

TOWNSHIP OF MONTCLAIR

ORDINANCE AMENDING SECTION 217-6 OF THE TOWNSHIP CODE TO PROVIDE REVISED REGULATIONS REGARDING THE OPERATION AND USE OF LEAF BLOWERS IN THE TOWNSHIP OF MONTCLAIR

December 9, 2008

BE IT ORDAINED by the Council of the Township of Montclair, in the County of Essex, that Section 217-6 of the Township Code, entitled “Internal Combustion Leafblowers,” be and is hereby amended to read as follows:

§217-6. Leaf blowers.

- A. Purpose and intent. The Township of Montclair hereby finds that unlimited use of leaf blowers impairs the economic and social welfare, health, peace and quality of life of persons residing in Montclair. The purpose of this section is to minimize the adverse impact of such equipment by restricting its use within the Township.
- B. Decibel Rating. Effective March 1, 2010, it shall be unlawful for any person to operate a leaf blower in the Township of Montclair which does not have a decibel rating of 65 decibels (dB(a)) or lower, except as set forth in subsection I below.
- C. Internal combustion leaf blowers. Effective March 1, 2010, in order to control harmful emissions, it shall be unlawful for any person to operate a leaf blower powered by an internal combustion engine which does not comply with the latest “Standards for Small Spark Ignition Handheld Engines” promulgated by the U.S. Environmental Protection Agency (currently the “Phase 2 2007 standards”), except as set forth in subsection I below.
- D. Hours of use. Leaf blowers shall not be operated in the Township of Montclair except as follows:
 - (1) On weekdays between 8:00 a.m. and 6:00 p.m., except that leaf blowers may be used by an occupant or owner of the premises between 8:00 a.m. and 8:00 p.m. on weekdays.
 - (2) On Saturdays between 9:00 a.m. and 6:00 p.m., except that leaf blowers may be used by an occupant or owner of the premises between 9:00 a.m. and 8:00 p.m.
 - (3) On Sundays, Thanksgiving Day and Good Friday between 10:00 a.m. and 5:00 p.m.
- E.. Dates of use. . The operation of leaf blowers shall be limited in each calendar year to the time period between March 15 and April 30, inclusive, and between October 1 and December 15, inclusive. The Emergency Management Coordinator shall have the

authority to extend or modify such dates when extreme or unusual weather conditions warrant.

- F. Mufflers. It shall be a violation hereof for any person to operate in the Township of Montclair a leaf blower powered by an internal combustion engine without a properly functioning muffler.
- G. Responsibilities of property owners, business operators, landlords and tenants. Property owners, business operators, landlords and tenants of a property shall each have all the duties and responsibilities prescribed in this chapter, and no property owner, business operator, landlord or tenant shall be relieved from such duties or responsibilities by reason of the fact that the other of them or the occupant is also responsible therefor and in violation thereof.
- H. Emergencies. The Emergency Management Coordinator is authorized to suspend any one or more of the provisions of this section for a period of 24 hours or more whenever such Coordinator determines that an emergency situation exists in the Township. Such suspension may be renewed each day during the continuance of such emergency.
- I. Exceptions.
 - (1) Commercial landscapers. Notwithstanding the above, for commercial landscapers the requirements of subsections B and C of this ordinance shall be effective as of October 1, 2009.
 - (2) Public Property. This ordinance shall not apply to the use of leaf blowers for maintenance of any public property located in the Township of Montclair.
- J. Enforcement. The provisions of this ordinance shall be enforced by the Department of Administration, Code Enforcement and Environmental Affairs and the Montclair Police Department.
- K. Violations. Any person who violates any provision of this ordinance shall, upon conviction thereof, be punished by a fine of not less than \$100 for a first offence, not less than \$250.00 for a second offense, and not less than \$500.00 for a third or subsequent offense. The Municipal Court may impose a maximum fine of \$2,000.00, imprisonment in the county/municipal jail for a term not exceeding 90 days, or a period of community service not exceeding 90 days, or any combination thereof as determined by the Municipal Court Judge. In addition to the above, upon conviction of a third or subsequent violation of this ordinance, the Township Clerk shall revoke for a period of one year the license issued to any "landscaper" pursuant to Chapter 200 of the Township Code.

[NEW LANGUAGE UNDERLINED; DELETED LANGUAGE STRICKEN]

RECORD OF COUNCIL VOTE											
	YES	NO	ABS	N.V.	AB		YES	NO	ABS	N.V.	AB
Councilor Africk						Councilor Murnick					
Councilor Baskerville						Deputy Mayor Terry					
Mayor Fried						Councilor Weller					
Councilor Lewis											
X - Indicate Vote ABS - Abstain N.V. - Not Voting AB - Absent											

I HEREBY CERTIFY the foregoing to be a true copy of an ordinance adopted as introduced by the Council of the Township of Montclair, in the County of Essex, at its meeting held on _____, 2008.

Linda S. Wanat
Clerk of the Township of Montclair, N.J.