

## ATTACHMENT A

### LOCAL LAW NO. 1, 2026 OF THE VILLAGE OF NYACK

#### A LOCAL LAW AMENDING PARAGRAPH "G," OF §238-5 (EXCEPTIONS), OF CHAPTER 238 (NOISE), OF THE CODE OF THE VILLAGE OF NYACK, SO AS TO PRESCRIBE AN AUTOMATIC REPEAL, ON 12/31/2028 BY MEANS OF A SUNSET PROVISION, OF THE EXCEPTION (EXEMPTION) FROM THE PROHIBITION OF GASOLINE- POWERED LEAF BLOWERS

(11/16/2025 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 an amendment to Paragraph "G," of §238-5 (Exceptions), of Chapter 238 (Noise), of the Code of the Village of Nyack ("Village"), so as to prescribe an automatic repeal, on December 31, 2028, by means of a "sunset" provision, of the exception (i.e., exemption) from the prohibition of gasoline-powered leaf blowers; for the reasons that the Village Board of Trustees finds that a three-year period of time is a reasonable amount of time within which to expect that commercial-grade battery-powered leaf blowers should substantially improve and become widely available, thereby enabling very large properties to clear their land of fallen leaves and vegetation without the use of gasoline-powered leaf blowers, which will preserve and protect the quality of life of Village residents and businesses, and their guests, invitees and customers, and the tourists of the Village.

#### **Section 2 – Paragraph "G," of §238-5 (Exceptions), of Chapter 238 (Noise), of the Code of the Village of Nyack, is amended to 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 April 1 through May 15, or October 8 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. This Paragraph "G" shall be automatically repealed, and shall no longer be in effect, as of December 31, 2028 ("Sunset Date"), without the need for any further action by the Village Board of Trustees or any other Village governmental body.

### **Section 3 – Effect of Repeal**

Upon the Sunset Date:

1. Paragraph “G,” of §238-5 (Exceptions), of Chapter 238 (Noise), of the Code of the Village of Nyack (hereinafter “¶G”), shall be deemed fully repealed.
2. All rights, privileges, obligations, duties, responsibilities and liabilities that have accrued under ¶G, prior to the Sunset Date, shall remain in effect and enforceable.
3. Any actions taken pursuant to ¶G, prior to the Sunset Date, shall remain valid and shall not be affected by the repeal.
4. Any penalties or fines imposed or sentenced for violations of ¶G, which violations occurred prior to the Sunset Date, shall remain in effect and enforceable after the Sunset Date.

### **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.