

DATED: JUNE 21, 2019

LOCAL LAW NO. OF 2019

A Local Law amending Chapter 196 (Noise) to amend 196-1. A.(10) with respect to the use of gas-powered leaf-blowers.

BE IT ENACTED by the Board of Trustees of the Village of East Hampton as follows:

SECTION I. Chapter 196 of the Village Code is hereby amended as follows (provisions to be added are underlined and in **bold**; provisions to be deleted are ~~struck-through~~ and [bracketed]):

Chapter 196

§196-1. Prohibited noises; evidence of violation.

A. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but said enumeration shall not be deemed to be exclusive, namely:

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(10) During the period from June 1 to the second Friday in December of each year, the use or operation of any gas- or diesel-powered lawn care equipment, leaf blower, lawn mower or trimmer by a homeowner or tenant on his or her own property other than between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday, or between the hours of 8:00 a.m. and 3:00 p.m. on Saturday or between the hours of 9:00 a.m. and 3:00 p.m. on Sunday or any federal holiday; and during the period from June 1 to the second Friday in December each year, the use or operation of any gas- or diesel-powered lawn care equipment, leaf blower, lawn mower or trimmer by any person other than a homeowner or tenant on his or her own property on Sundays and federal holidays and except between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday, and between the house of 8:00 a.m. and 3:00 p.m. on Saturday. The provisions of this subsection shall not apply to the use of gas- or diesel-powered landscaping equipment by a municipality on municipal property or by a membership club on a golf course.

(11) During the period from June 1 to Labor Day of each year, the use or operation of any gas- or diesel-powered leaf blower by any "landscaper", as that term is defined in §185-13. Gas-powered leaf blowers may be used when responding to an emergency or clean-up after a major storm when the Mayor has declared a state of emergency.

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§196-3. Penalties for offenses.

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B. Any person, firm or corporation violating any of the other provisions ~~[any of the other provisions]~~ ~~§196-1A(3), §196-1A(4), §196-1A(5), §196-1A(6), or §196-1A(7)~~ of this chapter shall, shall be guilty of a violation and shall, upon conviction, be subject to the imposition of a fine in accordance with the following schedule for each violation. Each day that a violation continues shall be deemed a separate offense.

A. For the first offense, a fine of not less than \$250 nor more than \$1,000 for each offense, plus any costs incurred by the Village as a result of the violation(s).

B. For a second offense within a two-year period, a fine of not less than \$500 nor more than \$2,500 for each offense.

C. For a third and subsequent offense within a two-year period, a fine of not less than \$2,500 nor more than \$5,000 for each offense.

~~upon conviction thereof, be subject to a fine not exceeding the sum of \$250 for any offense, and each day that a violation continues shall be deemed to constitute a separate offense.~~

~~C. Any person, firm or corporation violating §196-1A(10) or §196-1A(11) of this chapter shall, upon conviction thereof, be subject to a fine not exceeding \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense shall constitute for each day an offense is continued, a separate and distinct offense.~~

SECTION II. Authority. The proposed local law is enacted pursuant to §4-412 of the New York State Village Law and Municipal Home Rule Law §§10(1)(i) and 10(1)(ii)(a)(12).

SECTION III. Severability. If any section or subsection, paragraph, clause, phrase, or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole, or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

SECTION IV. Effective Date. This local law shall take effect on January 1, 2020, and upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.