



# TOWN OF NEW CASTLE

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Town Clerk/Receiver of Taxes  
**Christina Papes**

Deputy Receiver of Taxes  
**Patricia Antonucci**  
(914) 238-4773

September 29, 2020

Ms. Carolyn Van Wormer  
State Records  
99 Washington Avenue  
Albany, New York 12231

Re: Local Law Filing

Dear Ms. Van Wormer:

Attached please find Local Law NO. 11 for filing. Thank you for your assistance in this matter.

Very truly yours,

Christina Papes  
Town Clerk

enc.

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one:)

of New Castle

Local Law No. 11 of the year 2020

A local law To amend Chapter 90 of the Town Code concerning Motorized Leaf Blowers.  
(Insert Title)

Be it enacted by the Town Board of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one:)

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 stand-on, mounted, walk-behind, 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.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

## **FUEL-POWERED MOTORIZED LEAF BLOWER**

Any stand-on, mounted, walk-behind, 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 stand-on, mounted, walk-behind, 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.

...

- 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 § 90-6, Permitted and regulated noises.

**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.**

...

**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., Monday through Friday, except holidays, and 9:00 a.m. to 8:00 p.m., Saturday, and 9:00 a.m. to 5:00 p.m., Sunday and holidays,. At all other times, such noise levels shall not exceed 45 dB(A) on any 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) 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.**

...

**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 District's recreational fields and tennis courts, Town of New Castle recreational fields and tennis courts, country clubs' tennis courts, homeowner associations' tennis courts, swim clubs' tennis courts, golf courses, and cemeteries. In addition, the use of motorized leaf blowers may be permitted on certain properties where the Town Administrator has determined there exists a public safety concern. Use of any fuel-powered motorized leaf blower shall be minimized to the maximum extent practicable.

#### **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.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ 11 \_\_\_\_\_ of 2020 of the ~~(County)~~(City)(Town)(Village) of New Castle was duly passed by the Town Board on September 22 2020, in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.

\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: \_\_\_\_\_

(Seal)