

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. OF 2019**

**A LOCAL LAW AMENDING CHAPTER 38A OF THE TOWN CODE
ENTITLED “LANDSCAPING AND GARDENING”**

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

Section 1. Legislative Intent.

The Board finds that it is in the best interest of the Town of North Hempstead to amend Chapter 38A of the Town Code entitled “Landscaping and Gardening” in order to clarify that the seasonal restriction on the use of gas-powered leaf blowers between June 15 through and including September 15 applies to all landscapers performing commercial landscape gardening activities within the Town as well as to Town employees performing landscaping on Town-owned property.

Section 2.

Section 38A-7 of Chapter 38A of the Code of the Town of North Hempstead is amended to read as follows:

§ 38A-7. Gasoline or Diesel Powered Leaf Blowers.

A. No Landscaper, or Town employee performing landscaping on Town-owned property, shall operate any gas-powered leaf blower during the period from June 15 through and including September 15.

- (1) During times of emergency as determined by the Supervisor, the Commissioner of Public Safety may temporarily suspend the restriction contained in this subsection.
- (2) The Commissioner of Public Safety may, in his or her discretion and upon application, grant a temporary permit to allow the operation of one or more gas-powered leaf blower to accommodate a special circumstance. By way of illustration, a “special circumstance” includes, among other things, the remediation of an abandoned or neglected property, the cleanup of streets and roadways following a severe storm or any emergency situation which presents an immediate danger to public health and safety.
- (3) This subsection shall not apply to the operation of gasoline or diesel powered leaf blowers operated in the course of performing groundskeeping, gardening or landscaping services at golf courses or cemeteries, except when the equipment is operated within 100 feet of a lot containing a residence.

- B. 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 shall be composed of up to nine (9) members and shall include representatives from the Supervisor's office, the Office of the Town Clerk, the Department of Parks and Recreation, licensed landscapers and such other members as the Supervisor shall appoint. The Landscaper Advisory Committee shall designate one of its members as Chairperson. The Committee is authorized to adopt rules and establish procedures for its meetings.

Section 3.

This Local Law shall take effect January 1, 2020.