

**Local Law No. 1 - 2024**

This local law shall be known as the “Separation of the Rules regarding the Outdoor Operation of Power Tools from the Rules regarding the Operation of Leaf Blowers, and the Phase-out of Gasoline-Powered Leaf Blowers” Law.

BE IT ENACTED by the Town Board of the Town of Mamaroneck

**Section 1 – Purpose:**

In 1995, citing the unacceptable noise levels heard by residents in dozens of homes surrounding the site where power tools or gasoline-powered leaf blowers are being used, the negative impact of their constant use on the peace, quiet, health and welfare of the community, and noting that their use diminishes the quality of life in our community, the Town passed a local law that limited the use of such devices to certain months and to certain hours.

Much more is now known about the effects of gasoline-powered leaf blowers upon the environment. They emit greenhouse gases into the atmosphere and noxious fumes at ground level that can be inhaled by persons and animals in the vicinity of their use. They generate a louder noise over a longer distance than leaf blowers that are not powered by internal combustion engines. Moreover, advances in technology have made electric-powered leaf blowers increasingly more efficient and a viable alternative to gas-powered ones.

Accordingly, the Town Board finds that for the benefit of the overall the health and welfare of the community, the use of gasoline-powered leaf blowers in the unincorporated area of the Town of Mamaroneck should be phased out.

**Section 2 – Repeal and Re-Enactment of the title of a current article of the Mamaroneck Code:**

The title of Article II of Chapter 141 of the Code of the Town of Mamaroneck hereby is repealed and the following substituted in its place:

**Article II      Restrictions on Outdoor Operation of Power Tools**

**Section 3 – Repeal and Re-Enactment of a current article of the Mamaroneck Code:**

Section 141-9 of the Code of the Town of Mamaroneck hereby is repealed and the following substituted in its place:

**§141-9 Title**

This article shall be known as “Restrictions on Outdoor Operation of Power Tools.”

Section 4 – Repeal and Re-Enactment of a current article of the Mamaroneck Code:

Section 141-10 of the Code of the Town of Mamaroneck hereby is repealed and the following substituted in its place:

**§ 141-10 Purpose**

The purpose of this article is to reduce noise which is disturbing to individuals in their homes, on their property and in their workplaces. Noise from certain equipment, used out of doors, causes inconvenience to occupants of nearby property when such equipment is used during certain hours.

Section 5 – Repeal and Re-Enactment of a current article of the Mamaroneck Code:

Section 141-11 of the Code of the Town of Mamaroneck hereby is repealed and the following substituted in its place:

**§ 141-11 Definition**

As used in this article, the following terms shall have the meanings indicated:

**PERSON**

An individual, a firm, an association, a partnership, a limited liability company or a corporation.

**POWER TOOL**

Any tool that is not operated solely by human muscular power.

Section 6 – Repeal and Re-Enactment of a current article of the Mamaroneck Code:

Section 141-12 of the Code of the Town of Mamaroneck hereby is repealed and the following substituted in its place:

The outdoor operation of any power tool in the unincorporated area of the Town, other than a power tool designed to remove snow, before 8:00 a.m. or after 9:00 p.m. on any weekday and before 10:00 a.m. or after 5:00 p.m. on Saturdays, Sundays and on New Year's Day, Dr. Martin Luther King, Jr. Day, Presidents' Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day and Christmas Day shall be unlawful.

Section 7 – Repeal and Re-Enactment of a current article of the Mamaroneck Code:

Section 141-13 of the Code of the Town of Mamaroneck hereby is repealed and the following substituted in its place:

**§ 141-13 Suspension of Title II**

In the case of a severe weather or non-weather-related event, the Supervisor, in such official's sole and unfettered discretion, may suspend this title for such period of time as the Supervisor deems necessary or desirable to protect the overall welfare of the residents of the unincorporated area of the Town.

Section 8 – Amendment of a current article of the Mamaroneck Code:

The Code of the Town of Mamaroneck is amended by adding a new section 141-14 that reads as follows:

**§ 141-14 Penalties for offenses**

- A. A person shall be guilty of an offense if such person operates any power tool in violation of any provision of this title.
- B. A person shall be guilty of an offense if such person employs a person to operate any power tool and that person operates such tool or equipment in violation of any provision of this title.
- C. A person who owns or leases property where a violation of this title occurs shall be guilty of an offense.
- D. In any prosecution under this title, it is an affirmative defense that the person who owns the property where a violation of this title occurs (1) entered into an agreement with a tenant of such property that either allows the tenant to engage, or places upon the tenant the responsibility to engage persons to operate any power tool and (2) did not engage the persons who used such tool or equipment on the date and at the time specified in the summons issued to the owner.
- E. In any prosecution under this title, it is an affirmative defense that the person who leases the property where a violation of this title occurs (1) did not enter into an agreement with the owner of such property that either allows the tenant to engage, or places upon the tenant the responsibility to engage persons to operate any power tool and (2) did not engage the persons who used such tool or equipment on the date and at the time specified in the summons issued to the tenant.

F. A person convicted of an offense under this title shall be punished as follows:

1. For the first offense during a calendar year, with a fine of not less than \$125 and not more than \$250,
2. For a second offense during the same calendar year, with a fine of not less than \$250 and not more than \$500, and
3. For additional offenses during the same calendar year, with a fine of \$500 for each such offense.

Section 9 – Addition of a new article to Chapter 141 of the Code of the Town of Mamaroneck:

The Code of the Town of Mamaroneck hereby is amended to add the following new article to Chapter 141 thereof.

**Article III     Restrictions on the Operation of Leaf Blowers**

**§ 141- 15 Title**

This article shall be known as "Restrictions on the Operation of Leaf Blowers."

**§ 141- 16 Purpose**

In 1995, citing the unacceptable noise levels heard by residents in dozens of homes surrounding the site where a gasoline-powered leaf blower is being used, the negative impact of their constant use on the peace, quiet, health and welfare of the community, and noting that their use diminishes the quality of life in our community, the Town passed a local law that limited the use of such devices to certain months and to certain hours.

Much more is now known about the effects of gasoline-powered leaf blowers upon the environment. They emit greenhouse gases into the atmosphere and noxious fumes at ground level that can be inhaled by persons and animals in the vicinity of their use. They generate a louder noise over a longer distance than leaf blowers that are not powered by internal combustion engines. Moreover, advances in technology have made electric-powered leaf blowers increasingly more efficient and a viable alternative to gas-powered ones.

Accordingly, the Town Board finds that for the benefit of the overall health and welfare of the community, the use of gasoline-powered leaf blowers in the unincorporated area of the Town of Mamaroneck should be phased out.

## § 141-17 Definitions

As used in this article, the following terms shall have the meanings indicated:

### **GASOLINE-POWERED LEAF BLOWER**

Any leaf blower powered by an internal combustion engine which discharges a stream of forced air and which is used or designed to move grass, leaves, clippings, dust, dirt or other matter by blowing them with air emitted by such device. A leaf blower which itself is not powered by an internal combustion engine but is being used while plugged into a generator which is powered by an internal combustion engine shall be deemed a gasoline-powered leaf blower.

### **LEAF BLOWER**

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

### **PERSON**

An individual, a firm, an association, a partnership, a limited liability company or a corporation.

## § 141-18 Restrictions

### **A. Times of Day when Operation of Leaf Blowers is Unlawful.**

It shall be unlawful for any person in the unincorporated area of the Town to operate any leaf blower before 8:00 a.m. or after 9:00 p.m. on any weekday and before 10:00 a.m. or after 5:00 p.m. on Saturdays, Sundays and on New Year's Day, Dr. Martin Luther King, Jr. Day, Presidents' Day, Memorial Day, Columbus Day, Veterans Day, Thanksgiving Day and Christmas Day.

### **B. Months of the Year when Operation of Leaf Blowers is Unlawful.**

The use of leaf blowers shall be unlawful in the unincorporated area of the Town from the first day of June through and including the thirtieth day of September of each year.

### **C. Phase-out of Gasoline-Powered Leaf Blowers.**

On and after January 1, 2025, it shall be unlawful for any person in the unincorporated area of the Town to operate a gasoline-powered leaf blower.

D. The restrictions contained in sections 141-18 A., B. and C. shall not apply to the Town of Mamaroneck, the County of Westchester, the State of New York, the Mamaroneck Union Free School District, utility companies or persons engaged by any of the foregoing to perform such work.

E. The restriction contained in section 141-18 C. shall not apply to properties located in the zoning district known as the Recreation District: R.

### § 141-19 **Suspension of Title III**

In the case of a severe weather or non-weather-related event, the Supervisor, in such official's sole and unfettered discretion, may suspend this title for such period of time as the Supervisor deems necessary or desirable to protect the overall welfare of the residents of the unincorporated area of the Town.

### § 141-20 **Penalties for offenses**

A. A person shall be guilty of an offense if such person operates a leaf blower in violation of any provision of this title.

B. A person shall be guilty of an offense if such person employs a person to operate a leaf blower and that person operates such leaf blower in violation of any provision of this title.

C. A person who owns or leases property where a violation of this title occurs shall be guilty of an offense.

D. In any prosecution under this title, it is an affirmative defense that the person who owns the property where a violation of this title occurs (1) entered into an agreement with a tenant of such property that either allows the tenant to engage, or places upon the tenant the responsibility to engage persons who use leaf blowers and (2) did not engage the persons who used leaf blowers on the date and at the time specified in the summons issued to the owner.

E. In any prosecution under this title, it is an affirmative defense that the person who leases the property where a violation of this title occurs (1) did not enter into an agreement with the owner of such property that either allows the tenant to engage, or places upon the tenant the responsibility to engage persons who use leaf blowers and (2) did not engage the persons who used leaf blowers on the date and at the time specified in the summons issued to the tenant.

F. A person convicted of an offense under this title shall be punished as follows:

1. For the first offense during a calendar year, with a fine of not less than \$125 and not more than \$250,

2. For a second offense during the same calendar year, with a fine of not less than \$250 and not more than \$500, and

3. For additional offenses during the same calendar year, with a fine of \$500 for each such offense.

Section 10 – Severability:

Should any provision of this Local Law be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration of unconstitutionality or invalidity shall not affect any other provisions of this Local Law, which may be implemented without the invalid or unconstitutional provisions.

Section 11 – Effective Date:

This Local Law shall become effective upon filing with the Secretary of State.