

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 8 (“BUSINESS LICENSING”) OF THE OAK PARK VILLAGE CODE BY ADDING A NEW ARTICLE 41 (“LAWN MAINTENANCE/LANDSCAPING”) AND AMENDING CHAPTER 7 (“BUILDINGS”), ARTICLE 0 (“CONTRACTOR REGISTRATION”), SECTION 7-0-1 (“CONTRACTOR REGISTRATION”) AND CHAPTER 17 (“OFFENSES”), ARTICLE 1 (“IDENTIFICATION OF SPECIFIC OFFENSES”), SECTION 17-1-30 (“NOISE”) OF THE OAK PARK VILLAGE CODE

WHEREAS, the Village of Oak Park (“Village”) as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970 has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, Article VII, Section 6(a) of the Illinois Constitution of 1970 provides that the “powers and functions of home rule units shall be construed liberally,” and written “with the intention that home rule units be given the broadest powers possible,” *Scadron v. City of Des Plaines*, 153 Ill.2d 164 (1992), and this Ordinance is adopted pursuant to such authority; and

WHEREAS, as a home rule unit, the Village is authorized to regulate matters “pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare;” and

WHEREAS, the Village has determined to regulate lawn maintenance/landscaping, including leaf blowing equipment being used, in the interest of public health, safety, and welfare of the residents of the Village as set forth herein.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

Section 1. Recitals Incorporated. The above recitals are incorporated herein by reference as though fully set forth.

Section 2. Village Code Amended. Chapter 8 (“Business Licensing”) of the Oak Park Village Code is amended by adding a new Article 41 (“Lawn Maintenance/Landscaping”) to read as follows:

ARTICLE 41

LAWN MAINTENANCE/LANDSCAPING

8-41-1: Definitions

8-41-2: License Required

8-41-3: License Fee

8-41-4: Equipment Restriction

8-41-5: Penalties

8-41-1: DEFINITIONS:

For purposes of this article, the following words and phrases shall have the following meanings, and are hereby defined as follows:

ELECTRIC LEAF BLOWER: A leaf blower which is powered by an electric motor.

GAS-POWERED LEAFBLOWER: A leaf blower which is powered by gasoline or propane, including an electric leaf blower powered by stand-alone fossil fuel powered generators or generators powered by vehicle engines.

LAWN MAINTENANCE/LANDSCAPING: The care of lawns and yards, including but not limited to establishing a new lawn by seeding or sodding, fertilizing, aeration, mowing, lawn disease treatment, weed control, leaf removal, trimming or planting of shrubs, hedges or similar plantings, mulching and installing decorative rock or bark.

LAWN MAINTENANCE/LANDSCAPING BUSINESS: Any person, entity, limited liability company, corporation, partnership or association who perform lawn maintenance/landscaping as part of a business.

LEAF BLOWER: Any device which is used or designed to move leaves, grass clippings, dust, dirt, or other matter by blowing them with air emitted by such device.

8-41-2: LICENSE REQUIRED

No person shall own or operate within the Village any lawn maintenance/landscaping business without first obtaining a license in accordance with this article, including a home-based business from which a lawn maintenance/landscaping business is operated.

8-41-3: LICENSE FEE:

The license fee for a lawn maintenance/landscaping business shall be as set forth in section 8-2-1 of this Code.

8-41-4: EQUIPMENT RESTRICTIONS:

A. Prior to June 1, 2025, the operation of gasoline-powered leaf blowers is prohibited between June 1 to September 30. Electric leaf blowers may be used year-round, subject to the time restrictions in subsection B below.

B. Prior to June 1, 2025, gasoline-powered and electric leaf blowers shall be permitted to be

operated on the following days and times between October 1 and May 31:

1. Monday through Friday from the hours of 8:00 a.m. to 6:00 p.m.
2. Saturday and Sunday from the hours of 9:00 a.m. to 4:00 p.m.

C. No gas-powered leaf blower shall be permitted to be operated in the Village on or after June 1, 2025, except as provided in section 8-41-5 of this code.

D. The use of portable generators to power electric leaf blowers or to recharge batteries used in leaf blowers is prohibited.

8-41-5: EXEMPTIONS:

Gas-powered leaf blowers shall be permitted to be operated as follows:

A. At the direction of Police or Fire Department sworn personnel of the Village for the purpose of responding to an emergency, or in order to restore, preserve, protect or save lives or property from imminent danger of loss or harm; or

B. To clear fallen trees in order to provide emergency clearance for public safety.

8-41-6: PENALTIES:

Any person or business violating any provision of this chapter shall be fined in accordance with the provisions of section 1-1-5 of this code.

Section 3. Village Code Amended. Chapter 7 (“Buildings”), Article 0 (“Contractor Registration”), Section 7-0-1 (“Contractor Registration”) of the Oak Park Village Code is hereby amended to add the underlined language and delete the overstricken language as follows:

7-0-1: CONTRACTOR REGISTRATION:

Contractors who seek to perform work in the Village for which a Village permit is required or contractors performing lawn maintenance/landscaping work as defined by article 8-41 of this Code shall be required to register with the Village according to this code. No permit will be issued for work to be performed by a contractor until the contractor has registered in accordance with this code and paid a registration fee of fifty dollars (\$50.00).

A. ~~Registration-Forms:~~ Registration shall be submitted ~~on forms available from~~ electronically to the Village and shall include the following information:

1. The contractor's full name, business name, full address of the business, business telephone and federal employer identification number (FEIN);

2. Whether the business is a sole proprietorship, partnership, or corporation and if a corporation, the name of the registered agent;

3. If the contractor is a corporation, annual certification from the Illinois Secretary of State that the corporation is in good standing in the state of Illinois as either a domestic or foreign corporation and has not been dissolved;

4. If the contractor is required to be licensed by the State of Illinois, a copy of the current license with the license number; and

5. An original certificate of insurance or policy declaration documenting that the contractor carries general liability insurance with a minimum of one million dollars (\$1,000,000.00) per occurrence, bodily injury insurance with a minimum of five hundred thousand dollars (\$500,000.00) per occurrence, property damage insurance with a minimum of one hundred thousand dollars (\$100,000.00), and workers' compensation insurance at the statutory minimum amounts.

a. Sole proprietorships and partnerships with no employees are exempt from the worker's compensation insurance requirement.

b. Contractors who are engaged to perform work in the public right of way shall be required to name the Village of Oak Park as an additional insured on their policies of insurance and to provide proof of that insurance to the Village.

c. Contractors who are required to maintain insurance as part of their state licensure shall be required to provide proof of insurance only in forms and amounts required by state law.

B. Reciprocity: Any contractor who is required to register with the State of Illinois, may, in lieu of the registration required by subsection 7-0-1A of this section, provide the Village with its state registration and license.

C. Registration Expiration And Renewal: A contractor's registration issued pursuant to this section shall be valid for one year from the date of issuance. Upon expiration, a contractor may renew its registration from the date of issuance pursuant to the procedures set forth in subsection 7-0-1A of this section.

D. Reporting Changes In Registration: Contractors who experience a change in the business structure, name, or location; changes in ownership of the registered contractor; or changes in the license listed on the registration application shall reapply for registration and pay the applicable fifty dollar (\$50.00) fee. The new registration will be valid for a one year period.

E. Business Location: Should a contractor operate a business governed by this section within the Village's boundaries, a business license shall also be required.

F. All contractors performing lawn maintenance/landscaping work are subject to the equipment restrictions contained in section 8-41-4 of this Code. Lawn maintenance/landscaping contractors shall not be subject to the registration fee until the year 2025 and thereafter, but shall be required to register with the Village.

Section 4. Village Code Amended. Chapter 17 ("Offenses"), Article 1 ("Identification Of Specific Offenses"), Section 17-1-30 ("Noise") of the Oak Park Village Code is hereby amended to add the underlined language and delete the overstricken language as follows:

17-1-30: NOISE:

It shall be unlawful for any person to make, continue to cause to be made or continue any loud, unnecessary, prolonged or unusual noise which disturbs the peace of others.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but said enumeration shall not be deemed to be exclusive, namely:

A. The sounding of any horn or signaling device on any automobile, street car, motorcycle or other vehicle on any street or public place of the Village, except as a danger warning; the creation by means of any such signaling device of a repetitious sound for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

B. The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto.

C. The using of, operating or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building, structure, vehicle or person.

D. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of eleven o'clock (11:00) P.M. and seven o'clock (7:00) A.M., or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any person in the vicinity.

- E. The keeping of any animal which by causing noise shall disturb the peace.
- F. The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper municipal authorities.
- G. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom. (1981 Code)

~~H. Any gasoline powered leaf blower emanating more than sixty five (65) decibels or failing to satisfy the most stringent emission regulations in the United States, whether state or federal, including backpack mounted or wheel mounted leaf blowers or electric leaf blowers powered by a gasoline powered electricity generator, shall be prohibited between June 1 and October 1 of each year except that this restriction shall not apply to circumstances, such as a severe weather cleanup, where the Village Manager or the Manager's designee has made a prior declaration that it is in the best interest of the public health, safety and welfare that the use of gasoline powered leaf blowers be permitted for a designated time period.~~

~~Permitted equipment, which emanates no more than sixty five (65) decibels and meets EPA emission standards is required to be registered with the Village on an annual basis as follows:~~

- ~~1. Each piece of equipment to be registered must be demonstrated to the Village Manager or the Village Manager's designee allowing the Village to measure the decibel level emanating from the machine.~~
- ~~2. Owners must provide proof of purchase for each piece of equipment to be registered.~~
- ~~3. Owners must provide manufacturers' specifications for each piece of equipment to be registered. During the restricted period from June 1 to October 1, each piece of registered equipment must display the approved sticker provided by the Village at the time of registration.~~

H. The use of any leaf blower in excess of more than sixty-five decibels (65 dB) as rated by a manufacturer's specifications. The use of leaf blowers are subject to the equipment restrictions provided in section 8-41-4 of this code.

Section 5. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication as required by law.

ADOPTED this 13th day of March, 2023, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Scaman				
Trustee Buchanan				
Trustee Enya				
Trustee Parakkat				
Trustee Robinson				
Trustee Taglia				
Trustee Wesley				

APPROVED this 13th day of March, 2023.

Vicki Scaman, Village President

ATTEST

Christina M. Waters, Village Clerk

Published in pamphlet form this 13th day of March, 2023.

Christina M. Waters, Village Clerk