

**BOROUGH OF LEONIA
ORDINANCE NO. 2023-07**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 181 ENTITLED “NOISE”,
ARTICLE II ENTITLED “TOOLS AND EQUIPMENT, SECTION 10 ENTITLED
“RESTRICTIONS ON USE OF TOOLS AND EQUIPMENT” OF THE CODE OF THE
BOROUGH OF LEONIA TO PROVIDE FOR RESTRICTIONS ON THE USE OF INTERNAL
COMBUSTION LEAF BLOWERS TO CORRECT THE DESIGNATION OF THE SECTION
NUMBERS IN THE CODE OF THE BOROUGH OF LEONIA**

WHEREAS excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and

WHEREAS a substantial body of science and technology exists by which excessive sound may be substantially abated; and

WHEREAS the people have a right to, and should be ensured of, an environment free from excessive sound,

NOW, THEREFORE, it is the policy of the Borough of Leonia to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.

This ordinance shall apply to the control of sound originating from sources within the Borough of Leonia.

Be it ordained that Chapter 181, Article II, Section 181-13 of the Code of the Borough of Leonia is hereby amended and supplemented by the addition of the following:

Section 1.

181-13H Internal Combustion Leafblowers

1. Purpose and Intent. The Borough of Leonia hereby finds that unlimited use of leafblowers powered by internal combustion engines impairs the economic and social welfare, health, peace and quality of life of persons residing in Leonia. The purpose of this section is to minimize the adverse impact of such equipment by restricting its use within the Borough.
2. Hours of Use. Notwithstanding anything to the contrary in this chapter, leafblowers powered by internal combustion engines shall not be operated in the Borough of Leonia except as follows:
 - (A) On weekdays between 8:00 a.m. and 6:00 p.m., except that leafblowers may be used by an occupant or owner of the premises between 8:00 a.m. and 8:00 p.m. on weekdays.
 - (B) On Saturdays between 9:00 a.m. and 2:00 p.m., except that leafblowers may be used by an occupant or owner of the premises between 9:00 a.m. and 6:00 p.m.

- (C) On Sundays use is prohibited except that leafblowers may be used by an occupant or owner of the property between 10:00 a.m. and 6:00 p.m.
3. **Limitation on Use of Leafblowers Powered by Internal Combustion Engines.** The operation of leafblowers powered by internal combustion engines shall be limited to each calendar year to the time period between March 15 and May 15, inclusive and between October 15 and December 15 inclusive. The Municipal Emergency Management Coordinator, Deputy Municipal Emergency Management Coordination and Second Deputy Municipal Emergency Management Coordinator shall have the authority to extend or modify such dates when extreme or unusual weather conditions warrant.
 4. **Mufflers.** It shall be a violation hereof to operate any leafblower powered by an internal combustion engine in the Borough of Leonia without a properly functioning muffler.
 5. **Safety Equipment.** Business operators shall provide their employees using leafblowers powered by internal combustion engines with appropriate equipment to protect employees' health, including hearing protection and eye protection. Business operators shall further ensure that employees use appropriate personal protective equipment while operating leaf blowers powered by internal combustion engines.
 6. **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.
 7. **Emergencies.** The Municipal Emergency Management Coordinator, Deputy Municipal Emergency Management Coordination and Second Deputy Municipal Emergency Management Coordinator are authorized to suspend any one or more of the provision of this section for a period of 24 hours or more whenever such Coordinator determines that an emergency situation exists in the Borough. Such suspension may be renewed each day during the continuance of such emergency.

Section 2.

Consistency

If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

Section 3.

Severability

If any article, section, subsection, sentence, clause or phrase of this ordinance is for any reason deemed to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

Section 4.

Repealer

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 5.

Effect

This ordinance will take effect immediately upon publication.



Judah Zeigler, Mayor

ATTEST:




Trina Lindsey, Borough Clerk

RECORD OF VOTE

Council	First Reading						Second Reading					
	May 15, 2023						June 7, 2023					
	M	S	Y	N	A	AB	M	S	Y	N	A	AB
Grandelis						✓			✓			
Davis			✓						✓			
Fusco			✓						✓			
Hesterbrink			✓					✓	✓			
Terrell	✓		✓									✓
Ziegler		✓	✓				✓		✓			
Mayor Zeigler												

M - Motion S - Seconded Y - Yes N - No A - Abstain AB - Absent


 Judah Zeigler, Mayor

ATTEST:


 Trina Lindsey, Borough Clerk