Int. No. 560

By Council Members Brewer, Schulman, Hanif, Ung, Restler, Dinowitz and Krishnan

A Local Law to amend the administrative code of the city of New York, in relation to the sale and use of gas-powered leaf blowers

Be it enacted by the Council as follows:

Section 1. Section 24-242 of the administrative code of the city of New York, as added by local law number 113 for the year 2005, is amended to read as follows:

§ 24-242 Lawn Care Devices. (a) No person shall operate, [or] use, or cause to be operated or used, any lawn care device:

(1) On weekdays before [eight] 8 a.m. and after [seven] 7 p.m. or sunset, whichever occurs later; or

(2) On weekends and New York state and federal holidays before [nine] 9 a.m. and after [six] 6 p.m., except that no gas-powered leaf blower shall be used before noon; or

(3) At any time in such a way as to create an unreasonable noise. For the purposes of this section unreasonable noise shall include but shall not be limited to an aggregate sound level of 65 [db(A)] dB(A) or more for all non-gas-powered leaf blower lawn care devices, and an aggregate sound level exceeding 65 dB(A) for gas-powered leaf blowers, attributable to the source or sources, as measured at any point within a receiving property. The provisions of paragraph (1) of this subdivision shall not apply to an employee of the department of parks and recreation or an agent or contractor of the department of parks and recreation who operates or uses or causes to be operated or used any lawn care device between the hours of [seven] 7 a.m. and [eight] 8 a.m. in any location more than [three hundred] 300 feet from any building that is lawfully occupied for residential use. The distance of [three hundred] 300 feet shall be measured in a straight line from the point on the exterior wall

of such building nearest to any point in the location at which such lawn care device is operated or used or caused to be operated or used.

(b) No person shall operate, [or] use, or cause to be operated or used, any gas-powered leaf blower [not equipped with a functioning muffler] between or on the dates of May 15 and September 15 of any calendar year.

(c) No person shall operate, use, or cause to be operated or used, a gas-powered leaf blower rated to produce a maximum sound level in excess of 65 dB(A) as determined in accordance with the most current version of American national standards institute (ANSI) B175.2-2000.

§ 2. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 15 to read as follows:

SUBCHAPTER 15

GAS-POWERED LEAF BLOWERS

§ 20-699.12 Prohibited gas-powered leaf blower sales. It shall be unlawful for any person to distribute, sell or offer for sale any gas-powered leaf blower rated to produce a maximum sound level in excess of 65 dB (A) measured 50 feet from the source as determined in accordance with the most current version of American national standards institute (ANSI) B175.2-2000.

§ 20-699.13 Penalty. Any person who violates any provision of this subchapter shall be subject to a civil penalty of not more than $200, except where such person has previously been found to have violated any provision of this subchapter in the previous 24 months, in which case the person shall be subject to a civil penalty of not less than $200 nor more than $1,000.

§ 3. This local law takes effect 1 year after it becomes law.

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