

LOCAL LAW 5 OF 2021

**A LOCAL LAW AMENDING CHAPTER 139 OF THE CODE OF
THE VILLAGE OF PELHAM MANOR ENTITLED “NOISE”**

BE IT ENACTED by the Board of Trustees of the Village of Pelham Manor as follows:

Section 1.

Section 139 of the Code of the Village of Pelham Manor is amended to read as follows:

Article V. Leaf Blowers

§ 139-9 Definitions.

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

LEAF BLOWER

Any device which discharges a stream of forced air that is designed or used to move grass, leaves, clippings, dust, dirt or other matter.

LEAF BLOWER, ELECTRIC

A leaf blower that is powered by a battery or other source of electricity other than an internal combustion engine.

LEAF BLOWER, INTERNAL COMBUSTION

Any leaf blower that is powered by an internal combustion engine, including an electric leaf blower that is used while powered by an internal combustion engine in a generator or vehicle.

§ 139-10 Restrictions.

- A. Commencing upon the effective date of this law, it shall be unlawful for any person, firm, corporation, or other entity to operate an internal combustion leaf blower in the Village of Pelham Manor:
1. between April 16 and October 14; and
 2. during the period from October 15 through December 15, except between 8:00 a.m. and 5:30 p.m. on any Tuesday, Wednesday, Thursday or Friday that is not a legal holiday and on any Saturday between 12:00 noon and 4:00 p.m.; and
 3. between December 16 and March 14; and
 4. between March 15 and April 15, except between 8:00 a.m. and 5:30 p.m. on any Tuesday, Wednesday, Thursday or Friday that is not a legal holiday and on any Saturday between 12:00 noon and 4:00 p.m.
- B. Commencing upon the effective date of this law, it shall be unlawful for any person, firm, corporation, or other entity to operate a vehicle or generator powered by an internal combustion engine to charge or power a leaf blower in the Village of Pelham Manor.

§ 139-11 Exemptions.

- A. The restrictions imposed by § 139-10 do not apply to utility companies and municipal and/or school district emergency operations.
- B. The restrictions imposed by § 139-10 do not apply to the use of a leaf blower to remove debris during the five days immediately following a storm.

§ 139-12 Penalties for offenses.

Any person, firm, corporation, or other entity who or which violates any provision of this article shall be guilty of an offense punishable by a fine of not less than \$250 or more than \$1,000 and/or by imprisonment for not more than 15 days. Each violation of this article shall be a separate offense.

Section 2.

If any section, subsection, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

Section 3.

This law is adopted pursuant to the authority granted by Municipal Home Rule Law § 10(1)(e)(3) and will supersede the provisions of the Village Law to the extent that they are inconsistent with this local law.

Section 4.

This local law will take effect on April 16, 2022 or upon its filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27, whichever is later.