

**LOCAL LAW NO. _____, 2025
OF THE VILLAGE OF NYACK**

**A LOCAL LAW AMENDING §238-4 (PROHIBITED
NOISES) AND §238-5 (EXCEPTIONS), OF CHAPTER 238
(NOISE), OF THE CODE OF THE VILLAGE OF NYACK,
SO AS TO ADD AN EXCEPTION (EXEMPTION), FROM
THE PROHIBITION OF GASOLINE-POWERED LEAF
BLOWERS, FOR VERY LARGE LOT SIZE PROPERTIES
ONLY DURING CERTAIN TIMES OF THE YEAR, DAYS
OF THE WEEK AND HOURS OF THE DAY
(09/14/2025 DRAFT)**

Be it enacted by the Board of Trustees of the Village of Nyack as follows:

Section 1 - Legislative Authority, Purpose and Intent:

This Local Law is adopted pursuant to New York State (“NYS”) Municipal Home Rule Law (“MHRL”) §10; and in accordance with the procedures prescribed in MHRL §20, and NYS Village Law §21-2100. The purpose and intent of this Local Law is to adopt amendments to §238-4 (Prohibited noises) and §238-5 (Exceptions), of Chapter 238 (Noise), of the Code of the Village of Nyack (“Village”), so as to add an exception (i.e., exemption), from the prohibition against gasoline-powered leaf blowers, for very large lot size properties, and only during certain times of the year, days of the week and hours of the day; which amendment the Village Board of Trustees finds, and deems, to be pragmatically necessary, until such future time that battery-powered leaf blowers are substantially improved and available, so as to enable very large properties to clear their land of fallen leaves and vegetation, which has been very difficult to accomplish with the currently available battery-powered leaf blowers, which amendments are a practical balancing of ameliorating the unavoidable hardships of these property owners, and preserving and protecting the quality of life of Village residents and businesses, and their guests, invitees and customers, and the tourists of the Village.

Section 2 – Paragraph S (Leaf blowers), of §238-4 (Prohibited noises), of Chapter 238 (Noise), of the Code of the Village of Nyack, is amended to read as follows:

The operation, at any time, of a gasoline-powered leaf blower. The operation of an electric-powered or battery-powered leaf blower; except on the following days and during the following times when an electric-powered or battery-powered leaf blower may be operated: 8:00 a.m. until 7:00 p.m. on weekdays, 9:00 a.m. until 5:00 p.m. on Saturdays, and 12:00 noon until 5:00 p.m. on Sundays and on Federal and New York State governmentally observed holidays and on days on which school is closed by the Nyack Union Free School District for a holiday, religious holy day or day of observance.

Section 3 – Section 238-5 (Exceptions), of Chapter 238 (Noise), of the Code of the Village of Nyack, is amended to the extent only of adding a new Paragraph “G,” which new Paragraph “G” shall read as follows:

Sounds created by gasoline-powered leaf blowers that are being operated (i) on a property lot that is at minimum of ten acres in size, (ii) during the seasonal time periods of March 15 through May 15, or September 21 through November 21, (iii) on, and during, the following days of week and times of day only: 9:00 a.m. through 4:00 p.m. on weekdays; except on Federal and New York State governmentally observed holidays and on days on which school is closed by the Nyack Union Free School District for a holiday, religious holy day or day of observance (“holidays”), on which holidays the sounds created by the operation of gasoline-powered leaf blowers shall not be permitted.

Section 4 – Severability

If any part or provision of this Local Law, or the application thereof to any person or circumstance, is adjudged invalid or unconstitutional by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law, or the application thereof to other persons or circumstances. The Village Board of Trustees hereby declares that it would have enacted the remainder of this Local Law even without any such invalid or unconstitutional part, provision or application.

Section 5 – Effective Date

This Local Law shall take effect immediately upon filing a copy with the NYS Secretary of State in the manner prescribed by NYS Municipal Home Rule Law §27.