

LOCAL LAW NO. ____ OF 2018

**TOWN BOARD
TOWN OF BEDFORD
PROPOSED LOCAL LAW
CHAPTER 77 OF THE
CODE OF THE TOWN OF BEDFORD**

A LOCAL LAW to amend Chapter 77, of the Town Code concerning Leaf Blower Restrictions.

BE IT ENACTED by the Town Board of the Town of Bedford as follows:

Section 1. Chapter 77 of the Code of the Bedford entitled “Leaf Blowers” is hereby amended as follows:

§ 77-1 Purpose.

The Town Board finds that the reduction of noise, emissions of gases, the blowing of dust particles and other airborne pollutants into the air and onto other nearby properties from the use of leaf blowers is a public concern that affects the public health, welfare and environmental of the Town of Bedford and its residents.

§ 77-2 Definitions.

HAMLET ZONES

A list of streets designated by Resolution of the Town Board as the “Hamlet Zones Street List” and kept on file with the Town Clerk. The Town Board, in its sole discretion, may amend said list by Resolution.

HOLIDAYS

New Year's Day; Dr. Martin Luther King, Jr., Birthday; Lincoln's Birthday; Columbus Day; Election Day; Veterans' Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Yom Kippur; Thanksgiving Day; and Christmas.

LEAF BLOWER

A portable, handheld or backpack-style device powered by fuel or electricity and used for the purpose of blowing, moving, removing, dispersing, vacuuming or redistributing leaves, dust, dirt, grass clippings, cuttings, and trimmings from trees and shrubs or any other type of litter or debris.

§ 77-3 Limitations on use.

Notwithstanding any other provision of the Town Code, the following limitations shall apply to the use of leaf blowers within the Town of Bedford:

- A. From September 16 through May 14, the operation of leaf blowers is permitted (i) Monday through Friday between the hours of 8:00 a.m. through 6:00 p.m.; and (ii) Saturdays and holidays between the hours of 10:00 a.m. through 4:00 p.m.;
- B. From May 15 through September 15, the operation of leaf blowers is permitted (i) Monday through Friday between the hours of 9:00 a.m. through 5:00 p.m.; and (ii) Saturday and holidays between the hours of 10:00 a.m. through 4:00 p.m.;
- C. Notwithstanding the foregoing provisions set forth in Subsections 77-3(A) and (B), on any one parcel located in the Town Hamlet Zones, only one leaf blower may be used at a time and no push-behind leaf blowers may be used at any time;
- D. Notwithstanding the foregoing provisions set forth in Subsections 77-3(A) and (B) above, effective beginning on May 15, 2019, in the Town Hamlet Zones no gas powered leaf blowers may be used from May 15 through September 15;
- E. Leaf blowers may not be used on Sundays at any time, in any location in the Town; and
- F. Residents are encouraged to minimize the use of leaf blowers, especially during the Summer and Winter, and to generally be considerate of their neighbors at all times.

§ 77-4 Exemption from noise ordinance

Upon the effective date of this local law, the use of leaf blowers shall not be subject to the noise restrictions or limitations set forth in either Town Code chapter 83 or Town Code §125-32.

§ 77-4~~5~~ Exceptions.

- A. The limitations set forth in Section 77-3 shall not apply to leaf blowers used to clean up after major storms or other emergencies as determined by the Town Supervisor. In such an event, leaf blowers are exempt from the provisions of this chapter for the purpose of cleaning up for a period not to exceed seven (7) days from the end of the storm or other emergency, except for municipal operations and where the Town Supervisor approves additional time for cleanup in response to a major storm or other emergency.
- B. The limitations set forth in Section 77-3 shall not apply to any operating 18 hole golf courses in the Town of Bedford; however, notwithstanding the provisions set forth in Section 77-4 of this chapter, the use of leaf blowers on any operating 18 hole golf course shall be required to comply with all applicable restrictions and limitations

relating to noise set forth in Town Code Chapter 83 and Town Code §125-32.

§ 77-~~5~~6 Town operations.

Notwithstanding, any other provision of the Town Code, the Town's use of leaf blowers is subject to the limitations set forth in Section 77-3, except that the Town shall be exempt from the limitations set forth therein for the following purposes:

- A. Moving leaves or yard debris to and from streets for the purpose of town leaf collection, in those areas where the Town collects leaves, from October 15 through December 31;
- B. Clearing and cleanup of Town tennis courts between April 1 through August 15;
- C. Clearing and cleanup of municipal parking lots, year round.

§ 77-~~6~~7 Compliance.

Commercial landscapers and other commercial home improvement companies using leaf blowers must comply with all local, county, state and federal laws, including but not limited to Westchester County Code §§863.314 and 863.327 relating to regulation of leaf blowers and satisfaction of EPA Phase 2, 2007 exhaust emission standards, and must maintain all required state and county licenses and maintain proper vehicle and equipment decals.

§ 77-~~7~~8 Enforcement.

The provisions of this chapter shall be enforced by the Town of Bedford Police Department, the Town of Bedford Building Department and Town of Bedford Code Enforcement Officers, or other officials designated by the Town Board.

§ 77-~~8~~9 Penalties for offenses.

~~Any person~~ Any owner or occupant of any property where any violation occurs, or any person, or any employer who is responsible for directing such person to use a leafblower, acting in violation of ~~violating~~ any provision of this chapter shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine not to exceed the sum of two hundred fifty dollars (\$250) ~~and/or imprisonment for no more than fifteen (15) days, or both.~~ Each day shall constitute a separate offense, punishable by a like fine or penalty as herein set forth.

§ 77-~~9~~10 Effective Date.

The initial effective date of this local law shall be August 15, 2018, and all provisions of this local law, other than Section 77-3(D), shall become effective and operative on that date. Section 77-3(D) shall become effective and operative on May 15, 2019.

Section 2. Numbering for Codification

It is the intention of the Town of Bedford and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Bedford; 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 3. 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 4. This local law shall be enacted immediately upon filing with the Office of the Secretary of State, but all provisions, other than Section 77-3(D), shall become effective and operative on August 15, 2018. Section 77-3(D) shall become effective and operative on May 15, 2019.

Added material in **Red and underline**

~~Deleted Material~~