

CITY OF RYE

LOCAL LAW NO. \_\_ 2022

A local law to add a new Chapter 122 “Leaf Blower Regulations” of the Code of the City of Rye to regulate the use of gas-powered leaf blowers as follows:

Section 1: Chapter 122, Leaf Blower Regulations

§ 122-1 Purpose.

The City Council finds that motorized landscaping activities generate noise, and more specifically the use of gas-powered leaf blowers can significantly increase the level of noise, particularly in the higher density neighborhoods of Rye. Gas-powered leaf blowers also create pollution and contribute to global warming through the release of carbon emissions. Accordingly, it is the intent and purpose of this chapter to place limits on the use of gas-powered leaf blowers, while promoting the use of quieter electric-powered leaf blowers, with the ultimate objective of eliminating the use of gas-powered leaf blowers at the time when a more suitable and quieter technology becomes available.

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§ 122-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

LANDSCAPER – Any person, corporation, partnership, or business entity of any form who tends, plants, installs, maintains, or repairs lawns, or performs general yard maintenance work or leaf collection of any kind on real property which such person does not own or at which s/he does not reside.

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ELECTRIC LEAF BLOWER – a moveable, portable, handheld, backpack-style, tow-behind or other device or unit powered by electricity or battery 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.

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GAS LEAF BLOWER – a moveable, portable, handheld, backpack-style, tow-behind or other device or unit powered by an internal combustion engine using gasoline or other hydro-carbon fuel 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.

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MOTORIZED LANDSCAPING EQUIPMENT – Electric, battery or internal combustion engine powered equipment commonly used for general yard maintenance work including cutting grass, aerating and seeding lawns, planting, digging holes, trimming hedges and shrubs, collecting and removing leaves and other common yard maintenance activities.

Section 122-3 Use of Electric Leaf Blowers.

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Effective January 1, 2023, Electric Leaf Blowers may be used for landscaping activities on a year-round basis.

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§ 122-4 Use of Gas Leaf Blowers.

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Effective January 1, 2023, Gas Leaf Blowers may only be used during the Fall and Spring Cleanup Seasons defined as from October 1 to December 15 and from March 1 to April 30. At all other times of the calendar year, the use of Gas Leaf Blowers is prohibited. Except in R-1 Residence Districts, and on lots greater than one (1) acre in size, only one (1) Gas Leaf Blower may be utilized per lot during the Fall and Spring Cleanup Seasons as defined above.

§ 122-5 Hours of operation of Motorized Landscaping Equipment including leaf blowers.

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A. The use of Motorized Landscaping Equipment, including lawn mowers, leaf blowers and other outdoor machine-powered equipment is permitted only between 8:00 a.m. and 6:00 p.m. on weekdays and 10:00 a.m. and 4:00 p.m. on weekends. The permitted hours described in this subsection will apply to the use of Gas Leaf Blowers during the Fall and Spring Cleanup seasons when the use of Gas Leaf Blowers is permitted.

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B. The use of Motorized Landscaping Equipment, including lawn mowers, leaf blowers and other outdoor machine-powered equipment is not permitted on the following holidays: New Year's Day, Birthday of Martin Luther King, Jr., Washington's Birthday, Easter, Memorial Day, Independence Day, Labor Day, Rosh Hashanah, Columbus Day, Veterans Day, Yom Kippur, Thanksgiving Day, and Christmas Day.

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C. The head of the Rye Department of Public Works may permit the expanded use of Gas Leaf Blowers, or use of Motorized Landscaping Equipment on holidays, for a period not to exceed fourteen (14) days after significant storm events or during other emergency situations.

D. The restrictions regarding the use of Motorized Landscaping Equipment, including Gas Leaf Blowers, and other outdoor machine-powered equipment in this Chapter shall not apply to the following entities and activities: municipal, schools, religious institutions, membership clubs, golf courses, hospital and retirement communities, cemeteries, and driveway/road paving and sealing activities.

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E. The above-restrictions shall not apply to snow-blowers or use of motorized equipment for the purposes of snow or ice removal.

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F. Moving leaves or yard debris to City streets, public property, storm drains or abutting lots is prohibited at all times.

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§ 122-6 Enforcement.

The provisions of this chapter shall be enforced by the City of Rye Police Department, the Rye Building Department or any other city employee designated by the City Manager.

**§ 122-7 Penalties for offenses.**

A. **Gas Leaf Blowers** - The following parties shall have committed a violation of this law if it is not complied with:

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- (1) The party(ies) operating the Gas Leaf Blower(s); and
- (2) The party who employed the person(s) who operated the Gas Leaf Blower(s) at the time of violation; and
- (3) The party who owns, rents or otherwise controls the property where the violation occurs.

B. **Conducting Motorized Landscaping Work outside of Permitted Hours or on Restricted Holidays** - The following parties shall have committed a violation of this law if it is not complied with:

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- (1) The party(ies) operating the motorized landscaping equipment; and
- (2) The party who employed the person(s) who operating the motorized landscaping equipment at the time of violation; and
- (3) The party who owns, rents or otherwise controls the property where the violation occurs.

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**C. Failure of Commercial Landscapers to comply with the provisions of Westchester County Law §§ 863.312-330 - Commercial Landscapers who fail to comply with WCC §§ 863.312 through 863.330, including working without a valid Westchester County license or failure to display license decals and required identification information on its vehicles, shall also be in violation of this law.**

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**D. Any person violating any of the provisions of this chapter shall be guilty of a civil violation and, upon conviction thereof, shall be punished by a fine not to exceed the sum of \$250 for the first offense. A second violation shall be punishable by a fine not to exceed the sum of \$350 and a third violation shall result in a fine not to exceed the sum of \$1,500.**

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**Section 2. Severability.**

The invalidity of any word, section, clause, paragraph, sentence, part, or provision of this Local Law shall not affect the validity of any other part of this Local Law that can be given effect without such invalid part or parts.

**Section 3: Effective Date.**

This local law will take effect on January 1, 2023.