

DRAFT (1)

LOCAL LAW 8-2017

A Local Law amending Chapter 178 (“Noise”) of the Village of Ossining Code.

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

Section 1. Chapter 178, Section 178-2 (Definitions) is amended as follows with new matter underlined.

§ 178-2 Definitions.

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

DECIBEL (dB)

A unit for measuring the loudness of sounds.

[PERMANENT EMERGENCY GENERATOR

An outdoor device that is permanently mounted to a foundation, slab or other permanent supporting fixture designed to be used as a temporary generator of electricity for residential and/or commercial property when the electricity furnished to that property is temporarily disrupted.]

[GASOLINE POWERED LEAF BLOWER

Portable, handheld or backpack style power equipment that is powered by gasoline and used in any landscape maintenance, construction, property repair, or property maintenance 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.]

HOLIDAYS

Those days recognized as holidays by New York State.

REPETITIVE SOUND

A nonconstant sound which recurs with some degree of regularity.

SOUND LEVEL

The sound-pressure level measured in decibels with a sound-level meter set to A-weighting; expressed in dB(A).

SOUND-LEVEL METER

An instrument for the measurement of sound levels which conforms to Type 1 or Type 2 standards under ANSI Specifications S1.4-1971 or the latest approved revision

thereof.

SOUND-PRODUCTION DEVICE

Any device that is used for the production of sound, including, but not limited to, any loudspeaker, radio, television, tape recorder, phonograph or any other sound-producing or sound-amplifying equipment.

UNREASONABLY INTRUSIVE

Any sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities under the circumstances.

ZONING DISTRICT

Any zone as defined in Chapter **270**, Zoning.

Section 2. Chapter 178, Section 178-5 (Permitted and regulated noises) is amended as follows with deleted matter in [brackets] and new matter underlined.

D. Domestic tools and equipment; vehicle repair; **gas powered leaf blowers and permanent emergency generators.**

(1) In addition to the restrictions of section 178-5C, no person shall operate or permit to be operated any hand tool or power tool or equipment, including, but not limited to, saws, hammers, sanders, drills, grinders, lawn or garden tools, mowers, tractors, chain saws, leaf blowers, including gas powered leaf blowers, or gatherers or similar devices or wood chippers of any kind or cause or permit vehicle repair or engine tuneup activities so as to create noise in excess of the following limits. This prohibition includes equipment used by lawn care or landscape services.

(2) Noise levels from domestic tools and equipment and from vehicle repair during the hours of 8:00 a.m. to sundown Monday through Friday, except holidays; and 9:00 a.m. to sundown Saturday, Sunday and holidays shall not be restricted by this subsection **except as detailed in subsections (4)(b),(c) and (5).** At all other times, such noise levels shall not exceed 45dB(A) on any other property used for residential purposes within any residential zoning district.

[(3) However, uses of snow blowers, chain saws and other domestic tools and equipment are exempted from these limits when they are being used to clear driveways, streets or walkways during and within 24 hours after snowfalls, rainstorms, ice storms, windstorms or similar emergencies.]

(3) Operations of gas powered and/or electric leaf blowers, mowers, wood chippers and other lawn and/or garden tools shall not cause leaves, dirt, debris, grass clippings, cuttings or trimmings from trees or shrubs or any other type of litter or debris to be blown on any adjacent parcel of land or lot other than the

parcel, land or lot upon which the leaf blower is being operated. Leaves, dirt, debris, grass clippings, cuttings, or trimmings that are blown onto a public right-of-way shall be promptly removed, or during leaf season gathered at the curb in a manner suitable for collection by the Village pursuant to section 225-11.

(4) Operation of permanent emergency generators.

(a) All permanent emergency generators shall be installed and maintained in compliance with all federal, state, county and local laws including the New York State Uniform Fire Prevention and Building Code and Energy Conservation Code.

(b) All permanent emergency generators must be certified by their manufacturer not to cause or create any noise exceeding 80dB(A) as measured from the closest property line, or in the case of multifamily housing, the dwelling unit of the parcel in or on which the noise is received.

(c) The operation of a permanent emergency generator for maintenance and testing shall not exceed more than 45 minutes in any seven day period. Maintenance and testing shall occur during daytime hours.

(5) Use of snowblowers, chain saws, leaf blowers including gas powered leaf blowers, generators including permanent emergency generators and other domestic tools and equipment are exempted from the noise limits detailed in this chapter when the items are being used to clear driveways, streets, walkways and the exterior of premises during and within 24 hours after snowfalls, rainstorms, ice storms, windstorms or other emergencies as declared by the Village Manager.

(6) Notwithstanding the noise limits detailed in this chapter, a portable emergency generator or permanent emergency generator may be operated if the Village Manager or his/her designee determines that there is an emergency condition so that the use of the portable or permanent emergency generator is necessary to remove water from a basement, operate medical equipment necessary for the health and welfare of an occupant in the event of a power blackout . Such permission to use the portable or permanent emergency generator shall be granted only for such time as necessary to protect the person or property involved. Operation of the portable or permanent emergency generator shall cease (except for maintenance and testing detailed above) upon the end of the emergency condition that required its use.

Section 3. Partial Invalidity

If any section of this Local Law 8-2017 shall be held unconstitutional, invalid or ineffective, in whole or in part, such determination shall not be deemed to affect, impair or invalidate the remainder of this local law.

Section 4. Effective Date

This local law shall take effect immediately upon filing in the Office of the New York

Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.