

LOCAL LAW NO. ____ OF 2018

**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 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 the reduction of noise, emissions of gases, and blowing of dust particles and other airborne pollutants into the air and onto other nearby properties from the use of motorized leaf blowers and other engine-driven power equipment is a public concern that affects the public health, welfare, and environment of the Town of New Castle and its citizens.

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

MOTORIZED LEAF BLOWER

Commonly referred to as leaf, garden and landscaping blowers, and include any portable, handheld or backpack style device that is powered by electricity, 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.

Section 3. Chapter 90, Section 6 of the Code of Town 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 motorized leaf blower shall be unlawful in the Town during the period from May 15 through and including September 30 of each year.
- (2) During the period of October 1 through and including May 14 of each year, the use of motorized blowers is permitted as follows:
 - (a) Monday through Friday 8:00 a.m. to sundown;
 - (b) Saturday, Sunday, and Holidays, 9:00 a.m. to sundown.
- (3) Beginning May 14, 2021, the use of motorized leaf blowers powered by gasoline, diesel or any similar fuel engine is prohibited within the Town.
- (4) The Commissioner of Public Works may authorize the use of motorized leaf blowers during the period May 15 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) This Subsection shall not apply to school district operations, public or private pothole patching or paving operations, snow removal, water main break repairs, county club operations, or to the use of motorized leaf blowers upon recreation areas owned by public bodies or membership clubs, including Town recreation fields. Use of any motorized blower shall be minimized to the maximum extent practicable in proximity to residences.

Section 4. 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 5. 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 6. 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 7. This local law shall take effect immediately upon filing with the Office of the Secretary of State.