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**VILLAGE/TOWN OF MOUNT KISCO**

**PUBLIC NOTICE**

Please take notice that the Board of Trustees of the Village/Town of Mount Kisco has scheduled a public hearing on **Monday, May 17, 2021 at 7:00 pm** or as soon thereafter as possible in the Frank J. DiMicco Board Room in Village Hall; 104 Main Street, Mount Kisco, New York to discuss a proposed amendment to Chapter 77 of the Village Code to regulate Gas Powered Leaf Blower.

By Order of the Mayor Picinich and Board of Trustees  
Edward W. Brancati, Village Manager

**A LOCAL LAW TO AMEND THE CODE  
OF THE VILLAGE/TOWN OF MOUNT KISCO  
TO REGULATE GAS POWERED LEAF BLOWERS**

Be it enacted by the Village/Town of Mount Kisco of the County of Westchester as follows:

Additions are reflected with  
Underlining, Deletions are reflected  
within ~~Strikethrough~~

**Section 1.** The Code of the Village/Town of Mount Kisco Chapter 77 Noise; is hereby amended as follows:

**Article 1 Noise Control**

**§ 77-1 Title.**

This chapter shall be known as the "Village of Mount Kisco Noise Control Law."

**§ 77-2 Purpose.**

The making and creating of unreasonably disturbing, excessive or offensive noises within the Village/Town of Mount Kisco (the "village") is a condition which has persisted, and the level and frequency of occurrences of such noises continue to increase. These noise levels are a detriment to the public health, comfort, convenience, safety and welfare of the citizens. Every person is entitled to an environment in which unreasonably disturbing, excessive or offensive noise is not detrimental to his or her life, health or enjoyment of property. This chapter is to be construed literally, but it is not intended to be construed so as to discourage the enjoyment by residents of normal, reasonable and usual activities.

**§ 77-3. Prohibited acts.**

~~A. No person, with the intent to cause public inconvenience, annoyance or alarm or recklessly creating a risk thereof, shall make, continue or cause to be made or continued any unreasonable noise in the village. For purposes of this chapter, "unreasonable noise" is any disturbing, excessive or offensive sound that disturbs or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities.~~

~~B.~~ The following acts are declared to be prima facie evidence of a violation of this chapter. This enumeration shall not be deemed exclusive.

A.(1) Any unreasonably loud or disturbing noise from any source that can be heard from within an adjoining property between the hours of 10:00 p.m. and 7:00 a.m. the following day or 11:00

p.m. and 9:00 a.m. the following day if such following day is a Sunday or United States government holiday.

**B.(2)** The generation of noise from equipment used in the construction, including excavation or filling, demolition, alteration or repair of any building between the hours of 8:00 p.m. and 8:00 a.m. the following day, or 9:00 a.m. the following day if such following day is a Sunday or legal holiday.

**C.(3)** The discharge into the open air of the exhaust of any steam engine, stationary internal-combustion engine or device, air compressor, motorcycle engine, motor vehicle engine or any other nonelectrical mechanical device, except through a muffler or other device which effectively prevents loud, unusual or explosive noise.

**D.(4)** The making of deliveries of supplies or merchandise except between the hours of 7:00 a.m. and 11:00 p.m. unless such deliveries do not disturb the comfort or repose of persons in the vicinity.

#### **§ 77-4 Penalties for offenses.**

Any person who violates any provision of this ~~chapter~~ article shall be guilty of a Class III violation and shall be subject to the punishment set forth in § 1-17C of the Code. Both the owner and the operator of any instrumentality used in violation of this chapter shall be deemed violators thereof. The village may also seek injunctive relief to prevent the continued violation of this chapter.

### **Article II Gas Powered Leaf Blowers**

#### **§ 77-5 Purpose.**

The Village finds that the reduction of noise, emissions of gases, the blowing of dust particles and other airborne pollutants into the air and onto other nearby properties from the use of gas-powered leaf blowers is a public concern that affects the public health, safety, comfort, welfare and environment of the Village/Town of Mount Kisco and its residents. This article is enacted to protect the Village/Town and its residents from such negative impacts while not unduly curtailing normal, reasonable and usual activities

#### **§ 77-6 Definitions.**

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

#### **FEDERAL HOLIDAYS**

New Year's Day; Dr. Martin Luther King, Jr.'s Birthday; Lincoln's Birthday; Columbus Day; Election Day; Veterans Day; Washington's Birthday (also known as Presidents' Day); Yom Kippur; Thanksgiving Day; and Christmas Eve, and Christmas Day.

#### **GAS-POWERED LEAF BLOWER**

Any gasoline or diesel-powered portable, handheld, wheeled, or backpack-style leaf-blowing devices powered by fuel used for the purpose of blowing, moving, removing, dispersing, vacuuming or redistributing leaves, dust, dirt, grass clippings, cuttings, and trimmings from trees and shrubs or any other type of litter or debris.

### **TWO-STROKE ENGINE**

A two-cycle internal combustion engine that completes a power cycle with two strokes (up and down movements) of the piston during only one crankshaft revolution, using a combination of gasoline or diesel and oil to operate.

### **§ 77-7 Limitations on use.**

Notwithstanding any other provision of the Village Code, the following limitations shall apply to the use of gas-powered leaf blowers within the Village/Town of Mount Kisco:

A. From May 1 until September 15, the operation of gas-powered leaf blowers is prohibited.

B. From September 16 through April 30, the operation of gas-powered leaf blowers is permitted:

- (1) Monday through Saturday between the hours of 8:00 a.m. through 5:00 p.m.;  
and
- (2) No usage permitted on Sundays or Federal Holidays.

C. Notwithstanding the immediately preceding paragraph B, gas-powered leaf blowers may be used by individual residential homeowners and tenants for their own property as follows:

- (1) Monday through Saturday between the hours of 8:00 a.m. through 7:00 p.m.;  
and
- (2) Sundays and Federal Holidays between 9:00 a.m. and 1:00 p.m.

D. Not more than two (2) gas-powered leaf blowers shall be used simultaneously on any one property that is two acres or less in size.

E. All gas-powered leaf blowers using a two-stroke engine shall be prohibited after January 1, 2025.

F. Residents are encouraged to minimize the use of gas-powered leaf blowers, especially during the summer and winter, and to generally be considerate of their neighbors at all times.

### **§ 77-8 Exemption from noise control.**

Upon the effective date of this article, the use of gas-powered leaf blowers shall not be subject to the noise restrictions or limitations set forth in Article I of this chapter.

### **§ 77-9 Exceptions.**

The limitations set forth in § 77-7 shall not apply to gas-powered leaf blowers used to clean up after major storms or other emergencies as determined by the Village Manager. In such an event, gas-powered leaf blowers are exempt from the provisions of this chapter for the purpose of cleaning up for a period not to exceed seven (7) days from the end of the storm or other emergency, except for municipal operations and where the Village Manager approves additional time for cleanup in response to a major storm or other emergency.

**§ 77-10 Village operations.**

Notwithstanding any other provision of the Village Code, the Village's use of gas-powered leaf blowers is subject to the limitations set forth in § 77-7, except that the Village/Town shall be exempt from the limitations set forth therein for the following purposes:

- A. Moving leaves or yard debris to and from streets for the purpose of Village/Town leaf collection, in those areas where the Village/Town collects leaves, from October 15 through December 31; and
- B. Clearing and cleanup of Village/Town tennis courts, basketball courts, volleyball courts, and ball fields from April 1 through August 31.

**§ 77-11 Compliance.**

This local law shall be equally applicable to, and enforceable against, both property owners and third-party landscapers. Commercial landscapers and other commercial home improvement companies using gas-powered leaf blowers must comply with all local, county, state, and federal laws, including, but not limited to, Westchester County Code §§ 863.314 and 863.327 relating to regulation of gas-powered leaf blowers and satisfaction of EPA Phase 2, 2007, exhaust emission standards, and must maintain all required state and county licenses and maintain proper vehicle and equipment decals.

**§ 77-12 Enforcement.**

The provisions of this chapter shall be enforced by the Village/Town of Mount Kisco Building Department and Village/Town of Mount Kisco Code Enforcement Officers, or other officials designated by the Village Board.

**§ 77-13. Penalties for offenses.**

Any person who violates any provision of this article shall be guilty of a Class III violation and shall be subject to the punishment set forth in § 1-17C of the Code. Both the property owner and the owner of any commercial landscaping entity or property management firm, but not any individual employee of any commercial landscaping entity or property management firm, utilizing any instrumentality in violation of this chapter shall be deemed violators thereof. The Village may also seek injunctive relief to prevent the continued violation of this chapter.

**§ 77-14. Effective date.**

This article shall become effective immediately upon its filing with the Secretary of State of the State of New York and all provisions of this article, other than § 77-7(E), shall become effective and operative on that date.

**Section 2.** The Village Clerk shall cause the amendments effected by this Local Law to be incorporated into the Code of the Village/Town of Mount Kisco.

**Section 3.** Should any section or provision of this Law be determined by any court of competent jurisdiction to be unconstitutional or invalid, then such section shall be null and void and shall be deemed separable from the remaining section(s) of this Law, and such determination shall in no way affect the validity of the remaining sections or provisions of this Law.

**Section 4.** This Law shall become effective immediately upon its filing with the Secretary of State of the State of New York.