

The Public Ought to Know: Boro residents deserve improved noise-control laws

By Corey Bearak

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I like my music loud. In fact, as I worked on this column sitting outside the Pearl S. Buck Homestead while my wife perused the gift shop, I looked forward to seeing my favorite band, Poco (www.poconut.com), at the Sellersville 1894 Theater in Bucks County, Pa. It is about a 2 1/2-hour drive so I convinced my wife to make a weekend out of it.

When I was younger and there were loud noises outside from people using loud power tools or lawn mowers, I might have responded by playing something like the second side jam, “El Tonto de Nadie Regresa” (“Nobody’s Fool,” based on the song of that name), from Poco’s self-titled second album.

Before we left to visit the Buck Museum and later the James A. Michener Art Museum, my son called about a lawn-care device making excessive noise that disturbed his “quiet enjoyment” and sleep. And we’re not talking lawn mowers. It’s already winter and at this point Jonathan had hoped to sleep a little later. Though it was late morning — about a half hour before noon — it was a weekend.

I can handle a power lawn mower; I employ an electric one myself. But those gas-powered leaf blowers landscapers and gardeners use instead of quiet hand tools, such as rakes, do more than annoy; they also pollute our air with carbon monoxide exhaust. That’s what disturbed Jonathan’s “quiet enjoyment.”

To address a similar noise and air-pollution issue of this type, I developed what became Local Law 12 of 1996, sponsored by former Councilman Sheldon Leffler. Councilman Jim Gennaro (D-Fresh Meadows), then a council environmental policy staffer, also worked on the legislation.

It limited the use of power tools and lawn care equipment. It bans the operation of “lawn care devices” between the later of 7 p.m. or sunset and 8 a.m. and bars their use “at any time in such a way as to create an unreasonable noise.” It also applies the “unreasonable noise” standard to the operation of power tools. (Don’t worry; it permits us to use snow blowers.)

It defines “lawn care device” as “any device powered mechanically, by electricity, by gasoline, by diesel fuel or by any other fuel, which is intended to be used or is actually used for the mowing of grass, the cutting or chipping of trees, tree roots or tree branches or the clearing of leaves or other vegetation from lawns, sidewalks, public streets or public highways and shall include but not be limited

to such devices as lawn mowers and lawn mower attachments, lawn edgers, leaf blowers, leaf vacuums, mulchers and chippers.”

Maybe we need to broaden this law.

Before I left the Council, I proposed banning leaf blowers and other gas-powered lawn machines (“L.S.31/1998”) but no legislation got drafted. A council staffer recently advised that the intended council sponsor backed off. When we did the power tools law, we noted Smithsonian magazine (February 1996) reported about 150 communities banned leaf blowers. These vacuum cleaners in reverse blow out a 250-mile-per-hour gale. Council Environmental Committee Chair Gennaro should address this when the Council reconvenes.

For more than 10 years, the city’s Noise Control Code has banned as unreasonable noise “any excessive or unusually loud sound that disturbs the peace, comfort or repose of a reasonable person of normal sensitivities or injures or endangers the health or safety of a reasonable person of normal sensitivities or which causes injury to plant or animal life or damage to property or business.” One might liken that standard to the line about obscenity: We know it when we see it; with unreasonable noise, we know it when we hear it.

In the city that never sleeps, this includes the raucous snarl of lawn mowers, the incessant buzz of weed whackers and unbearably loud leaf blowers, which constitute unreasonable noise in our home-owning communities, where these devices get used. Local Law 6 helps bring some quiet enjoyment because, in the case of lawn mowers and other power tools, people find their noise “unreasonable” late in the evening, overnight and early in the morning.

In certain NYC nabes, we expect a more tranquil environment than in other, more densely populated portions of our city.

Behavior and actions that might be reasonable in some parts of New York needlessly upset people in our residential communities and keep them from enjoying their desired quality of life.

If the city that never sleeps further amends its noise code, it will allow more folks to get some shuteye. Happy holidays. Best wishes for the new year.

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