

**ADOPTED ORDINANCE O-21-01
TOWNSHIP OF MONTCLAIR**

**ORDINANCE AMENDING MONTCLAIR CODE CHAPTER 217 (NOISE), SECTION 6
(INTERNAL COMBUSTION LEAFBLOWERS)**

February 2, 2021 (date of introduction)
February 16, 2021 (public hearing date)

BE IT ORDAINED, by the Township Council of the Township of Montclair, that Montclair Code Chapter 217, Section 6 is amended as follows:

§ 217-6 Internal combustion leafblowers.

A. Purpose and intent. The Township of Montclair hereby finds that unlimited use of leafblowers powered by internal combustion engines impairs the economic and social welfare, health, peace and quality of life of persons residing in Montclair. The purpose of this section is to minimize the adverse impact of such equipment by restricting its use within the Township.

B. Hours of use. Leafblowers powered by internal combustion engines shall not be operated in the Township of Montclair except as follows:

- (1) On weekdays between 9:00 a.m. and 6:00 p.m., except that leafblowers may be used by an occupant or owner of the premises between 9:00 a.m. and 8:00 p.m. on weekdays.
- (2) On Saturdays between 10:00 a.m. and 6:00 p.m., except that leafblowers may be used by an occupant or owner of the premises between 10:00 a.m. and 8:00 p.m.
- (3) On Sundays and the following holidays, between 10:00 a.m. and 5:00 p.m.: Good Friday and Thanksgiving.

C. Limitation on use of leafblowers powered by internal combustion engines. The operation of leafblowers powered by internal combustion engines shall be limited in each calendar year to the time period between March 15 and May 15, inclusive, and between October 15 and December 15, inclusive. The Emergency Management Coordinator shall have the authority to extend or modify such dates when extreme or unusual weather conditions warrant.

D. Mufflers. It shall be a violation hereof to operate any leafblower powered by an internal combustion engine in the Township of Montclair without a properly functioning muffler.

E. Safety equipment. Business operators shall provide their employees using leafblowers powered by internal combustion engines with appropriate equipment to protect employees' health, including hearing protection and eye protection. Business operators shall further ensure that employees use appropriate personal protective equipment while operating leafblowers powered by internal combustion engines.

F. Responsibilities of property owners, business operators, landlords and tenants. Property owners, business operators, landlords and tenants of a property shall each have all the duties and responsibilities prescribed in this chapter, and no property owner, business operator, landlord or tenant shall be relieved from such duties or responsibilities by reason of the fact that the other of them or the occupant is also responsible therefor and in violation thereof.

G. Emergencies. The Emergency Management Coordinator is authorized to suspend any one or more of the provisions of this section for a period of 24 hours or more whenever such Coordinator determines that an emergency situation exists in the Township. Such suspension may be renewed each day during the continuance of such emergency.


§ 217-7 [no change]

§ 217-8 Violations and penalties.

- A. Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$2,000, imprisonment in the county/municipal jail for a term not exceeding 90 days, or a period of community service not exceeding 90 days, or any combination thereof as determined by the Municipal Court Judge. Each day on which a violation of an ordinance exists shall be considered a separate and distinct violation and shall be subject to imposition of a separate penalty for each day of the violation as the Municipal Court Judge may determine.
- B. Any person who violates any provision of section 217-6 of this chapter shall, upon conviction thereof, be punished by a fine of not less than \$100.

ROLL CALL VOTE						
COUNCIL MEMBER	MOVANT	SECOND	YES	NO	ABSTAIN	ABSENT
Councilor Cummings				✓		
Deputy Mayor Hurlock				✓		
Councilor Price Abrams			✓			
Councilor Russo		✓	✓			
Councilor Schlager			✓			
Councilor Yacobellis			✓			
Mayor Spiller	✓		✓			

I HEREBY CERTIFY the foregoing to be a true copy of Ordinance O-21-01 adopted by the Mayor and Council of the Township of Montclair, in the County of Essex, at its meeting held on February 16, 2021.


 Angelese Bermúdez Nieves, Township Clerk