

**BOROUGH OF LEONIA
ORDINANCE NO. 2023-12**

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF
LEONIA BY CREATING A NEW CHAPTER 262 ENTITLED "TOOLS AND EQUIPMENT"
ESTABLISHING RESTRICTIONS ON USE OF TOOLS AND EQUIPMENT AND TO
PROVIDE FOR RESTRICTIONS ON THE USE OF INTERNAL COMBUSTION LEAF
BLOWERS**

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 a new Chapter 262 is hereby established of the Code of the Borough of Leonia as follows:

Section 1. Tools And Equipment

262-1 Restrictions on use of Tools and Equipment

- A. On Sundays, there shall be no use or operation of any of the following types of tools and equipment: pile drivers, steam shovels, pneumatic or electric jack hammers, derricks, steam or electric hoists, tree clippers, gasoline-powered chainsaws, gasoline-powered leaf blowers, excavation equipment or any tools or commercial equipment which shall make any loud or disturbing noise.
- B. On any day other than Sunday, it shall be unlawful to use or operate tools or equipment related to demolition or construction between the hours of 6:00 p.m. and 8:00 a.m. Apparatus or equipment subject to this restriction include, without limitation, the equipment identified in Subsection A.
 - (1) There shall be no excavating, demolition, erection, alteration, repair or other building operations within 1,000 feet of any dwelling or business property during the above-stated hours, except in cases of urgent necessity in the interest of public safety, and then only upon notification to the duty officer of the Police Department as to the nature of the emergency.

- C. Commercial landscaping tools and equipment.
- (1) It shall be unlawful to use or operate tools or equipment related to commercial contracting or commercial landscaping except on the following days, during the hours listed:
 - (a) Monday through Friday: 8:00 a.m. until 6:00 p.m.
 - (b) Saturday: 9:00 a.m. until 2:00 p.m.
 - (c) Sunday; prohibited all day.
 - (2) Apparatus or equipment subject to this restriction include, without limitation, such apparatus or equipment listed in Subsections A and B.
- D. Notwithstanding Subsections A, B and C, nothing herein shall prohibit the reasonable noncommercial use of landscaping equipment during the hours listed:
- (1) Monday through Friday: 8:00 a.m. to 8:00 p.m.
 - (2) Saturday: 9:00 a.m. to 6:00 p.m.
 - (3) Sunday: 10:00 a.m. to 6:00 p.m.
- E. The reasonable commercial and noncommercial use of snow removal equipment is not prohibited.
- F. Nothing herein shall prohibit the use by the Borough of necessary tools and equipment in the public interest.

262-2 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.

262-3 Violations and Penalties

Any person, firm or corporation violating this article upon conviction, shall be subject to penalty as set forth in Chapter 1, Article I, General Penalty.

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. Chapter 181, Article II, Sections 181-13 and 181-14 are hereby repealed.

Section 6.

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					
	July 10, 2023						July 24, 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