

LOCAL LAW NO. ____ OF 2023

BOARD OF TRUSTEES
VILLAGE OF RYE BROOK

PROPOSED LOCAL LAW TO AMEND CHAPTER 158 OF THE CODE OF THE VILLAGE
OF RYE BROOK

A LOCAL LAW to create Chapter 158, Section 2.1 of the Code of the Village of Rye Brook concerning seasonal leaf blower restrictions.

BE IT ENACTED, by the Board of Trustees of the Village of Rye Brook, as follows:

Section 1. Findings and Purpose.

The Village of Rye Brook finds that the reduction of noise, and blowing of dust particles, gas emissions, and other airborne pollutants into the air and onto nearby properties from the use of leaf blowers is a public concern that affects the public health, welfare, and environment of the Village of Rye Brook and its citizens. The Village of Rye Brook has introduced this Local Law to establish seasonal limitations on the use of leaf blowers to control dust pollution, eliminate health hazards, and minimize noise pollution resulting from the use of leaf blowers.

The Village also finds that grass clippings and leaves provide nutrients and topsoil to yards which benefit the environment in multiple ways. Retaining leaves and grass clippings on properties helps prevent the spread of pollen, dog feces, and other allergens in the yard that become airborne when leaf blowers are used. Mulched leaves and clippings improve soil structure and reduce the need for chemical fertilizers. Mulching yard materials reduces the safety hazard of piled up or bagged leaves on roadsides and reduces/eliminates the need to use taxpayer money on leaf pickup. Leaves and grass clippings, when spread on garden beds, suppress weeds and improve soil quality as it decomposes into compost. Moreover, leaves and grass clippings create homes for pollinators. This Local Law will encourage residents to mulch yard materials and will reduce the negative impacts on soil nutrient retention and wildlife habits caused by leaf blowers.

Section 2. Chapter 158, Section 2.1 of the Code of the Village of Rye Brook entitled “Seasonal limitations on leaf blowers” is hereby created as follows:

§ 158-2.1 Seasonal limitations on leaf blowers.

- A. The use of any fuel-powered motorized leaf blower shall be unlawful in the Village during the period from May 1 through and including September 30 of each year. This prohibition shall not apply to the use of any battery or corded electric powered leaf blower, which shall be permitted only during the hours set forth in § 158-2.D.
- B. During the period of October 1 through and including April 30 of each year, the use of all leaf blowers shall be permitted only during the hours set forth in § 158-2.D.

- C. The Superintendent of Public Works/Village Engineer may authorize the use of leaf blowers during the period May 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 Superintendent of Public Works/Village Engineer. The Superintendent of Public Works/Village Engineer may extend the seven-day period by issuing an official notification, if, in his or her sole discretion, such additional time is deemed necessary.
- D. The restrictions imposed by this section shall not apply to the operations of utility companies, or to the use of leaf blowers in connection with driveway/road paving and sealing activities.
- E. The owner of any real property in excess of five (5) acres, including a homeowners association that maintains individual properties along with its common areas, may be exempted, or exempted in part, from the restrictions imposed by this section by resolution of the Board of Trustees. An application for an exemption or partial exemption shall be filed by the property owner on such forms as are provided by the Village. Such application shall include, but not be limited to, the duration of time for which the exemption is being sought, whether the exemption is being sought for all or part of the property, and a statement explaining any reasons why the restrictions imposed by this section may pose an undue burden or hardship or may have an adverse effect on public health and safety. The application for such exemption or partial exemption shall not be subject to a public hearing.
- F. Violations.
- (1) Any person, individually or on behalf of a business, operating a leaf blower in contravention of this section and/or any tenant or owner of property where a leaf blower is being operated in contravention of this section may be deemed violators of this section and may be penalized as set forth herein.
- (2) Any person violating this section shall first be given a warning advising them of this section and the requirements set forth herein. After receiving a warning, for any subsequent violations of this section, the violator shall be penalized as set forth in § 158-6 of this chapter.

Section 3. Numbering for Codification

It is the intention of the Village of Rye Brook and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Village of Rye Brook; 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 4. 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 5. Effective Date

This local law shall be filed with the Office of the Secretary of State and shall take effect on May 1, 2024.