

A local law to amend Chapters 70, 81 and A160 of the Code of the Village of Sea Cliff, and establish a new Chapter 81 to provide for restrictions on the use of leaf blowing equipment.

Section one. Chapter 81 of the Code of the Village of Sea Cliff hereby is renumbered as Chapter 83, and the respective sections therein are renumbered from 81-1 through 81-10 to sections 83-1 through 83-10.

Section two. New definitions are added to Chapter 70, section 70-2, to read as follows:

“HOLIDAY

Includes all New York State holidays.

LEAF BLOWING EQUIPMENT

Any device that is used, designed or operated to produce a current of air for the purpose of pushing, propelling or blowing leaves, dirt, gardening and grass clippings and cuttings, refuse or debris, whether portable and carried, or walked behind, or attached to a tractor or similar machine.”

Section three. Sections 70-8(A)(2), 70-9(C) and 70-9(D) are amended to read as follows:

“§70-8(A)(2). The violation of any provision of this chapter, Chapter 81, or any of the terms or conditions imposed upon the granting of a permit.

§70-9(C). With the exception of leaf blowing equipment (which is governed by Chapter 81), no permittee shall operate any power gardening or landscaping equipment at any time on Sunday or on a Holiday, or on Saturday before 8:00 a.m. or after 5:00 pm, or between the hours of 7:00 pm. and 7:30 am. on any other day, unless otherwise permitted by the Mayor, in writing.

§70-9(D). In addition to the restrictions set forth in the preceding subsection C, no permittee shall operate a wood chipper or chain saw between the hours of 5:00pm and 9:00am.”

Section four. A new Chapter 81 is added to the Code of the Village of Sea Cliff, to read as follows:

“Chapter 81. LEAF BLOWING EQUIPMENT.

Article I. General Provisions.

§ 81-1. Title.

This article shall be known and may be cited as the "Village of Sea Cliff Leaf Blowing Equipment Law."

§ 81-2. Definitions.

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

ELECTRIC POWERED LEAF BLOWING EQUIPMENT

Any device powered by electric, by battery or by corded electrical power, which is used, designed or operated to produce a current of air for the purpose of pushing, propelling or blowing leaves, dirt, gardening and grass clippings and cuttings, refuse or debris, whether portable and carried, or walked behind, or attached to a tractor or similar machine

GAS POWERED LEAF BLOWING EQUIPMENT

Any device powered by gasoline, diesel or similar fuel engine which is used, designed or operated to produce a current of air for the purpose of pushing, propelling or blowing leaves, dirt, gardening and grass clippings and cuttings, refuse or debris, whether portable and carried, or walked behind, or attached to a tractor or similar machine.

HOLIDAY

Includes all New York State holidays.

LANDSCAPER

Any person subject to the provisions of Chapter 70.

PERSON

Includes any individual, firm, partnership, corporation or business of any form, style or nature.

§ 81-3. Operation of Leaf Blowing Equipment.

A. From the period June 1 through September 30:

i. no person shall operate any gas powered leaf blowing equipment.

ii. no landscaper may operate or use more than one electric leaf blowing equipment at any particular time on a single property, and no such operation or use is permitted at any time on Sundays or Holidays, or on Saturday before 9:00am or after 5:00pm, or between the hours of 5:00pm and 8:00am on any other day, shall include any generator power.

iii. except for landscapers, no person may operate or use electric leaf blowing equipment during the following times: any time on Sundays or Holidays, or on Saturday before 9:00am or after 5:00pm, or between the hours of 8:00am and 7:00pm on any other day.

C. From the period October 1 through May 31:

i. no landscaper may operate or use gas or electric powered leaf blowing equipment on Sundays or Holidays, or on Saturday before 9:00am or after 5:00pm, or between the hours of 5:00pm and 8:00am on any other day.

ii. except for landscapers, no person may operate or use gas or electric powered leaf blowing equipment on Sundays or Holidays, or on Saturday before 9:00am or after 5:00pm, or between the hours of 7:00pm and 8:00am on any other day.

§ 81-4. Penalties for offenses.

A. Any and every person who shall violate any of the provisions of this chapter shall be subject to a fine, as follows: (a) for a first offense within a one year period, a fine of not more than \$100, (b) for a second offense within a one year period, a fine of not less than \$100 nor more than \$250, and (c) for a third or subsequent offense within a one year period, a fine of not less than \$250 nor more than \$500.

B. Any landscaper who shall violate any of the provisions of this chapter shall be subject to license suspension or revocation, as provided in Village Code section 70-8.

§ 81-5. Effective date.

This chapter shall take effect on January 1, 2022.”

Section five. Any local law, ordinance, or resolution of the Village of Sea Cliff in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section six. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section seven. This local law shall take effect on January 1, 2022.