



SUMMIT
NEW JERSEY

512 Springfield Avenue - Summit, NJ 07901

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***Ordinance: Chapter III, Section 3-8, Noise Restrictions, Subsection 3-8.1
Noise Prohibitions to Provide for a Hardship Waiver to the Gas-Powered Leaf Blower Pilot Program***

[Ordinance 21-3234, passed on May 4, 2021, establishes a procedure to apply for a waiver from the City of Summit Director of Community Services (DCS) from the ban of gas-powered leaf blower(s) during the pilot program as provided in the City's Noise Ordinance.]

GAS-POWERED LEAF BLOWER NOISE WAIVER REQUEST APPLICATION

Applicant Name:	Are you the:	Homeowner: <input type="checkbox"/>	Landscaper: <input type="checkbox"/>	Other: <input type="checkbox"/>
Applicant's Address:				
Home No.	Mobile No.	Fax No.	Email	

<u>Description of Request</u>
Date(s) Requested:
Location(s) where the waiver would apply:
Reason for which the waiver is being requested, including the hardship that will result to the applicant or the public if the waiver is not granted:
Use additional sheets if necessary.

Duration of the waiver sought for each location (e.g., amount of time):

Use additional sheets if necessary.

Description of control measures which are to be taken by the applicant to minimize noise and the impacts occurring therefrom:

Use additional sheets if necessary.

Description of the type of gas-powered leaf blower and number of units to be used:

Use additional sheets if necessary.

Proof that Pilot Program is not practical or reasonable for applicant (e.g., description of efforts to try to comply):

This application will be reviewed by the DCS Director. The DCS Director shall act within ten calendar (10) days of the filing of a complete application. See a copy of the Ordinance attached hereto for applicant's reference. Failure to provide required information is cause for rejection of the application.

If Applicant (no notarization required):

Signature: _____

Print Name: _____

Date: _____

If Third-Party Submission on Behalf of Applicant (notarization required)

Signature: _____

Print Name: _____

Date: _____

State of _____ County of _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2021, by

Notary Public Name: _____ and Commission Expires on
_____.

RETURN APPLICATION TO:

DCS Director

City of Summit

512 Springfield Avenue

Summit, NJ 07901

Email – summitdcs@cityofsummit.org

Fax: 908-608-1214

ORDINANCE #	21-3231
Introduction Date:	3/16/2021
Hearing Date:	4/6/2021
Passage Date:	4/6/2021
Effective Date:	4/15/21

AN ORDINANCE AMENDING CHAPTER 3, POLICE REGULATIONS, SECTION 3-8, NOISE RESTRICTIONS, SUBSECTION 3-8.1, NOISE PROHIBITIONS TO PROVIDE FOR A PILOT PROGRAM TO BAN THE USE OF GAS-POWERED LEAF BLOWERS (establish pilot program banning use of gas-powered leaf blowers with sunset)

Ordinance Summary: The purpose of this ordinance is to amend Chapter 3, Police Regulations, Section 3-8, Noise Restrictions, Subsection 3-8.1, Noise Prohibitions, to ban the use of gas-powered leaf blowers, as a pilot program, during the 2021 summer season, specifically from June 1, 2021 through August 31, 2021 within the City of Summit.

WHEREAS, the use of gas-powered leaf blowers creates a health hazard to the users of said equipment as well as to City residents by displacing significant amounts of particulate matter, chemical pesticides, pollen, and mold into the air; and

WHEREAS, the use of gas-powered leaf blowers creates a nuisance by generating low-frequency noise at higher decibels and by emitting carbon and non-carbon emissions, and interfering with City residents' quiet enjoyment of the outdoors during summer months; and

WHEREAS, the Common Council wishes to prohibit the use of gas powered leaf blowers within the City from June 1, 2021 through August 31, 2021 as pilot program.

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SUMMIT, COUNTY OF UNION, STATE OF NEW JERSEY, AS FOLLOWS:

SECTION 1. That Chapter 3, Police Regulations, Section 3-8, Noise Restrictions, Subsection 3-8.1, Noise Prohibitions, of the Code be and is hereby amended to read as follows:

§ 3-8.1 Noise Prohibitions.

The following acts are prohibited:

- b. Without in any way limiting the provisions of this section hereof, the following acts are specifically prohibited:
- 4. (a) The operation or use of any power lawnmower, leaf blower, chainsaw, woodchipper, power washers or similar property maintenance device, other than snowplows or snow blowers, by commercial or public users, except during the following hours:

	Weekdays	Saturdays	Sundays and Holidays
Commercial	8:00 a.m. to 6:00 p.m.	9:00 a.m. to 6:00 p.m.	Not permitted
Public	8:00 a.m. to 8:00 p.m.	9:00 a.m. to 6:00 p.m.	9:00 a.m. to 6:00 p.m.
Golf Courses	6:30 a.m. to 8:00 p.m.	6:30 a.m. to 6:00 p.m.	6:30 a.m. to 6:00 p.m.

- (b) Notwithstanding anything to the contrary in any section, the operation or use of any gas-powered (not electric or battery-powered) leaf blower is prohibited within the City at all times from June 1, 2021 through August 31, 2021. This prohibition applies to all users.
- (c) Any responsible party violating Section 3-8.1(b)(4)(b) shall be, on the first offense, given a warning and informed about the prohibition. Any responsible party violating Section 3-8.1(b)(4)(b) shall be subject to a fine upon conviction hereof, not exceeding \$100.00 for the second offense, \$250.00 for the third offense, and \$500.00 for the fourth and any subsequent offenses. The term “responsible party” shall mean (i) the individual who operates the gas-powered leaf blower, or (ii) in the event such individual is employed by or is an independent contractor for a lawn maintenance company or entity, then such company or entity will be solely responsible for the payment of such fines.
- (d) In the event of a hurricane, tropical storm, or similar extreme storm event or emergency, the Mayor of the City of Summit may, at his/her sole discretion, temporarily suspend the application of Section 3-8.1(b)(4)(b) for the purposes of debris cleanup or for such other emergency purposes.
- (e) The Summit Police Department or the Department of Community Services shall have the authority to enforce the provisions of this section.

SECTION 2. SEVERABILITY. If any paragraph, section, subsection, sentence, sentence clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of such holding shall not affect the validity of the remaining paragraphs or sections hereof.

SECTION 3. INCONSISTENCY. All ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon final passage and publication according to law.

(Latest additions are indicated by underline, deletions by ~~striketrough~~)