



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
CLIMATE ACTION & RESILIENCE
COMMITTEE
TUESDAY | 7:00 PM
10 October 2023

*Allison Conference Room (#225), Showers Building, 401 N. Morton Street
The public may also access the meeting at the following link:*

<https://bloomington.zoom.us/j/86360786139?pwd=OO6L48kFa4iURZYEFpXCsKehhP3uvj.1>

Chair: Dave Rollo

- I. CALL TO ORDER
- II. WELCOME AND INTRODUCTIONS
- III. DISCUSSION OF GAS POWERED LAWN EQUIPMENT PHASE-OUT GOAL, POTENTIAL REGULATIONS, AND NEXT STEPS
- IV. OPPORTUNITY FOR PUBLIC COMMENT (IF ANY)
- V. SCHEDULING
- VI. ADJOURNMENT

Battery Powered Lawn Equipment

1. Indiana University

Shawn Miya met with Jessica Davis, Director of Sustainability, on 9/29. She stated the following:

- a) The IUPUI grounds team is supportive of transitioning to battery powered equipment. Vendors gave the grounds crew a lot of different battery powered equipment to test for two weeks and that is how they became convinced that battery powered equipment will do what it needs to do in most cases.
- b) Leaf blowers don't perform well in the fall so they use gas powered leaf blowers during this time and use electric leaf blowers throughout the rest of the year
- c) They replace gas powered lawn mowers every 7 years. They are replaced with electric mowers depending on the zone they are located in. The electric lawn mowers must be used in areas close to a building with battery chargers. It is difficult to get parts for some electric mowers such as those made by GreenWorks
- d) The IUB grounds team lease their equipment for 3-5 years so they don't have to worry about maintenance
- e) They are currently inventorying all of their equipment at IUB and figuring out where to stage equipment based on use and seasonality
- f) Many people like that the grounds crews are switching to battery powered because they don't have indoor air quality problems like they did when they used gas powered equipment near air intakes.
- g) It is difficult to replace some equipment with battery power because they are used for double purposes and cannot use it for snow removal.
- h) She suggested that incentives would be a better way to increase battery powered lawn equipment than a ban

2. Monroe County Community School Corporation

Shawn Miya emailed Dr. Jeff Hauswald, MCCSC Superintendent, and John Kerry, MCCSC CFO, to ask about their transition to battery powered lawn equipment. Brad Lucas, Director of Operations responded with the following information:

- a) They are currently are putting a plan in place (To be outlined on the MCCSC website) for the community to view upon it's completion.
- b) MCCSC is very conscious of the harmful effects of diesel/gas powered engines, and we are devoted to switching not only our bus fleet but maintenance vehicles and small power equipment to EV options over a period of time.
- c) They recently ordered two new electric zero turn mowers to help maintain school grounds.
- d) They also recently replaced a gas golf cart with an electric John Deere gator.
- e) They have an extensive phase out plan in place and will be sharing the plan soon.

3. Number of lawn mowing companies in Bloomington: 38

See "Lawn Mowing Companies in Bloomington" Excel spreadsheet for list of lawn mowing companies

4. Number of low income homeowners (Income 0 -95% Area Median Income or \$0 - \$49,999) = 3,079 according to page 36 of the 2020 Bloomington Housing Study

5. Average cost of mowers:

Gas powered push mower	Range = \$220 - \$815	Average = \$320
Corded electric push mower	Range = \$140 - \$260	Average = \$200
Electric push mower	Range = \$85 - \$650	Average = \$368

Gas powered riding lawn mower	Range = \$1,950 - \$ 5,500	Average = \$3,725
Electric powered riding lawn mower	Range = \$3,599 - \$5,899	Average = \$4,749

Gas powered Zero-Turn lawn mower	Range = \$3,000 - \$7,600	Average = \$5,300
Electric powered zero-turn lawn mower	Range = \$5,000 - \$11,000	Average = \$8,000

6. Typical average cost of leaf blowers

Gas powered leaf blower	Range = \$125 - \$400	Average = \$263
Corded electric powered leaf blower	Range = \$30 - \$100	Average = \$65
Battery powered leaf blower	Range = \$100 - \$250	Average = \$175

7. Typical average cost of string trimmer

Gas powered string trimmer	Range = \$100 - \$300	Average = \$200
Electric powered string trimmer	Range = \$100 - \$300	Average = \$200

"Battery-powered string trimmers are the best option. Judging from all our years of testing and long-term use of string trimmers, we truly see no need for a homeowner to even consider a gas string trimmer." ~ New York Times <https://www.nytimes.com/wirecutter/reviews/best-string-trimmers/>

Sources:

<https://www.homedepot.com/b/Outdoors-Outdoor-Power-Equipment-Lawn-Mowers-Push-Mowers/Corded-Electric/N-5yc1vZc5ahZ1z0zy82>

<https://www.lowes.com/pl/Electric-riding-lawn-mowers-Riding-lawn-mowers-Lawn-mowers-Outdoor-tools-equipment-Outdoors/4294612684> see FAQs

<https://lawnlove.com/blog/lawn-mower-cost/>

<https://lawnlove.com/blog/leaf-blower-cost/>

<https://www.nytimes.com/wirecutter/reviews/best-string-trimmers/>

Company name	Website	Contact
Wells Lawn Care & Landscaping	www.wellslawn.com	(812) 272-9336
Anothony's Lawn Care and Landscaping	bloomingtonlandscape.com	(812) 345-5694
Big Red Lawn & Landscaping	www.bigredlawns.com	(812) 606-8408
Integrity Lawns and Landscaping	integritylawnsandlandscaping.com	(812) 322-8091
Bruce's Lawn & Tree Care		(812) 327-9293
C&H Lawn and Landscaping, Inc.	https://chlawnlandscaping.com	812-320-2447
Indiana Urban Lawncare	indianaurbanlawncare.com	812-327-3619
Nolan's Lawn Care Service, Inc.		(812) 339-7683
GreenScapers, LLC	https://www.greenscapers.com/	(812) 323-8873
Wolfies Lawn Care/ Snow Removal & Pressure Washing Services	www.wolfeslawncare.com	(812) 345-1160
Easy Go Lawn Care	https://www.lawncarebloomington.com/	(812) 320-2844
Gross Ridge Lawn Care		(812) 322-3069
Stewart's Lawncare Service's LLC		(812) 606-1839
Lawncare by Cutters	lawnsbycutters.com	(812) 320-1944
City lawn		(812) 340-0296
Blake's Lawn Care		(812) 331-7950
Blue Line Lawn Care	www.bluelinebloomington.com	(812) 269-2450
G & G Lawn Care LLC	www.gandglawncarellc.com	(812) 320-6598
Organic Landscaping	https://www.organicscapingbloomingtonin.com/contact-page	(812) 612-1232
Nature's Link Inc	natureslinkinc.com	(812) 824-2842
Brothers Lawncare LLC		(812) 369-7620

Materials Related to Municipalities with Gas-Powered Lawn Equipment Restrictions

An earlier version of these materials was referenced at a Climate Action and Resilience Committee meeting on November 29, 2022. To reference those materials, [please view the packet at this link](#).

City	Description of Rule	Type of Equipment	Phase-out Timeline	Interim Rules and Bans	Allowed Uses and Exceptions	Educational and Incentive Programs	Enforcement	Interview Notes
Focus Cities								
Glencoe, IL	Original Ordinance: Gasoline-powered leaf blowers restricted seasonally and at times of day. Sustainability policy.	Gasoline-powered leaf blowers	The STF (Sustainability Task Force) is recommending a gradual decrease in the permitted times they can be used until they are completely prohibited by March of 2024. ** Interview with the staff liaison for the STF revealed that this 2024 date was determined too aggressive given the lag in technological developments in electric leaf blower capacity.	Steadily reducing the time and days when gas blowers may be used.	Annual license required to operate a gas-powered leaf blower. A. In case of emergencies. B. Between the hours of 7 a.m. and 6 p.m. Monday through Friday. C. Between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. No work operations, as defined in this section, shall be permitted on Sundays, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day or Christmas Day. Notwithstanding the foregoing, nothing in this subsection shall be construed to deem work operations performed by or on behalf of the village as a nuisance wherever conducted.	Educational materials are included with licensure and license renewal materials. Compliance is not uniform, some are willing to risk a fine and willfully disregard rules. Implementation has been gradual, no incentive programs.	Enforced by Community Service Officers (Public Safety Dept.) Usually CSOs respond to a complaint. Citations are \$150 and they issue about a dozen a summer (according to Jeff Mawdsley).	10/5/2023 Spoke to Jeff Mawdsley, Management Analyst and Staff Liaison for the Sustainability Task Force.
Brookline, MA (2011)	Code: Gas-powered leaf blowers restricted seasonally, by time of day, and decibels.	Gas-powered leaf blowers	n/a	n/a	Must have a permit to use a gas-powered leaf blower. The Department of Public Works is exempt for routine maintenance. May operate between March 15th to May 15th and October 1st to December 31st. Allowed between 8 am and 8 pm M-F and 9 a.m. to 6 p.m. Sat, Sun, and legal holidays. Does not apply to nonresidential property with property larger than five acres. Other property size exceptions are explained in legislation. Decible limit of 67 dBA when measured at 50 ft away.	Educational materials are included with permitting materials. Machines are tested for decible levels during permitting. Warnings are issued before citations. Citations include educational materials. Annual reminder of rules are included with annual renewal materials. No incentive programs to promote switching to electric equipment.	Enforcement depends on departmental capacity. Enforced by the Department of Public Works. First Offense: Written warning Second Offense: \$50 Third Offense: \$100 Each Subsequent Offense: \$150 Commercial/Private landscapers are required to receive an annual permit and pay an application fee of \$25 prior to operating leaf blowers in the Town of Brookline, MA. All permitted landscapers will be listed on the DPW website. Property owner and landscaping contractor both receive citations for violations on a given property.	10/5/2023 Spoke with Public Works Department during business hours, police department after hours.
Princeton, NJ (2021)	Original Ordinance: Gas-powered leaf blowers restricted seasonally, by time of day, exceptions for emergency. Environmental/equity policy.	Gas-powered leaf blowers	n/a	Offenders get two warnings before fines in the first 90 days of it being effective. Exceptions for bona fide emergency. (No citations have been written for offenses.)	From December 15 - March 15 and May 15 - October 1 you can operate them on Sundays and between 8 a.m. and 8 p.m. Monday through Friday and 8 a.m. - 5 p.m. on Saturdays. March 16 - May 16 and September 30 - December 31.	A festival for landscaping companies provided educational materials, showed off electric equipment, auctioned electric equipment, and offered coupons to companies. The town spent \$10,000 for ads and materials to be distributed to landscapers to make them aware of changes. The organization called Sustainable Princeton wanted to raise \$35,000 to help buy electric leaf blowers for landscapers who couldn't afford them. Complaints are directed to a portal: https://see.clickfix.com/web_portal/hbGodCEctT8wmzJGapU6iHDj/report/category/36429/location	1st offense: Written Warning. Any after that will result in fines. No fines have ever been issued; the town focuses on warnings and education.	10/05/2023 Spoke with City Administrator Bernie Hvozdovic Jr. Shared that the regulations have been received well by the community, with a special focus on equity and health for lawncare workers and limiting their exposure to unhealthy fumes. Mr. Hvozdovic recommended reaching out to Sustainable Princeton who he said did most of the leg work creating the legislation. Contact at Sustainable Princeton is Christine Symington christine@sustainableprinceton.org

City	Description of Rule	Type of Equipment	Phase-out Timeline	Interim Rules and Bans	Allowed Uses and Exceptions	Educational and Incentive Programs	Enforcement	Interview Notes
City of White Plains, NY (2023)	Code: Gas-powered leaf blowers restricted by time of day and year with phase out period. Noise/nuisance policy.	Gas-powered leaf blowers	14 months	May be used March 15 through May 14 and October 15 through December 15. From 8 a.m. to 6 p.m. on weekdays and between the hours of 10 a.m. to 6 p.m. on Saturdays, Sundays and holidays. In case of extreme weather the mayor can temporarily suspend the ban, for debris clean up.	Internal combustion leaf blowers are completely prohibited as of May 14, 2023. Electric blowers may be used from 8 a.m. to 6 p.m. on weekdays and 10 a.m. and 6 p.m. on weekends and holidays. ***On Monday, October 02, 2023 the White Plains Common Council voted to allow gas powered leaf blowers during the fall season, beginning October 15. The move was in response to public pushback on the year-long ban.	Educational Flyers: https://www.cityofwhiteplains.com/DocumentCenter/View/5992/Leaf-Blower-Handout-2023?bidId=	Enforced by Parking Enforcement and Public Safety after hours or if a police officer comes across someone using leaf blowers contrary to the rules. (Public officials must witness the act to write a citation.) 1st offense: \$250. 2nd offense: \$500. 3rd offense and each subsequent offense: \$1000 or imprisoned for no more than 15 days.	10/05/2023 Spoke with police Captain Anthony Drago. Captain Drago shared that the regulations, which went into affect this year, have not been received well. A petition by landscapers has resulted in a possible reversal of the rules. ***On Monday, October 02, 2023 the White Plains Common Council voted to allow gas powered leaf blowers during the fall season, beginning October 15.
All other cities	Description of Rule	Type of Equipment	Phase-out Timeline	Interim Rules and Bans	Allowed uses and Exceptions	Educational and Incentive Programs	Enforcement	Did not interview
CA, Oakland	Original Ordinance: Prohibits combustion engine-powered leaf blowers.	Combustion engine leaf blowers and string trimmers	6 month grace period after ordinance goes into effect	n/a	Employees under a lawn or maintenance service are not directly responsible.	Notify the public and send a copy of this Ordinance with an accompanying letter to landscaping businesses and hardware stores.	Administrative citations. In excess of three violations in a 3-year period makes it a major violation subject to a civil penalty with fines up to \$1,000 per violation. Infractions can occur if someone permits/causes another person to violate this ordinance. Continued offenders will be labeled public nuisances.	
CA, San Anselmo	Original Ordinance: Two-cycle engine ban and time of day restrictions for electric blowers.	Two-cycle gasoline-powered leaf blowers and electric blowers	Went into effect 30 days after adoption	n/a	The Ross Valley School District and Tamalpais Union High School District, or the town or town contractors in emergency situations.		Anything under the Town Code or State Law, including administrative citations and nuisance abatement. Violations result in public nuisance and abatement. They are cumulative and not exclusive.	
CO, Carbondale	Code: Use of gasoline-powered leaf blowers is prohibited.	Gasoline-powered leaf blowers	n/a	n/a	n/a	n/a	Offenses: 1st - \$100.00. 2nd(within 12-month period) - \$250.00. 3rd - \$500.00. 4th - A misdemeanor and up to \$2650.00.	
CO, City of Aspen	Ordinance: Use of gasoline-powered leaf blowers is prohibited.	Gasoline-powered leaf blowers	n/a	n/a	All activity dealing with land clearing, grading, excavating, filling, landscaping, use of power equipment and movement of equipment.	n/a	People may report the use of gas-powered leaf blowers by contacting the Environment Health and Sustainability Department.	

City	Description of Rule	Type of Equipment	Phase-out Timeline	Interim Rules and Bans	Allowed Uses and Exceptions	Educational and Incentive Programs	Enforcement	Interview Notes
CT, Greenwich	Code: Time of day and decibel restrictions.	Gasoline-powered leaf blowers	n/a	n/a	They are permitted between 8 a.m. and 6 p.m. Monday through Friday and between 9 a.m. and 3 p.m. on Saturday, Sunday and Holidays.	n/a	n/a	
CT, Ridgefield	Code: Time of day restrictions.	Engine-powered or motor-driven lawn care or maintenance equipment	15 days after notice in newspaper	n/a	They are permitted between 7 a.m. and 9 p.m., provided that the noise is adequately muffled.	n/a	Infraction notices can be given. Fines begin at \$60 for the 1st offense and then \$77 for each subsequent offense. A person given an infraction notice can hold a hearing within 30 days of the ticket.	
DE, Lewes (2020)	Original Ordinance: Gasoline powered-lawn equipment prohibited with phase-out period.	Gasoline-powered landscaping equipment	3 years	Gasoline-powered landscaping machines that are not gasoline-powered lawnmowers and leaf blowers shall not be used starting immediately.	n/a	n/a	A fine between \$25 and \$200 and/or imprisonment for a term of not less than 10 days nor more than 30 days for only the first conviction. For a second conviction, a fine between \$50 and \$500 and/or imprisonment for a term of not less than 20 days nor more than 60 days for each conviction.	
FL, Palm Beach	Original Ordinance: Gasoline-powered leaf blowers prohibited on parcels smaller than one acre.	Gasoline-powered leaf blowers	5 months	n/a	If the leafblowers do not exceed 65 dBA from 50 feet from the point of operation.	n/a	n/a	
IL, Evanston (2021)	Original Ordinance: Gasoline-powered leaf blowers prohibited with phase-out period.	Gasoline-powered leaf blowers	6 months	Allowing any leaf-blowers on March 30 - May 15; and October 15th to the first Thursday of December.	City baseball fields and artificial turf fields; In play areas of golf courses; Construction projects involving paving, repair, or patching of public streets	Evanston-based landscaping companies registered with the city may be eligible for grants of up to \$3,000 to help with purchasing electric-powered leaf blowers through the City's Entrepreneurship Support Grant Program	Offenses: 1st: First offense is a written warning. 2nd offense is a \$100.00 fine. 3rd is \$150.00 fine. 4th is \$200.00. 5th and more leads to \$250.00	
IL, Lincolnwood	Code: Gasoline-powered leaf blowers restricted seasonally and at times of day.	Gasoline-powered leaf blowers	n/a	n/a	Special zones from 9 a.m. to 5 p.m. Mondays through Fridays. From 7 a.m. to 6 p.m. on Mondays through Fridays and 7 a.m. to noon on Saturdays from May 15th to September 30th and October 1 to May 14th.	n/a	n/a	

City	Description of Rule	Type of Equipment	Phase-out Timeline	Interim Rules and Bans	Allowed Uses and Exceptions	Educational and Incentive Programs	Enforcement	Interview Notes
IL, Wilmette	Code: Gasoline-powered leaf blowers restricted seasonally, at times of day, and deration of sustained use.	Gasoline-powered leaf blowers	n/a	n/a	Golf courses, public parks, any property owned, leased or operated by Wilmette Park District, cleaning roofs and gutters, and clearing asphalt for coating/paving.	n/a	There will be a dedicated staff member to address violations. Landscaping companies can be cited for violations. People can call the police department's non-emergency line to report.	
MA, Arlington (2013)	Code: Gas-powered leaf blowers restricted seasonally, by time of day, and decibels.	Gas-powered leaf blowers	3 years	Can still use gas-powered blowers from March 15th - May 31st and September 15th - December 30th. Monday-Friday 7:30 a.m. - 5:30 p.m.	May use wheeled leaf blowers powered by four- stroke engines for clearing the Minuteman Bikeway. Under emergencies. During the transition period.	n/a	Enforced by the Board of Health. Penalties: First violation results in a warning and education. Second violation results in a fine of \$100 (to resident and landscaper, if applicable). Subsequent violations result in a \$200 fine to both parties as applicable.	
MA, Cambridge	Code: Gas-powered leaf blowers restrictions by time of year and day as well as technological requirements, personal protective equipment requirements, and other use standards.	Gas-powered leaf blowers	n/a	n/a	They are permitted between March 15 - June 15 and September 15 - December 31. Mondays through Fridays, 8 a.m. - 5 p.m.. Saturdays 9 a.m. - 5 p.m. Various businesses and emergencies.	n/a	People can report to the Commonwealth Connect, a group at the City of Cambridge's government, through their email or call.	
MD, Montgomery Co. (2022)	Original Ordinance: Prohibits the sale and use of combustion engine-powered leaf blowers and authorizes a grant program to replace gas machines.	Combustion engine-powered leaf blowers	6 months for one part and 1 year for the next part	n/a	n/a	There is a time-limited program based on criteria set by regulation for reimbursement for replacing leaf blowers.	Offenders get a civil citation for any violation. The officer has to witness the violation or receive complaints from at least 2 witnesses of a noise disturbance.	
NC, Chapel Hill (2014)	Code: Technological requirements, zone-specifications, time of day restrictions, decibel limits.	Leaf blowers, lawn mowers and other motorized agricultural and landscape maintenance equipment	n/a	n/a	May be used if it has working emission control devices and noise muffling equipment. If the device doesn't exceed 65 dBa. People can obtain special permits. Certain zones can allow access at certain times.	https://www.montgomerycountymd.gov/DEP/contact/leaf-blowers.html	Town manager may issue permits on a case by case basis for \$50 fee.	
NY, Dobbs Ferry	Code: Gas-powered leaf blowers restricted by time of day and year.	Gas-powered leaf blowers	n/a	n/a	From March 15 to May 15 and October 15 to December 15 and only from 8 a.m. till 6 p.m. on Monday through Friday and 10 a.m. until 5 p.m. on Saturday, Sundays and holidays. Golf course operations, municipal and school employees doing their jobs and emergencies.	n/a	n/a	

City	Description of Rule	Type of Equipment	Phase-out Timeline	Interim Rules and Bans	Allowed Uses and Exceptions	Educational and Incentive Programs	Enforcement	Interview Notes
NY, Flower Hill	Code: Gas-powered leaf blowers restricted by time of day and year, commercial restrictions, exceptions with waiver.	Gas-powered leaf blowers	n/a	n/a	May be operated in the course of performing groundskeeping, gardening or landscaping services at golf courses. Temporary waiver can be obtained.	n/a	n/a	
NY, Greenburgh	Code: Gas-powered leaf blowers restricted by time of year and in certain zones.	Gas-powered power lawn mowers, leaf blowers or other gasoline-powered lawn or garden equipment or construction tools	n/a	n/a	From 8 p.m. to 8 a.m. any weekday, and before 9 a.m. and after 6 p.m. on Saturday and any holiday or before 11 a.m. or after 6 p.m. Sunday. You can operate as long as it doesn't exceed 75 dBA. From October 1 - May 1 you cannot exceed 55 dBA.	n/a	n/a	
NY, New Rochelle	Code: Gas-powered and electric leaf blowers banned seasonally.	Gas-powered and electric leaf blowers	n/a	n/a	Weekdays between 8 a.m. and 5 p.m., Saturdays 10 a.m. and 5 p.m., Sundays 10 a.m. and 5 p.m., from October 1 to May 31.	n/a	n/a	
NY, Oyster Bay	Code: Gas-powered and electric leaf blowers restricted time and day.	Gas-powered and electric leaf blowers	n/a	n/a	They are permitted between 8 a.m. and 7 p.m. during the weekdays. On weekends and holidays they are permitted between 9 a.m. and 5 p.m..	n/a	People can report to the Town's Department of Public Safety by calling their number.	
NY, Pleasantville (2022)	Code: Gas-powered leaf blowers prohibited seasonally, electric leaf blowers restricted by time and day.	Gas-powered and electric leaf blowers	11 months	n/a	All are allowed between October 1 and May 14. From May 15 to September 30 electric blowers are allowed. Both between 8 a.m. and 7 p.m. on weekdays. From 9 a.m. to 5 p.m. on weekends and holidays. Only during emergencies. The Pleasantville Union Free School District is permitted to use fuel-powered leaf blowers. As determined by the Superintendent of	There is currently a rebate program for homeowners who want help to purchase electric lawn equipment.	n/a	
NY, Sleepy Hollow	Code: Time of year and time of day restrictions.	Gas-powered leaf blowers	n/a	n/a	October 1 to Memorial Day weekend. Between the hours of 8 a.m. and 5 p.m. on weekdays. 9 a.m. and 3 p.m. Saturdays and holidays. 12 noon and 2 p.m. on Sundays.	n/a	n/a	

City	Description of Rule	Type of Equipment	Phase-out Timeline	Interim Rules and Bans	Allowed Uses and Exceptions	Educational and Incentive Programs	Enforcement	Interview Notes
NY, Tarrytown	Code: Gas-powered leaf blowers restricted on summer weekends and holidays.	Gas-powered leaf blowers	n/a	n/a	From September 16 through June 14 and not weekends. During emergencies it can be permitted. You can also obtain a permit.	n/a	n/a	
NY, Thomaston	Code: Gas-powered leaf blowers restricted seasonally.	Gas-powered leaf blowers	n/a	n/a	You can use them from October 1 to April 30.	n/a	n/a	
NY, Town of Huntington	Code: Gas-powered leaf blowers restricted by duration of sustained use, time of day, and day of week.	Gas-powered leaf blowers	n/a	n/a	Monday - Friday between 8 a.m. and 6 p.m.. Saturdays from Labor Day to Memorial Day from 9 a.m. to 5 p.m.. Can be operated up to 2 hours on weekdays. 1 hour for Saturdays, Sundays, and holidays. Emergencies can temporarily suspend it.	n/a	n/a	
NY, Town of New Castle	Code: Gas-powered and electric restricted by time of day.	Gas-powered and electric leaf blowers	One week	n/a	From June 1 to September 30 you can only use electric leaf blowers. The hours are from 8 a.m. to 8 p.m. on weekdays. 9 a.m. to 8 p.m. on Saturdays, and 9 a.m. to 5 p.m. on Sundays and Holidays. From October 1 through and including May 31 any leaf blower can be used during the hours previously stated. Emergencies can suspend it and a certain school district	n/a	n/a	
NY, Village of Ardsley	Code: Permit required to operate gas-powered leaf blowers and time of day and year restrictions.	Gas-powered leaf blowers	n/a	n/a	You can obtain a permit that will allow you to operate fuel-powered leaf blowers. The blower must meet EPA Phase 2 2007 standards. Only 1 blower can be operated at any one time. They can be operated between 10 a.m. and 5 p.m.	n/a	n/a	
NY, Village of Bronxville	Code: Internal combustion engines restricted by time of year and day.	Internal combustion engine leaf blowers	n/a	n/a	Can be used from March 16 to May 14 and October 16 to December 14 from the times of 8 a.m. to 6 p.m. excluding holidays. Can be suspended during declared emergencies.	n/a	Up to \$250 dollars for first offense. \$500 for second. \$1000 for the third and after. You can also have gardener's license suspended.	

City	Description of Rule	Type of Equipment	Phase-out Timeline	Interim Rules and Bans	Allowed Uses and Exceptions	Educational and Incentive Programs	Enforcement	Interview Notes
NY, Village of Great Neck	Code: All leaf blowers restricted seasonally and by time of day.	All leaf blowers	n/a	n/a	From September 16 through June 14.	n/a	1st: Up to \$250. 2nd: Up to \$500. 3rd and subsequent: \$1,000. All if committed in a 2 year time frame.	
NY, Village of Larchmont (effective 2022)	Code: Internal combustion leaf blowers prohibited as of January 2022, electric leaf blowers restricted by time of day and year.	Internal combustion leaf blowers	The next January 1st.	Internal combustion leaf blowers need a properly functioning muffler before the law takes effect.	Prior to prohibition, people may use any leaf blower during April and from October 15 - December 15, and then only electric after prohibition. They can only be used on weekdays from 8 a.m. to 5:30 p.m.. 10 a.m. to 5:30 p.m. on Saturdays and 10 a.m. to 5 p.m. on Sundays and holidays, only for property owners.	n/a	1st: Up to \$250. 2nd: Up to \$500. 3rd and subsequent: \$1,000. All if committed in a 2 year time frame.	
NY, Village of Tuckahoe	Code: Gasoline-powered leaf blowers restricted by time of year and time of day.	Gasoline-powered leaf blowers	n/a	n/a	From June 1 to September 30 you can only use electric leaf blowers. The hours are from 8 a.m. to 7 p.m. on weekdays. 9 a.m. to 5 p.m. on Saturdays, and noon to 5 p.m. on Sundays and holidays. From October 1 through and including May 31 any leaf blower can be used at the same time intervals previously stated.	n/a	n/a	
NY, Yonkers	Code: Seasonal ban on gasoline-powered leaf blowers.	Gasoline-powered leaf blowers	n/a	n/a	From October 1 to May 31 you can use any leaf blower. Emergencies can suspend the ban. You can also obtain a special permit for \$35 from the Commissioner of Public Works.	n/a	Offenses result in a Class II offense.	
WA, Seattle	Resolution: Expressing the intent to phase out gasoline-powered leaf blowers.	Gasoline-powered leaf blowers	n/a	n/a	n/a	n/a	n/a	

Glencoe, Illinois

Original Ordinance: Gasoline-powered leaf blowers restricted seasonally and at times of day

§ 24-38 NUISANCES - ENUMERATED.

The following things, actions and conditions are declared nuisances:

(a) *Offensive noises - audio, musical and similar equipment.* To maintain or operate or cause or permit to be operated, in any building or on any public or private premises in the village any television, radio, phonograph, tape player, amplified musical instrument, loudspeaker or any similar device capable of receiving, transmitting, amplifying or projecting sound or noise, in such manner as to be plainly audible:

(1) At a distance of 1,000 feet from such boundary at any time;

(2) At a distance of 150 feet from the boundary of the premises upon which such device is operated between 11:00 p.m. and 8:00 a.m.; provided, however, that in its discretion the board of trustees may, upon request from an eleemosynary or community service organization to conduct a specific event or activity having a civic purpose (as defined in article II, § 12, of the Village of Glencoe's zoning ordinance), permit such audio, musical or similar equipment or devices to be operated between 11:00 p.m. and 12:00 a.m. upon a determination that such event or activity will be in the best interest of the village; provided further that the issuance of any such permit shall give no right or entitlement to any person or group for any renewal or re-issuance of a similar permit for any future or similar event or activity; or

(3) Within any adjacent schoolhouse, house of public worship or public office or assembly hall while such facility is in use for school, worship or public business purposes.

(Ord. No. 91-14-1855)

(b) *Same - work operations.*

(1) To conduct any construction operations, tree removal or trimming, or to operate or use any generator, compressor, pile driver, power shovels, pneumatic hammers, derricks, steam or electrical hoists, or other building or construction tool or apparatus ("work operations"), the use of which is attended with noise that is audible on any public or private property adjoining the premises on which such tool or apparatus is operated or such work operations are conducted, except:

A. In cases of emergencies;

B. Between the hours of 7:00 a.m. and 6:00 p.m. on Mondays through Fridays; and

C. Between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays.

(2) No work operations, as defined in this section, shall be permitted on Sundays, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day or Christmas Day.

(3) Notwithstanding the foregoing, nothing in this subsection shall be construed to deem work operations performed by or on behalf of the village as a nuisance wherever conducted.

(Ord. No. 04-09-3098; Ord. 2011-16-3297)

(c) *Same - lawn maintenance activities.*

(1) To conduct any lawn maintenance activities involving the operation of any lawn maintenance equipment, including without limitation mowers, tractors, trimmers, vacuums, tillers or hedge clippers, the use of which is attended with noise that is plainly audible beyond the boundaries of the premises upon which such equipment is operated or used, except between the hours of 7:00 a.m. and 7:00 p.m. on Mondays through Fridays, inclusive, and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. No such lawn maintenance activities involving the operation of any lawn maintenance equipment shall be permitted on Sundays, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day or Christmas Day. These limitations shall not apply to the operation of lawn maintenance equipment by occupants of the property on which such equipment is in use.

(Ord. No. 91-17-1858; Ord. No. 97-7-2030; Ord. No. 07-14-3191)

(2) The use of gasoline-powered leaf blowers shall be prohibited at all times except between March 15 and May 15 and between September 15 and December 15 of each year. Other than the times where use is prohibited by the preceding sentence, the use of gasoline-powered leaf blowers shall be subject to the day and time restrictions set forth in the preceding subsection for lawn maintenance activities involving lawn maintenance equipment.

(Ord. No. 98-2-2045; Ord. No. 2000-23-3005; 07-14-3191)

(3) In the event of a storm or other emergency, upon determining that it is in the best interest of the safety and welfare of the village, the village manager may waive enforcement of the foregoing restrictions.

(4) Nothing in these restrictions shall be construed to deem lawn maintenance operations on golf courses or on publicly owned property as nuisances, wherever or however conducted.

(d) *Same - offensive noises.* To produce or project by any means at any time any noise audible beyond the boundary of the premises from which it emanates which is, by reason of loudness, pitch, intensity, frequency or time of day unreasonably offensive to the peace and quiet of the neighborhood or any person residing in the vicinity;

(e) *Same - persons liable; exception.* The owner of the property from which any noise declared a nuisance hereunder is being produced, the person or persons in actual control of such property and the person or persons producing, or in control

of the device producing, any such noise shall be liable for violation of this section; provided, however, the village and its officers, employees and agents shall be exempt for all liability in regard to such nuisances when such noise is produced in the course of official village business or services;

(f) *Keeping cattle and swine.* To own, keep or use any railroad car, yard, pen, place or premises, in or upon which cattle or swine shall be confined or kept, so as to be offensive to those residing in the vicinity, or to be an annoyance to others;

(g) *Noisome substances and matter - depositing, etc.* To cause or suffer the carcass of any animal, or any offal, filth or noisome substance to be collected, deposited or to remain in any place, or to deposit any night soil, dead animal, or filthy, offensive or noisome substance upon any lot, street, alley, highway, park or other place;

(h) *Same - importation and transportation.* To bring into or transport through the village, the body or carcass of any unslaughtered dead animal, offal, blood, bones, rank stuff in a state of decomposition or any putrid or offensive animal matter;

(i) *Same - spilling, etc.* To permit any swill, brine, urine or other offensive animal substance, or any stinking liquid or other filthy matter of any kind, to run or fall from or out of any building, vehicle or erection into or upon any street or public place;

(j) *Same - time for removal.* For any person to permit any offal, filth, refuse, animal or vegetable matter, which is liable to become putrid or offensive, or injurious to health, to remain on any premises used or occupied by him or her for a longer period than four hours at any one time;

(k) *Offensive smells - generally.* To conduct any business or use any premises so as to create such an offensive smell as may taint the air and render it unwholesome or disagreeable to others;

(l) *Same - business, etc., premises.* To erect, continue or use any building or other place for the exercise of any trade, employment or manufacture which, by occasioning noxious exhalations, offensive smells or otherwise, is offensive or dangerous to the health of individuals or of the public;

(m) *Watercourses, etc. - throwing offensive matter.* To throw or deposit any offal or other offensive matter, or the carcass of any animal, in any watercourse, lake, pond, spring or well;

(n) *Same - polluting.* To corrupt, or render unwholesome or impure the water of any spring, river, stream, pond or lake, to the injury or prejudice of others; and

(o) *Same - obstructing navigable waters.* To obstruct or impede, without legal authority, the passage of any navigable river or waters.

(Ord. No. 80-23-1623)

Brookline, Massachusetts

Code: Gas-powered leaf blowers restricted seasonally, by time of day, and decibels

TOWN OF BROOKLINE



Article 8.31

Leaf Blower Control

Article 8.31
Leaf Blower Control

SECTION 8.31.1: STATEMENT OF PURPOSE

The reduction of noise and emissions of particulate matter resulting from the use of leaf blowers as well as reducing the use of gasoline and oil fuels and reducing carbon emissions into the environment are public purposes of the Town, as are protecting the health, welfare and environment public purposes of the Town. Therefore, this By-law shall limit and regulate the use of leaf blowers as defined and set forth herein.

SECTION 8.31.2: DEFINITIONS

- a. "Leaf Blowers" governed by this By-law are defined as any portable powered machine used to blow leaves, dirt and other debris off lawns, sidewalks, driveways, and other horizontal surfaces.

- b. "Property Owner" as used in this By-law shall mean the legal owner of record of real property as listed by the tax assessor's records.

- c. "Property Manager" shall mean any tenant in possession or person or entity in control of real property, including, but not limited to, a condominium association.

- d. "User" means the person or entity using the Leaf Blower at the time of the violation.

SECTION 8.31.3: LIMITATIONS ON USE

- a. No Property Owner or Property Manager shall authorize or permit the operation of leaf blowers on property under their control, or on the sidewalks or ways contiguous to such property, nor shall any person operate a leaf blower, except between March 15th and May 15th and between October 1st and December 31st in each year, and except for leaf blowers powered by electricity which are exempt from this seasonal usage limitation. The provisions of this Section 3.a. shall not apply to nonresidential property owners but only with respect to parcels of land that contain at least five acres of open space.

b. No Property Owner or Property Manager shall authorize or permit the operation of leaf blowers on property under their control, or on the sidewalks or ways contiguous to such property, nor shall any person operate a leaf blower, except between the hours of 8 (eight) A.M. to 8(eight) P.M. Monday through Friday, and from 9 (nine) A.M. to 6 (six) P.M. on Saturdays, Sundays and legal holidays.

c. On land parcels equal to or less than 7,500 (seven thousand five hundred) square feet in size, no Property Owner or Property Manager or User shall operate or authorize the operation of more than 2 (two) leaf blowers on such property simultaneously. This limitation shall also apply to sidewalks and roadways contiguous to such parcel.

d. No Property Owner or Manager shall authorize the operation of any leaf blower and no person shall operate a leaf blower which does not bear an affixed manufacturer's label or a label from the Town indicating the model number of the leaf blower and designating a noise level not in excess of sixty-seven (67) dBA when measured from a distance of fifty feet utilizing American National Standard Institute (ANSI) methodology on their property. Any leaf blower bearing such a manufacturer's label or Town label shall be presumed to comply with the approved ANSI Noise Level limit under this By-law. However, Leaf Blowers must be operated as per the operating instructions provided by the manufacturer. Any modifications to the equipment or label are prohibited. However, any leaf blower(s) that have been modified or damaged, as determined visually by anyone who has enforcement authority for this By-law, may be required to have the unit tested by the Town as provided for in this section, even if the unit has an affixed manufacturer's ANSI or Town label. The Controller of any leaf blower without a manufacturer's ANSI label on such equipment may obtain a label from the Town by bringing the equipment to the town's municipal vehicle service center or such other facility designated by the Town for testing. Such testing will be provided by the Town's designated person for no more than a nominal fee (which shall be non-refundable) and by appointment only at the Town's discretion. If the equipment passes, a Town label will be affixed to the equipment indicating Decibel Level. In the event that the label has been destroyed, the Town may replace it after verifying the specifications listed in the Controller's manual that it meets the requirements of this By-law.

The provisions of this Article 8.31.3 shall not apply to the use of leaf blowers by the Town, its employees or contractors while performing work for the Town.

SECTION 8.31.4: REGULATIONS

- a. The Commissioner of Public Works shall have the authority to promulgate regulations to implement the provisions of this By-law, subject to the approval of the Select Board
- b. The Commissioner of Public Works shall have the authority to waive temporarily any of the limitations on the use of Leaf Blowers set forth in this By-law in order to aid in emergency operations and clean-up associated with severe storms. In the event of issuing a temporary waiver, the Commissioner of Public Works shall post a notice prominently on the Town of Brookline's internet home page and make other good faith efforts to notify the public including, but not limited to, social media.

SECTION 8.31.5: DUTIES AND RESPONSIBILITIES OF TOWN DEPARTMENTS

a. Departmental Actions

All Town departments and agencies shall, to the fullest extent consistent with other laws, carry out their programs in such a manner as to further the objectives of this By-law.

b. Departmental Compliance with Other Laws

All Town departments and agencies shall comply with federal and state laws and regulations to the same extent that any person is subject to such laws and regulations.

c. Town Exemption

The Department of Public Works shall be exempt for day and night time operations for routine maintenance. However, the DPW shall make every effort to reduce noise in residential areas, particularly during the limited use hours set forth in Section 8.31.3.b of this By-law.

d. Town Leaf Blower Equipment

Prior to purchasing new equipment, the Town must consider equipment with the lowest Decibel rating for the performance standard required.

SECTION 8.31.6: PERMITS FOR EXEMPTIONS FROM THIS BY-LAW

(a) The Select Board, or its designee, may grant a special permit to a Property Owner or Property Manager: (i) for any activity otherwise prohibited under the provisions of this By-law,

(ii) for an extension of time to comply with the provisions of this By-law and any abatement orders issued pursuant to it,

(iii) when it can be demonstrated that bringing a source of noise into compliance with the provisions of this By-law would create an undue hardship on a person or the community. A Property Owner or Manager ~~or~~ seeking such a permit should make a written application to the Select Board, or its designee. The Town will make reasonable efforts to notify all direct abutters prior to the date of the Select Board's meeting at which the issuance of a permit will be heard.

(b) The Select Board, or designee, may issue guidelines defining the procedures to be followed in applying for a special permit.

The following criteria and conditions shall be considered:

(1) the cost of compliance will not cause the applicant excessive financial hardship;

(2) additional noise will not have an excessive impact on neighboring citizens.

(3) the permit may require portable acoustic barriers during night use.

(4) the guidelines shall include reasonable deadlines for compliance or extension of non-compliance.

(5) the number of days a person seeking a special permit shall have to make written application after receiving notification from the Town that (s)he is in violation of the provisions of this By-law.

(6) If the Select Board, or its designee, finds that sufficient controversy exists regarding the application, a public hearing may be held. A person who claims that any special permit granted under (a) would have adverse effects may file a statement with the Select Board, or designee, to support this claim.

SECTION 8.31.7: HEARINGS ON APPLICATION FOR SPECIAL PERMITS

Resolution of controversy shall be based upon the information supplied by both sides in support of their individual claims and shall be in accordance with the procedures defined in the appropriate guidelines, if any, issued by the Select Board, or designee.

SECTION 8.31.8: ENFORCEMENT AND PENALTIES

a. This By-law may be enforced in accordance with Articles 10.1, 10.2 and/or 10.3 of the General By-laws by a police officer, the Building Commissioner or his/her designee, the Commissioner of Public Works or his/her designee and/or the Director of Public Health or his/her designee.

b. Violations of this By-law shall be subject to the following penalties:

1) For the first violation in each calendar year a written warning will be issued

2) For second and subsequent in each calendar year, both the Property Owner or Property Manager and the User shall be fined according to the table below:

	Property Owner or Property Manager	User, if other than Property Owner or Property Manager
First Offense	Written Warning	Written Warning
Second Offense	\$50.00	\$50.00
Third Offense	\$100.00	\$100.00
Each Subsequent Offense	\$150.00	\$150.00

3) Applicable court costs for any enforcement action taken.

SECTION 8.31.9: EFFECTIVE DATE

The provisions of this By-law shall be effective as provided in M.G.L. c. 40, s.32.

Princeton, New Jersey

Original Ordinance: Gas-powered leaf blowers restricted seasonally, by time of day, exceptions
for emergency

Ordinance #2021-32

AN ORDINANCE BY THE MUNICIPALITY OF PRINCETON CONCERNING LANDSCAPER REGISTRATION, NOISE AND GAS-POWERED LANDSCAPING EQUIPMENT, PARTICULARLY GAS LEAF BLOWERS, AND AMENDING CHAPTER 10C OF THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968" AND CHAPTER 21 OF THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974."

WHEREAS, over the course of the past nine (9) months, the Sustainable Landscaping Steering Committee, an ad hoc advisory committee comprised of members of the Princeton Environmental Commission and community groups including Quiet Princeton, Unidad Latina en Acción NJ and Sustainable Princeton, has been investigating and studying the subject of sustainable landscaping, protecting the health and well-being of landscaping workers and the use of gas-powered equipment, particularly gas leaf blowers, and their impact on the Princeton community; and

WHEREAS, in response to input from the landscaping community, the Sustainable Landscaping Steering Committee has determined that the protection of landscaping workers requires an amendment to the existing landscaper registration process to protect and promote the health and well-being of such workers; and

WHEREAS, the Sustainable Landscaping Steering Committee has found that gas-powered equipment, particularly gas leaf blowers:

- Expose workers utilizing the equipment and the public to health risks;
- Create high levels of noise when in use;

- Disrupt residents in and around their homes especially, the noise of which penetrates walls and windows;
- Damage the environment; and

WHEREAS, the Sustainable Landscaping Steering Committee has also found that there are alternatives to the use of gas-powered equipment such as electric equipment and changes in landscaping practices, and that reasonable regulation which limits use of gas-powered equipment, and particularly gas leaf blowers, to certain hours, days of the week and seasons of the year can ameliorate some of the negative impacts of gas-powered equipment, particularly gas leaf blowers; and

WHEREAS, as a result of the dangers to the community caused by the continued, unfettered use of gas-powered equipment, particularly gas leaf blowers, the Sustainable Landscaping Steering Committee recommends that Princeton regulate the use of gas-powered equipment, particularly gas leaf blowers, by restricting the hours, days of the week and seasons during which such equipment may be used in Princeton, and further require compliance of these new restrictions by both property owners and landscaping companies alike; and

WHEREAS, Princeton Council seeks to regulate the use of gas-powered landscaping equipment, particularly gas leaf blowers, consistent with the recommendations of the Sustainable Landscaping Steering Committee.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

Section 1. Chapter 10C of the “Code of the Township of Princeton, New Jersey, 1968,” entitled “Landscaping – Registration,” is hereby amended as follows (additions are underlined; deletions are [bracketed]):

Sec. 10C-1. Registration requirement for landscapers for hire; purpose.

Except as otherwise provided in this chapter, n[N]o person shall landscape or engage in any landscaping on any public or private property within the municipality for hire without first registering with [the department of infrastructure and operations]Princeton, on forms to be supplied by [said department]the enforcement officer (as hereafter defined).

The purpose of this chapter requiring landscaper registration is to ensure that persons defined in section 10C-2 [are cognizant of]are aware of their obligations under Princeton's ordinances and applicable state and federal laws, including but not limited to regulations concerning the leaf, branch and log collection program and loud, continuous or excessive noise, Federal and New Jersey State wage and hour laws and the New Jersey State workers' compensation laws.

Nothing in this chapter shall relieve any owner, lessee or tenant of [his or her]the responsibility to comply with the requirements of Princeton's leaf, branch and log collection program or regulation of loud, continuous or excessive noise set forth elsewhere in this Code.

Sec. 10C-2. Definitions.

As used in this chapter the following words and phrases shall have the following meaning:

Enforcement officer shall mean the municipal official(s) or employee(s) designated by the administrator to enforce the provisions of this chapter.

For hire shall mean to demand and/or accept payment or compensation for completion of services.

Hedges, trees and shrubs shall have the same meaning as may be defined in chapter 22 of this Code, “Trees and Shrubs.”

Landscape and landscaping shall mean to be in the business, occupation or trade of adorning or improving any property or portion of property by trimming or cutting grass or shrubs; by planting, installing or removing leaves, branches, logs, grass, flowers, mulch, hedges or shrubs; or by planting or installing trees. As used in this chapter, *landscape* and *landscaping* shall also refer to solicitation of the above-referenced services.

Person shall mean any individual or entity whose existence is recognized by law, including, but not limited to, any partnership, corporation (for-profit, nonprofit, or municipal and its agencies), firm, association, or any combination of the foregoing.

Wage theft shall mean having been found guilty, liable or responsible in any judicial or administrative proceeding of committing a violation of the Federal Fair Labor Standards Act of 1938, 29 U.S.C.A. § 201 *et seq.*, the New Jersey Wage and Hour Law, N.J.S.A. 34:11-56a. *et seq.*, the New Jersey State Wage Payment Law, N.J.S.A. 34:11-4.1 *et seq.* or N.J.S.A. 2C:40A-2 (violation of contract to pay employees).

Sec. 10C-3. Applications for registration; registration fee; suspension or revocation of registration; disclaimer.

(a) An application for registration shall be made upon forms provided by Princeton and shall be filed with [the director of infrastructure and operations or

said official's designee]the enforcement officer. Approved applications for registration shall be public records.

(b) At the time of registration, applicants shall acknowledge that they have received (or been offered, at no cost) a copy of the provisions of the municipality's ordinances regulating its leaf, branch and log collection program and loud, continuous or excessive noise in English and in Spanish. In addition, applicants shall acknowledge that they have received (or been offered, at no cost) a copy of the Federal and New Jersey State wage and hour laws and New Jersey State workers' compensation insurance laws in English and in Spanish. Each applicant shall also submit a copy of a Certificate of Insurance showing that said applicant has purchased and maintains workers' compensation insurance from an insurance company licensed in the State of New Jersey as may be required by law.

(c) Every registration shall be issued and renewed on an annual basis, effective March 1 of each year[, upon payment of an annual fee to the municipality in the amount of ten dollars].

(d) No registration shall be required of any owner, lessee or tenant of real property who shall personally perform activities otherwise requiring a registration; except that all such work must otherwise comply with the municipality's ordinances.

(e) The mayor and council may, upon recommendation of the [director of infrastructure and operations, or his designee]enforcement officer, after notice and an opportunity for a hearing, suspend or revoke any registration for violation

of law, including but not limited to wage theft laws, or related Princeton ordinances, or for good cause, which is shown to be prejudicial to the public health, safety or welfare. In addition, the [director of infrastructure and operations or his designee] enforcement officer may temporarily suspend any registration for a period not to exceed one week or until the mayor and council can be convened to consider said suspension, when:

(1) The [director of infrastructure and operations, or his designee,] enforcement officer has reasonable cause or belief that an emergency affecting the public health, safety or welfare so requires; or

(2) The [director of infrastructure and operations, or his designee,] enforcement officer receives sufficient information to establish that the registrant has committed wage theft which has not been cured by the registrant by compliance with the order or decision of the governmental entity determining the same.

(f) Princeton makes no guarantee or representation regarding the fitness, knowledge or qualification of any person that is registered by Princeton to engage in landscaping for hire.

Sec. 10C-4. [Off-site disposal and c]Composting encouraged; off-site disposal.

Owners, lessees and tenants, and their registered landscapers, are encouraged, but not required, to either compost leaves, branches and logs themselves on their own property, such as in wooded areas if practicable, or bring leaves, branches and logs to the Lawrence Township Ecological Facility

("Facility"), or such other ecological facility that may be designated by the municipality for disposal. At the time of taking branches and logs to the Facility for disposal, such persons shall provide their name and registration number, along with the property owner, lessee or tenant's name, address and signature, to the Facility on forms for such purpose available in the office of the [director of infrastructure and operations, or from his designee] enforcement officer.

Sec. 10C-5. Exemption of home improvement and tree care services contractors; additional exemptions.

(a) Home improvement contractors registered pursuant to N.J.A.C. 13:45A-17.1 *et seq.* on or after December 31, 2005 shall not be required to register with the municipality as set forth in this chapter.

(b) Persons who are specifically exempt from the registration requirements of N.J.A.C. 13:45A-17.1 *et seq.* under N.J.A.C. 13:45A-17.4 on or after December 31, 2005 shall not be required to register with the municipality as set forth in this chapter.

(c) Any person registered with the New Jersey State Board of Tree Experts to provide "Tree Care Services" in New Jersey and under the applicable regulations, N.J.A.C. 7:3A et seq., shall not be required to registered with the municipality as set forth in this chapter.

Sec. 10C-6. Violations; penalties.

For each violation of this chapter, the violator shall be subject to such fines and other penalties as provided in section 1-6 of this Code, entitled "General penalty; continuing violations; repeat violations; other penalties." Repeat

offenders shall be subject to additional fines and other penalties as provided in section 1-6 of this Code.

Section 2. Subsections 21-2(p) through (s), inclusive, of Chapter 21 of the “Code of the Borough of Princeton, New Jersey, 1974” (“Borough Code”), entitled “Loud, Continuous or Excessive Noise,” are hereby amended follows (additions are underlined; deletions are [bracketed]):

Sec. 21-2. Noises expressly prohibited or restricted - Acts enumerated.

The following acts, among others, are declared to be loud, disturbing, excessive or continuous noises, and a danger to the health, safety and welfare of the community, in violation of section 21-1, but the enumeration shall not be deemed to be exclusive:

[(p) Blowers, Fans or Engines. The operation of any noise-creating blower (including but not limited to leaf blowers) or power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower, fan or combustion engine is adequately muffled and such engine is equipped with a muffler device sufficient to deaden such noises. In addition, the operation or use of any of such equipment between the hours of 10:00 p.m. and 8:00 a.m., Mondays through Saturdays, and 10:00 p.m. and 10:00 a.m., on Sundays, shall not be permitted; except that the use of any snowblower shall not be prohibited during these times when used to clear sidewalks, walkways or driveways following a snow storm, nor shall the use of any portable generator be prohibited during these times when used during a power outage caused by a storm or other natural disaster.]

[(q) Lawnmowers or Chain Saws. The operation or use of any power lawnmower or chain saw between the hours of 10:00 p.m. and 8:00 a.m., Mondays through Saturdays, and 10:00 p.m. and 10:00 a.m., on Sundays; except that the use of any chain saw shall not be prohibited during these times when used in response to an emergency, such as to clear a walkway or street from fallen branches or trees following a storm or other natural disaster.]

(p) Gas-powered leaf blowers.

(1) From March 15 to May 15 each calendar year and October 1 to December 15 each calendar year, no person shall operate, or cause or permit the operation of, any gas-powered leaf blower at any time on Sundays, New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving or Christmas, or other than between the hours of 8:00 a.m. and 8:00 p.m., Mondays through Fridays, and 8:00 a.m. and 5:00 p.m. on Saturdays.

(2) From May 16 to September 30 each calendar year, and from December 16 to March 14 the following calendar year, no person shall operate, or cause or permit the operation of, any gas-powered leaf blower at any time.

(3) The operation or use of gas-powered leaf blowers shall not be prohibited during the days and times set forth in subsection (p)(1) and (2) when used in response to a bona fide emergency, such as to clear a walkway, driveway or street from debris following a storm or other natural disaster.

(q) Electric-powered leaf blowers. No person shall operate, or cause or permit the operation of, any electric-powered leaf blower other than between

the hours of 8:00 a.m. and 8:00 p.m., Mondays through Fridays, 8:00 a.m. and 5:00 p.m. on Saturdays and 1:00 p.m. and 6:00 p.m. on Sundays, New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving or Christmas. The use of any electric-powered leaf blower shall not be prohibited during the days and times set forth in this subsection (q) when used in response to a bona fide emergency, such as to clear a walkway, driveway or street from debris following a storm or other natural disaster.

(r) Electric- or battery-powered chainsaws, hedge trimmers, string trimmers and pole trimmers. No person shall operate, or cause or permit the operation of, any electric- or battery-powered chainsaws, hedge trimmers, string trimmers or pole trimmers other than between the hours of 8:00 a.m. and 8:00 p.m., Mondays through Fridays, 8:00 a.m. and 5:00 p.m. on Saturdays and 1:00 p.m. and 6:00 p.m. on Sundays, New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving or Christmas. The use of any electric- or battery-powered chainsaws, hedge trimmers, string trimmers or pole trimmers shall not be prohibited during the days and times set forth in this subsection (r) when used in response to a bona fide emergency, such as to clear a walkway, driveway or street from debris following a storm or other natural disaster.

(s) Lawnmowers. No person shall operate, or cause or permit the operation of, any power lawnmower other than between the hours of 8:00 a.m. and 8:00 p.m., Mondays through Fridays, 8:00 a.m. and 5:00 p.m. on Saturdays and 1:00 p.m. and 6:00 p.m. on Sundays, New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving or Christmas.

(t) Other noise-creating gas-powered equipment, blowers, power fans or internal combustion engines, including chain saws, snow blowers and portable generators. No person shall operate, or cause or permit the operation of, any other noise-creating gas-powered equipment, blowers, power fans or internal combustion engines on Sundays, New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving or Christmas, or other than between the hours of 8:00 a.m. and 8:00 p.m., Mondays through Fridays, and 8:00 a.m. and 5:00 p.m. on Saturdays. The use of any such equipment shall not be prohibited during the days and times set forth in this subsection (s) when used in response to a bona fide emergency, such as a power outage, snow storm or other natural disaster.

(u)[(r)] Idling, Starting, Etc., of Vehicles at Night. Any of the following activities, when occurring in close proximity to residences between 11:00 p.m. and 7:00 a.m.: The warming up or idling of buses, trucks or tractors; and the unnecessary and repeated idling, acceleration and deceleration, or starting and stopping of automobiles and motorcycles.

(v)[(s)] Outdoor Concerts. Outdoor concerts, except in accordance with permits first obtained therefor from the administrator, pursuant to section 21-3.

Section 3. Subsection 21-7 of Chapter 21 of the Borough Code is hereby amended follows (additions are underlined; deletions are [bracketed]):

Sec. 21-7. Violations; Penalties.

Except as otherwise provided in this section, f[F]or each violation of this chapter, the violator shall be subject to such fines and other penalties as provided in section 1-6 of this Code, entitled "General penalty; continuing violations;

repeat violations; other penalties." Repeat offenders shall be subject to additional fines and other penalties as provided in section 1-6 of this Code.

For the first violation of any provision of subsections 21-2(p), (q), (r), (s) or (t) above, a violator shall only be given a written warning of the violation; for the second and any subsequent violations, said violator shall be subject to such fines and other penalties as provided above.

Section 4. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 6. The provisions of this ordinance shall be applicable within Princeton upon final adoption and shall become a part of the new Princeton Code once completed and adopted, except as follows:

- a. Grace period. Upon the effective date of this ordinance, the provisions set forth in section 2 of this ordinance shall be in full force and effect except that any violators of the amended or new requirements in section 2 (governing gas- and electric- powered leaf blowers, lawnmowers, and other noise-creating gas-powered equipment, blowers, power fans or internal combustion engines, including chain saws, snow blowers and portable generators) shall be given only written warnings for their first two (2) violations of said amended or new requirements which take place during the first 90 calendar days following the

effective date of this ordinance. After the 90-day grace period expires, all violations of section 2 of this ordinance shall be subject to the fines and penalties in section 21-7, as amended by this ordinance.

Delores A. Williams, Clerk

Mark Freda, Mayor

Ordinance Introduced:

Ordinance Adopted:

This ordinance (1) updates Princeton's existing requirements for landscaper registration to further protect landscaping workers; and (2) amends Princeton's noise regulations to limit the public's use of gas-powered equipment, including gas-powered leaf blowers and other landscaping equipment, to certain hours, days of the week and seasons of the year.

City of White Plains, New York

Code: Gas-powered leaf blowers restricted by time of day and year with phase out period

STATE OF NEW YORK }
COUNTY OF WESTCHESTER } ss.:
CITY OF WHITE PLAINS }

I, the undersigned, City Clerk, of the City of White Plains, NY, do hereby certify that I have compared the proceeding with the original Ordinance adopted by the Common Council of the City of White Plains, NY, by a vote of the majority of the members of the Common Council at a **Regular Stated** meeting held **7th February, 2022**, and I do hereby certify the same to be a correct transcript therefrom and of the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of White Plains, NY, this

February 9, 2022



CERTIFIED COPY

from the

CITY OF WHITE PLAINS
255 Main Street
White Plains, NY 10601



CERTIFIED COPY

of a(an)

ORDINANCE

Ordinance repealing Chapter 3-4 of the White Plains Municipal Code and adding a new Chapter 3-4 of the White Plains Municipal Code entitled, "Noise Pollution."

**ADOPTED BY THE
COMMON COUNCIL**

of the

CITY OF WHITE PLAINS

on

7th February, 2022

Chapter 3-4 - NOISE POLLUTION

ARTICLE I. General Provisions

Sec. 3-4-1. Title.

This chapter shall be known and may be cited as "The White Plains Noise Pollution Control Ordinance."

Sec. 3-4-2. Purpose.

It is the purpose of this chapter to prevent noise disturbances within the limits of the city, which may jeopardize the well-being, health or welfare of its citizens or degrade the quality of life and to regulate noise-producing activities. The provisions and prohibitions hereinafter contained and enacted are for the above-mentioned purpose. Factors to be considered in determining whether a noise disturbance exists include, but are not limited to, the following:

- (1) The volume of the noise
- (2) The intensity of the noise
- (3) Whether the nature of the noise is unusual or usual
- (4) Whether the origin of the noise is natural or unnatural
- (5) The volume and intensity of the background noise, if any
- (6) The proximity of the noise to residential sleeping facilities or private residences
- (7) The nature and the zoning district of the area within which the noise emanates
- (8) The time of day or night the noise occurs
- (9) The time duration of the noise
- (10) Whether the sound source is temporary
- (11) Whether the noise is continuous or impulsive
- (12) The presence of discrete tones
- (13) The number of complaints received

Sec. 3-4-3. Definitions.

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

1. **Ambient noise** - The all-encompassing noise associated within a given environment, being usually a composite of sounds from many sources, near and far.
2. **A-weighted sound level** - The measurement of sound approximating the auditory sensitivity of the human ear as measured with a sound-level meter using an A-weighting network. The unit of measure is dB.
3. **Construction** - Any site preparation, assembly, erection, repair, alteration or similar action, but excluding demolition of buildings or structures.

4. **Continuously or, in a continuous manner** - Constant, with few, if any, brief breaks or periods of silence.
5. **Decibel** - The measured unit of sound measurement and is measured with a sound level meter (SLM). The SLM registers sound pressure and displays the readings on a sound level scale. Decibels (dB) are a logarithmic unit, which means that a noise measuring 30 decibels is actually two (2) times louder than a noise registering at 20 decibels.
6. **Demolition** - Any partial or complete dismantling, intentional destruction or removal of buildings, and/or equipment/components attached to or located within the building or structure.
7. **Electric or battery powered equipment** – Any equipment powered by an electric motor, which derives its energy from a battery or an electrical source.
8. **Internal combustion engine** – An engine that generates motive power by the burning of gasoline or other fuel with air inside a combustion chamber.
9. **Internal combustion powered equipment** – Any equipment that derives its energy from an internal combustion engine. Equipment being used while plugged into an operating generator, which is powered by an internal combustion engine, shall be deemed internal combustion powered equipment.
10. **Motor vehicle** - Any vehicle that is propelled by an internal combustion engine or motor.
11. **Noise disturbance** - Any sound which endangers or injures the health of humans, or unreasonably disturbs the quiet, comfort, repose, or peace of a person of normal sensitivities.
12. **Noise sensitive facilities** – Any school, institution of learning, public library, place of worship, courthouse, or hospital for which conspicuous signs or elements are visible indicating that the same is a school, institution of learning, public library, place of worship, courthouse, or hospital.
13. **Person** - Any individual, corporation, company, association, society, firm, partnership or joint stock company.
14. **Sound** - Vibrations that travel through the air or another medium and that can be heard when they reach a human ear.
15. **Sound device** - Any device that is used for the production or reproduction of sound, including but not limited to any amplified musical instrument, communication device, computer, radio, television, loudspeaker, or any other apparatus that converts electrical impulses into sound.
16. **Sound level** - The sound pressure level measured in decibels ~~with~~ **on** a sound-level meter set for A-weighting; “sound level” is expressed in “dBA.”
17. **Sound Level Meter (SLM)** –An instrument (commonly hand held) designed to measure sound levels in a standardized way. At a minimum, it is comprised of a microphone, a preamplifier, signal processing components and a display. For the purposes of this document it shall be a Type 1 or 2 SLM (handheld type) meeting the American National Standards Institute (ANSI) S1.4 criteria standard.

18. **Weighting** – A system built into all standard sound level meters that account for the fact that different sound frequencies affect the listener’s perception of loudness. Specifically, the fact that the human ear is less sensitive to low-pitched sounds than it is to high-pitched sounds.

Sec. 3-4-4. Prohibitions.

The following acts and the causing thereof are declared to be in violation of this chapter. Said enumeration shall not be deemed to be exclusive.

(a) Noise associated with sound devices:

- (1) No person shall use, play, or operate or permit to be used, played or operated any machine or device designed to produce or reproduce sound, in a continuous manner and at such a volume as to create a noise disturbance for any person other than the operator of the device.
- (2) No person shall operate any sound-reproduction device in such a manner as to be distinctly audible to persons with normal hearing at a distance of fifty (50) feet from the source or location of the noise between the hours of 10:00 p.m. and 9:00 a.m. on any day of the week.

(b) Human-generated noise: No person shall make, permit, or allow to be made a noise disturbance at any time, including but not limited to yelling, shouting, whistling, or singing, that is continuous in nature and which is clearly audible at a distance of fifty (50) feet from the source or location of the noise.

(c) Animal noise: No person shall permit or allow any animal under their control to bark, whine, howl or make any other noise continuously for a period of 10 minutes or more at a volume which can be heard anywhere beyond the residential, commercial or industrial location from which such noise emanates.

(d) Noise associated with motor vehicles:

- (1) No person shall sound any horn, bell, or any other noise producing signal or device or apparatus on or in any motor vehicle, motorcycle, bus, or any other vehicle in a continuous manner as to create a noise disturbance, except as a necessary warning of emergency or of impending danger;
- (2) No person shall make or cause the unnecessary racing of motors, acceleration tests, or any excessive burst of speed which causes the tires to

squeal, in or upon any public street, highway, or place in the city while moving, parked, or at a standstill;

- (3) No person shall make deliveries or pick up supplies, packages, materials, products, or merchandise or collect garbage or refuse from any place of business which creates a noise disturbance between the hours of 11:00 pm and 7:00 am on weekdays and between the hours of 11:00 pm and 8:00 am on weekends except in the case of emergency.

Sec. 3-4-5. Noise Generating Activities.

- (a) Construction, repair and demolition:** No person shall operate or permit the operation of any tool or equipment used in construction, repair, demolition or excavation between the hours of 7:00 p.m. and 8:00 a.m. on weekdays and between the hours of 7:00 p.m. and 9:30 a.m. on Saturdays, Sundays and legal holidays.

Such operation does not constitute a violation if used in an emergency, or under special circumstances in which permission has been given by the Commissioner of Building or the Commissioner of Public Works.

When construction, repair or demolition work is planned adjacent to a noise sensitive facility, the person responsible for the activity shall provide no less than two weeks' notice to the affected facility(ies) as defined in section 3-4-3 of this chapter.

- (b) Moveable equipment:** No person shall operate any moveable equipment or machinery (excluding landscape maintenance equipment), such as refrigerator units integral to box trucks or tractor trailer containers, chillers, boilers, air-conditioning units, generators, or similar apparatus between the hours of 10:00 p.m. and 8:00 a.m. on any day of the week. Operation of the above equipment outside of the stated hours may be permitted by the Commissioner of Building or the Commissioner of Public Works upon request and review. Sound attenuation may be required in certain instances. This paragraph shall not apply to municipal equipment nor equipment required to maintain services to buildings in the event of a service interruption.
- (c) Fixed equipment:** No person shall operate any fixed equipment installed on or attached to a building or structure, such as air-conditioning equipment, generator equipment, or any other type of mechanical equipment or apparatus,

that exceeds fifty-five (55) decibels as measured on the “A” weighted scale of a sound level meter (SLM) at a distance of fifteen (15) feet or the nearest property line, whichever is closer to the equipment. If, as a result of testing, the equipment noise exceeds the prescribed levels, sound attenuation may be required. Fixed equipment shall only operate as needed to support the intended function and shall otherwise be powered off.

Noise from fixed emergency generators installed to operate the life safety systems (e.g. smoke/fire alarms, elevators, smoke purge systems, emergency lighting, etc.) associated with a building shall not exceed a sound level of sixty-five (65) decibels as measured on the “A” weighted scale of the sound level meter (SLM) at a distance of fifteen (15) feet or the nearest property line, whichever is closer to the equipment. If, as a result of testing, the equipment noise exceeds the prescribed levels, sound attenuation may be required. Fixed equipment shall only operate as needed to support the intended function and shall otherwise be powered off.

Emergency generator equipment shall only be permitted to be exercised between the hours of 11:00 a.m. and 5:00 p.m. on any day of the week, except with the permission of the Commissioner of Building.

(d) Landscape maintenance equipment:

(1) Operating Hours: No person shall operate any landscape maintenance equipment, such as lawn mowers, chain saws and trimmers, between the hours of 6:00 p.m. and 8:00 a.m. on weekdays, and between the hours of 6:00 p.m. and 10:00 a.m. on Saturday, Sundays and holidays.

(2) Combustion powered equipment:

- a. No person shall operate any gasoline internal combustion engine powered landscape maintenance equipment, such as lawn mowers, chain saws and trimmers, without factory installed noise reduction equipment in good working condition.
- b. No person shall operate any gasoline internal combustion engine powered landscape maintenance equipment such as lawn mowers, chain saws and trimmers that produce a sound level exceeding eighty-five (85) decibels on the "A" weighted scale at a distance of fifty (50) feet.
- c. All the aforementioned restrictions and prohibitions may be temporarily suspended by the Mayor in the event of an extreme weather event or other emergency to allow the use of

combustion powered landscape maintenance equipment for debris clean up.

(e) Leaf blowers:

(1) Internal combustion leaf blowers:

- a. No person shall operate an internal combustion leaf blower after May 14, 2023.
- b. Prior their absolute prohibition after May 14, 2023, the operation of internal combustion leaf blowers is restricted as follows:
 1. Internal combustion leaf blower may only be used during the periods March 15 through May 14 and October 15 through December 15.
 2. The simultaneous operation of more than one internal combustion leaf blower on property of five thousand (5,000) square feet or less in area is prohibited.

(2) Operating Hours: No person shall operate any leaf blower between the hours of 6:00 p.m. and 8:00 a.m. on weekdays, and between the hours of 6:00 p.m. and 10:00 a.m. on Saturday, Sundays and holidays.

(3) All the aforementioned restrictions and prohibitions may be temporarily suspended by the Mayor in the event of an extreme weather event or other emergency to allow the use of leaf blowers for debris clean up.

Sec. 3-4-6. Exemptions.

The chapter shall not be construed to prohibit:

- (a) The use of a sound production device for the purpose of reporting unusual national, state or municipal events, or unusual sporting or other events of great public interest, during reasonable time and hours, in connection with events such as presidential or gubernatorial elections, inaugurations or similar events of great public interest; nor
- (b) The necessary warning sounds of police, fire, civil defense, or ambulance vehicles or other emergency warnings by public authorities; nor
- (c) The use or operation of any organ, radio, bell, chimes or other similar instrument, apparatus or device by any house of worship or school on or within its own premises, in connection with religious rites or ceremonies of such church or synagogue or in connection with schools' educational program.

Sec. 3-4-7. Persons Responsible for Noise Violations.

Any or all of the following persons may be held responsible for noise violations:

- (a) The person operating the equipment or creating the noise;
- (b) The person who employs the person operating the equipment or creating the noise at the time of the violation;
- (c) The person who owns or rents the property where the violation occurs;
- (d) A sponsor or promoter who is managing entertainment, music, or a social gathering who is not the owner of the property, where the gathering is occurring.

Sec. 3-4-8. Enforcement.

The provisions of this chapter may be enforced by a City of White Plains Building Code Enforcement Officer, Police Officer, Parking Enforcement Officer, or Public Works Code Enforcement Officer.

Sec. 3-4-9. Penalty.

Any person who violates any provision of this section shall be deemed guilty of an offense, and upon conviction thereof shall be fined not exceeding two hundred fifty dollars (\$250.00) for a first offense; not exceeding five hundred dollars (\$500.00) for a second offense within one year of the first offense; and not exceeding one thousand dollars (\$1,000.00) for a third and each successive offense thereafter within one year of the first offense, or may be imprisoned for not more than fifteen (15) days, or both.

(Secs. 3-4-10 – 30 Reserved)

ARTICLE II. Permits for Sound Devices

Sec. 3-4-31. Permits Required.

It shall be unlawful for any person to use or operate any sound device or apparatus in, on, near or adjacent to any public street, park or place without a permit issued by the commissioner of public safety.

Sec. 3-4-32. Application.

Each applicant for a permit to use or operate a sound device or apparatus in, near or adjacent to any public street, public park or place shall file a written application with the commissioner of public safety at least two (2) days prior to the date upon which such sound device or apparatus is to be used or operated. Such application shall describe the specific location or route in which such sound device or apparatus is proposed to be used or operated, the day and hour or hours

during which it is proposed to be used or operated and such other pertinent information as said commissioner may deem necessary to enable him to carry out the provisions of this division.

Sec. 3-4-33. Issuance.

The commissioner of public safety shall not deny a permit required herein for any specific time, location or use to any applicant who complies with the provisions of this section except for one or more of the reasons specified in section 3-4-34 of this Code or for nonpayment of the fee prescribed in section 3-4-35 of this Code. Each permit issued pursuant to this division shall describe the specific location or route in which such sound device or apparatus may be used or operated thereunder and the exact period of time for which such apparatus or device may be operated at such location.

Sec. 3-4-34. Denial.

The commissioner of public safety shall not issue any permit for the use of a sound device or apparatus:

- (1) In any location where the commissioner of public safety, upon investigation, shall determine that the conditions of the vehicular or pedestrian traffic or both are such that the use of such a sound device or apparatus will constitute a threat to or interfere with the safety of pedestrians or vehicular operators;
- (2) In any location where the commissioner of public safety, upon investigation, shall determine that conditions of overcrowding or street repair or other physical conditions are such that the use of a sound device or apparatus will deprive the public of the right to safe, comfortable, convenient and peaceful enjoyment of any public street, park or place, for street, park or other public purposes, or will constitute a threat to or interfere with the safety of pedestrians or vehicle operators. In the event the commissioner of public safety shall refuse any location, he shall offer the applicant an alternative location.

Sec. 3-4-35. Fee.

Each application for a permit issued under the provisions of this division shall pay a fee of fifty dollars (\$50.00) for use of each sound device or apparatus for each day, provided, however, that permits for the use of such sound device or apparatus shall be issued to any bureau, commission, board or department of the United States government, the state, the county, the city, the city school district, the White Plains Housing Authority, the White Plains Park Authority and the White Plains Urban Renewal Agency, without fee.

Sec. 3-4-36. Compliance with permit.

A person holding a permit issued pursuant to this article shall comply with the location and route restrictions set forth in the permit.

Sec. 3-4-37. Possession and display.

A permit issued pursuant to this division shall be in the possession of any person operating the sound amplifying equipment and/or sound truck at all times while the amplifying equipment is in operation and said permit shall be promptly displayed and shown to any police officer of the city upon request.

Sec. 3-4-38. Effective date.

This act shall take effect immediately.