is used for the production of sound, including but not limited to any loudspeaker, radio, television, tape recorder, phonograph or any other sound-amplifying equipment.

#### WEEKDAY

Any day Monday through Friday, which is not a state or federal legal holiday.

#### ZONING DISTRICT

Any zone as defined in the Zoning Ordinance of the Town of Bedford.

#### **Section 4. Amendment.**

Chapter 83 of the Town Code of the Town of Bedford, Article I, Section 83-5 entitled "Prohibited acts," is hereby amended to change Section D relating to the use of internal combustion leaf blowers:

D. The following is declared to constitute a violation of this chapter and is prohibited except during clean-up season on nonholiday weekdays during the hours of 8:00 a. m. to 5:00 p.m., Saturdays 10:00 a. m. to 4:00 p.m. and Sundays from 12:00 p.m. to 4:00 p.m., unless exempted under § 83-7:

- (1) Internal combustion leaf blowers. Operating, or permitting to be used or operated, any internal combustion leaf blower.

#### **Section 5. Ratification, Re-adoption and Confirmation.**

Except as specifically modified by the amendments contained herein, Chapter 83, Article I of the Code of the Town of Bedford are otherwise to remain in full force and effect and are otherwise ratified, readopted and confirmed.

#### **Section 6. State Environmental Quality Review Act**

Pursuant to 6 NYCRR 617.5 (26) and (33) this Local Law is classified as a Type II action which requires no further review under the New York State Environmental Quality Review Act.

#### **Section 7. Numbering for Codification**

It is the intention of the Town of Bedford and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Bedford; 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. Effective Date**

This local law shall take effect immediately upon filing with the Office of the Secretary of State.