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Reply to Livingston Office

October 30, 2023

VIA E-MAIL

Karen J. Carnevale, R.M.C.
Township Clerk
Township of West Orange
66 Main Street
West Orange, NJ 07052

**Re: New Ordinance Concerning Leaf Blowers/
Amendment to Chapter 21
Council Meeting: November 20, 2023**

Dear Ms. Carnevale:

Pursuant to the majority vote of the Township Council on October 24, 2023, please find enclosed a new and revised leaf blower ordinance. Prior to submitting this to you, I circulated it to the Township Council and have received **no** comments.

Because of the substantial public interest in this Ordinance, please post this on the Township website immediately and indicate that this will be considered on first reading at the November 20, 2023 meeting pursuant to the direction of the majority of the Township Council.

Please also post a copy of this letter and indicate that neither the Mayor nor any member of the Administration has indicated that they support the proposed revised Ordinance.

Karen Carnevale, R.M.C.

October 30, 2023

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If you have any questions whatsoever, please contact me.

Respectfully yours,



Richard D. Trenk

RDT:jms

Enclosure

cc: Mayor Susan McCartney (via e-mail)
Council President Tammy Williams (via e-mail)
All Council Members (via e-mail)
James P. Abbott, Business Administrator (via e-mail)
John O. Gross, Chief of Staff (via e-mail)
Peter Smeraldo, Assistant Business Administrator (via e-mail)
Hayden Moore, Superintendent of Schools (via e-mail)
Zayibeth Carballo, Assistant Municipal Engineer (via e-mail)
Joseph Pelosi, Superintendent of Public Works (via e-mail)

**AN ORDINANCE AMENDING CHAPTER 21, SECTION ___ OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 21 of the Revised General Ordinances of the
Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to prohibit the use of gas-powered leaf blowers within the Township seasonally and then fully on January 1, 2026. The Township has determined that health and well being of residents and workers and the overall climate supports the provisions herein.

**II. CHAPTER 21, SECTION ENTITLED DEFINITIONS BE AND IS HEREBY
AMENDED AS FOLLOWS:**

Electric Powered Leaf Blower shall mean a piece of equipment powered by an electric motor used in yard maintenance.

Gas-Powered Leaf Blower shall mean a piece of equipment powered by a two-stroke or four-stroke engine using gasoline or a mixture of gasoline and oil blend as fuel and used primarily for but not exclusively to blow grass clippings and debris, leaves, dirt, etc. often used in yard and lawn maintenance.

Turbine Blower commonly referred to as a “Buffalo Blower” shall mean a piece of equipment that is connected to a small tractor, golf cart or other vehicle and is intended to maintain large parcels of land. It shall be used only on golf courses.

**III. CHAPTER 21, SECTION e ENTITLED PROHIBITED CONDUCT BE AND IS
HEREBY AMENDED AS FOLLOWS:**

The use of Gas-Powered Leaf Blowers, except a Turbine Blower, shall be prohibited within the Township of West Orange on residential, commercial and Township properties as follows:

1. Gas Powered Leaf Blowers may be permitted March 1 through April 30, 2024; and October 1 through December 31, 2024.
2. Effective January 1, 2026, Gas-Powered Leaf Blowers shall be prohibited anywhere in the Township for any reason.
3. All Leaf Blowers shall be prohibited from use in the application of chemicals or products to treat bug or insect infestation.
4. Hours of usage for Leaf Blowers shall be limited to:
 - a) Monday through Friday 7:30 a.m. to 6:00 p.m.

- b) Saturdays and Sundays 9:00 a.m. to 5:00 p.m.
- 5. Turbine blowers shall be permitted within the Township.

IV. CHAPTER 21, SECTION _____ ENTITLED EXCEPTIONS BE AND IS HEREBY AMENDED TO ADD AS FOLLOWS:

In the event of a weather emergency or other emergent circumstances, the Township Emergency Management Coordinator shall be permitted to modify the restrictions of this Ordinance.

No provision herein shall apply to any county, state or federal governmental property.

V. CHAPTER 21, SECTION _____ ENTITLED PENALTIES BE AND IS HEREBY AMENDED TO ADD AS FOLLOWS:

Fines for violation of this Ordinance shall be applicable to both the property owner and any contractor doing work in the Township and shall be fixed by Resolution.

VI. CHAPTER 21, SECTION ____ BE AND IS HEREBY AMENDED TO ADD AS FOLLOWS:

Landscaper Registry

All landscapers working within the Township shall be required to register with the Department of Public Works no later than March 15, 2024 and renewed annually thereafter. A list of registered landscapers shall be accessible on the Township website. The fee for registration shall be fixed by Resolution.

VII. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

VIII. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such determination shall only apply to those specific section(s), paragraph(s), subparagraph(s), clause(s) or provision(s) and those parts shall be severed. The invalidity thereof shall not affect the remaining parts of this Ordinance which shall be deemed valid and effective..

IX. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

SUSAN McCARTNEY, MAYOR

TAMMY WILLIAMS,
COUNCIL PRESIDENT

KAREN J. CARNEVALE, R.M.C.,
MUNICIPAL CLERK

INTRODUCED: October __, 2023

ADOPTED: October __, 2023

Approved as to form on the basis of facts provided.

RICHARD D. TRENK, ESQ.
Township Attorney

Legislative History

This Ordinance is intended to limit and prohibit the use of Gas-Powered Leaf Blowers within the Township.

Supplemental information shall be provided as part of Second Reading of this Ordinance.