

LOCAL LAW NO. ____ OF 2019

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 Leaf 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. In an effort to reduce emissions and noise pollution 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 definition:

ELECTRIC-POWERED MOTORIZED LEAF BLOWER

Any 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.

FUEL-POWERED MOTORIZED LEAF BLOWER

Any portable, handheld or backpack style device that is powered by 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 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 fuel-powered 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 October 1 through and including May 31 of each year, the use of all motorized leaf 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) The Commissioner of Public Works may authorize the use of fuel-powered 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.
- (4) This Subsection shall not apply to school playing fields and tennis court operations, public or private pothole patching or paving operations, snow removal, water main break repairs, Country clubs’ tennis courts and golf course operations, Homeowner Associations’ tennis courts, Swim Clubs’ tennis courts, cemeteries or to the use of fuel-powered leaf blowers upon recreation areas owned by public bodies or membership clubs, including Town recreation fields. Use of any fuel-powered leaf 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 June 1, 2020.