

**TOWN OF NORTH HEMPSTEAD  
LOCAL LAW NO. OF 2017**

**A LOCAL LAW AMENDING CHAPTER 38 OF THE TOWN CODE  
ENTITLED "NOISE"**

**BE IT ENACTED** by the Town Board of the Town of North Hempstead, as follows:

**Section 1. Legislative Intent.**

The Board finds that the use of gasoline-powered leaf blowers presents an environmental hazard that reduces the quality of life in the Town. Gasoline-powered leaf blowers endanger residents, passers-by and operators through the production of excessive noise and increase the risks of hearing loss and elevated blood pressure. Gasoline-powered leaf blowers create an additional health hazard through the propulsion of particulates and contaminants into the air which contribute to air pollution and are easily absorbed into the lungs and increase the frequency and severity of asthma attacks and other lung infections. As such, the Board finds that it is in the best interest of the Town of North Hempstead to amend Chapter 38 of the Town Code entitled "Noise" in order to restrict the use of gasoline-powered leaf blowers and to establish a Landscaper Advisory Committee to work with landscapers on issues facing landscapers in the Town.

**Section 2.**

Chapter 38 of the Town Code is hereby amended to read as follows:

§38-3 Prohibited Acts.

A. Noise disturbances prohibited.

- (1) No person shall make, continue or cause to be made or continued any noise disturbance at any time.
- (2) In determining whether a violation of this section exists, the following factors shall be considered:
  - (a) The volume and intensity of the sound;
  - (b) The vibration intensity of the sound;
  - (c) Whether the nature of the sound is usual or unusual;
  - (d) Whether the origin of the sound is natural or unnatural;
  - (e) The volume and intensity of the background sound, if any;
  - (f) The proximity of the sound to residential sleeping facilities;
  - (g) The nature and zoning of the area within which the sound emanates;
  - (h) The time of day or night the sound occurs;
  - (i) The duration of the sound; and

(j) Whether the sound is recurrent, intermittent, or consistent.

B. Specific prohibitions. The following acts and the causing thereof are declared to be in violation of this chapter:

(1) Radios, television sets, musical instruments and similar devices.

(a) Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound:

(1) Between the hours of 10:00 p.m. and 8:00 a.m. in such a manner as to create a noise disruption across a real property boundary or within a noise-sensitive zone.

(2) In such a manner as to create a noise disruption at approximately 50 feet from such device, when operated in or on a motor vehicle on a public right-of-way or public space or in a boat on public waters.

(3) In such a manner as to create a noise disruption to any person other than the operator of the device, when operated by any passenger on a common carrier.

(b) This section shall not apply to noncommercial spoken language covered under Subsection B (2).

(2) Loudspeakers and public address systems: using or operating for any purpose any loudspeaker, public address or similar device such that the sound therefrom creates a noise disruption across a real property boundary or within a noise-sensitive zone or between the hours of 10:00 p.m. the previous day to 8:00 a.m. on a public right-of-way or public space.

(3) Street sales: offering for sale or selling anything by shouting or outcry within any residential or commercial area of the Town, except in a stadium or sports arena.

(4) Animals and birds: owning, possessing or harboring any animal or bird which, for a long and continuous and frequent duration in excess of 15 minutes, howls, barks, meows, squawks or makes other sounds which create a noise disruption across a residential real property boundary or within a noise sensitive zone.

(5) Loading and unloading: loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials or similar objects between the hours of 10:00 p.m. the previous day to 8:00 a.m. in such a manner as to cause a noise disruption across a residential real property boundary or within a noise sensitive zone.

- (6) Commercial equipment: operating or permitting the operation of any commercial equipment, including but not limited to air-conditioning and refrigeration systems, between the hours of 10:00 p.m. the previous day and 8:00 a.m. in such a manner as to create a noise disturbance across a residential real property boundary or within a noise sensitive zone.
- (7) Construction: the erection, including excavation, demolition, alteration or repair, of any building, and the operating or permitting the operation of any tools or equipment used in such work:
- (a) Restrictions:
- [1] Between the hours of 6:00 p.m. the previous day to 7:30 a.m., weekdays, and at any time on weekends or holidays, such that the sound therefrom creates a noise disruption across a residential real property boundary or within a sound-sensitive zone, except for cases of urgent necessity in the interest of public safety and then only with a permit from the Building Department, which permit may be renewed for a period of three days or less while the emergency continues, or public service utilities.
- (b) This section shall not apply to the use of domestic power tools subject to Subsection B(16) when said operation is limited to work that does not require a building permit.
- (8) The use of any automobile, motorcycle, streetcar or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise or the repairing, rebuilding, modifying or testing of any motor vehicle, motorcycle or motorboat, where such activity is allowed by the Code of the Town of North Hempstead, in such a manner as to create a noise disruption across a residential real property boundary or within a noise-sensitive zone from 7:00 p.m. the previous day to 8:00 a.m., weekdays, and at any time on weekends or holidays.
- (9) Airport and aircraft operations: Nothing in this section shall be construed to prohibit, penalize, enjoin or in any manner regulate the movement of aircraft which are in all respects conducted in accordance with or pursuant to applicable federal laws, regulations and local laws and ordinances.
- (10) Explosives, firearms and similar devices: the use or firing of explosives, firearms or similar devices which create impulsive sound so as to create a noise disruption across a real property boundary or on a public space or right-of-way.
- (11) Powered model vehicles: operating or permitting the operation of powered model vehicles so as to create a noise disruption across a residential real property boundary, in a public space or within a noise-sensitive zone between the hours of

9:00 p.m. the previous day to 8:00 a.m. on weekdays or at any time on weekends or holidays.

(12) Vibration: operating or permitting the operation of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property of the source if on private property or at approximately 50 feet from the source if on a public space or public right-of-way. For the purposes of this section, “vibration perception threshold” means the minimum ground or structure borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects. This section shall not apply to construction activities performed in compliance with all applicable federal state and any local laws and ordinances.

(13) Stationary nonemergency signaling devices.

(a) Sounding or permitting the sounding of any signal from any stationary bell, chime, siren, whistle or similar device intended primarily for nonemergency purposes, from any place, for more than one minute in an hourly period.

(b) Devices used in conjunction with places of religious worship shall be exempt from the operation of this provision.

(14) Emergency signaling devices.

(a) The intentional sounding or permitting the sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device, except for emergency purposes or for testing as provided in Subsection B(14)(b).

(b) Testing.

[1] Testing of a stationary emergency signaling device shall occur at the same time of day each time such a test is performed but not before 9:00 a.m. or after 6:00 p.m. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed 60 seconds.

[2] Testing of the complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device, shall not occur more than once in each calendar month. Such testing shall not occur before 9:00 a.m. nor after 6:00 p.m. The time limit specified in subsection B(14)(b)[1] shall not apply to such complete system testing.

- (c) Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm unless such alarm is automatically terminated within 20 minutes of activation.
- (15) Motorboats: operating or permitting the operation of any motorboat in any harbor, bay, sound area or other waterway in such manner as to create a noise disruption at approximately 50 feet or the nearest shoreline, whichever distance is less.
- (16) Domestic power tools: operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, snowblower or similar device used in residential areas between the hours of 7:00 p.m. the previous day to 8:00 a.m., Monday through Friday, and 5:00 p.m. the previous day to 10:00 a.m. on a Saturday, Sunday or holiday, so as to cause a noise disruption across a residential real property boundary.
- (17) Tampering. The following acts or the causing thereof are prohibited:
  - (a) The removal or rendering inoperative by any person, other than for purposes of maintenance, repair or replacement, of any noise-control device or element of design.
  - (b) The moving or rendering inaccurate or inoperative of any sound-monitoring instrument or device positioned by or for the Town of North Hempstead or its agent or employee, provided that such device or the immediate area is clearly labeled or identified.
  - (c) The use of a product which has a noise-control device or element of design rendered inoperative, with knowledge that such action has occurred.
- (18) **Motorized lawn equipment:** [~~Leaf blowers:~~] the operation of any **battery powered leaf blower or** motorized [~~leaf blower,~~] lawn mower, hedge, lawn or tree trimmer, mulcher or similar device on a weekday prior to 8:00 a.m. or after 7:00 p.m. or on a Saturday, Sunday or legal holiday prior to 10:00 a.m. or after 5:00 p.m.
- (19) **Gasoline or diesel powered leaf blowers: the operation of any gasoline or diesel powered leaf blower between June 1 and September 30. For purposes of this section, the term “leaf blower” shall be defined to include any device 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.**
  - (a) **Notwithstanding the above, any person who owns or rents a one- or two-family dwelling may use one gasoline or diesel powered leaf blower, at the property where they reside, once a week for no more than 30 minutes on a weekday between 8:00 a.m. and 7:00 p.m. or on a Saturday, Sunday or holiday between 10:00 a.m. and 5:00 p.m.**

- (b) During times of emergency, the Commissioner of Public Works may temporarily suspend the restrictions contained in this subsection.**
- (c) The Commissioner of Public Works may, in his or her discretion and upon application, grant a temporary permit to allow the operation of one or more gasoline or diesel powered leaf blowers to accommodate a special circumstance. By way of illustration, a “special circumstance” includes, among other things, the remediation of an abandoned or neglected property.**
- (d) This subsection shall not apply to the operation of gasoline or diesel powered leaf blowers by golf and tennis club employees, by cemetery employees and by municipal employees performing their regular duties when such operation does not occur within 100 yards of the nearest residence.**
- (e) Between October 1 and May 31 gasoline and diesel powered leaf blowers may be used on a weekday between 8:00 a.m. and 7:00 p.m. or on a Saturday, Sunday or holiday between 10:00 a.m. and 5:00 p.m.**
- (f) On properties less than one-half acre in size, it shall be prohibited to use walk-behind leaf blowers, or more than two handheld or backpack gasoline or diesel powered leaf blowers at the same time.**
- (g) No gasoline or diesel powered leaf blower may be used unless: [1] it meets the current Environmental Protection Agency (EPA) exhaust standards; and [2] it is operated and maintained in accordance with manufacturer’s instructions and specifications.**
- (h) There is hereby established a Landscaper Advisory Committee to assist and advise the Town Board on matters relating to landscaping within the Town. The advisory committee will include representatives from the Supervisor’s office, Town Attorney’s office, the Department of Parks and Recreation and landscapers.**

~~[(19)]~~ **(20)** The use and operation of sound devices and apparatus for any commercial or business advertising purposes is prohibited. It shall be unlawful for any person to use or operate or cause to be used or operated any sound device or apparatus in, on, near or adjacent to any public street, park or place for commercial or business advertising purposes.

~~[(20)]~~ **(21)** The sounding of any horn or signal device on any automobile, truck, bus or

other vehicle, except as a warning signal pursuant to the provisions of the Vehicle and Traffic Law of the State of New York.

**Section 3.**

This Local Law shall take effect on January 1, 2019.