

**BOROUGH OF MEDIA
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1168 of 2024

AN ORDINANCE OF THE BOROUGH OF MEDIA, COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA, ADDING NEW CHAPTER 136 TO PART II (GENERAL LEGISLATION) OF THE BOROUGH OF MEDIA ORDINANCES TO PROHIBIT THE USE OF COMBUSTION-POWERED LEAFBLOWERS BETWEEN SUNSET OF THE PRECEDING DAY AND 9:00 A.M. MONDAY THROUGH FRIDAY DURING THE SCHOOL YEAR (SEPTEMBER 1 THROUGH AND INCLUDING JUNE 30), AUTHORIZING THE ISSUANCE OF VIOLATION TICKETS FOR VIOLATIONS OF SUCH RESTRICTION, AUTHORIZING THE BOROUGH COUNCIL TO ESTABLISH THE AMOUNT OF PENALTIES FOR SUCH VIOLATION TICKETS FROM TIME TO TIME BY COUNCIL RESOLUTION

WHEREAS, the Borough Council of Media hereby determines that the operation of combustion-powered leafblowers during the times when resident K-12 schoolchildren are commuting to and from school adversely affects their respiratory and auditory health;

BE IT ORDAINED AND ENACTED, by the Borough Council of the Borough of Media as follows:

Section 1: Addition of new Chapter 136 (“Combustion-Powered Leafblowers”) to Part II (General Legislation) of the Borough of Media Ordinances. Part II (General Legislation) of the Codified Ordinances of the Borough of Media is hereby amended to include a new Chapter 136 (“Combustion-Powered Leafblowers”), to read in its entirety as follows:

Chapter 136. Combustion-Powered Leafblowers.

§ 136-1. Time restrictions on use of combustion-powered leafblowers.

Operation of combustion-powered leafblowers is prohibited on any premises within the Borough from sunset of the preceding day until 9:00 A.M., Monday through Friday, from September 1 through and including June 30. This restriction does not apply to electric or battery-powered leafblowers.

§ 136-2. Enforcement

(a) Authorization of Officials. The Code Enforcement Department, Property Maintenance Officers, and other Borough officials designated by the Borough Manager are hereby individually and severally empowered to enforce the provisions of this article and to serve a violation ticket to any Responsible Party. “Responsible Party” is defined as: (1) the party operating a combustion-powered leafblower; (2) the party who employed the person to operate a

combustion-powered leafblower; and (3) the party who owns the property where the violation occurs.

(b) Violation Ticket. A violation ticket shall be served upon a Responsible Party by handing it to the Responsible Party, by handing it at the residence of the Responsible Party to be served to an adult member of the household or other person in charge of the residence, by leaving or affixing the notice or violation ticket to the property where the violation exists, by handing it at any office or usual place of business of the Responsible Party, to his/her agent or to the person for the time being in charge thereof, or by mailing the notice to the Responsible Party's address of record.

(c) Contents of violation ticket. The violation ticket shall be in accordance with the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a penalty amount as determined pursuant to Section 136-3 below.
5. Include a statement that the violation ticket shall be paid within thirty (30) days of the date printed on the violation ticket.

(d) Issuance of citation upon nonpayment. If the Responsible Party on whom the violation ticket has been served shall not pay the ticket within such thirty-day period, the Code Officer shall issue a citation to such person, and commence the scheduling of a hearing on the violation before the Magisterial District Justice.

§ 136-3. Penalties.

A. Each Responsible party shall be subject to a fine of \$50 on the first offense, \$100 on the second offense and \$200 on all subsequent offenses. These fines may be increased by the Borough Council by resolution from time to time. Any violation ticket shall set forth the then-current amount of the fine for the violation described on the violation ticket. In no event shall fines exceed one thousand dollars (\$1,000.00). If a violation ticket is not paid within the time required by Section 136-2(d) above, the penalty may be increased by an additional \$50.00.

B. Responsible parties may be directed by the Borough to stop work.

Section 2: Severability: The provisions of this Ordinance are severable, and if any sections, sentences, clauses, parts or provisions thereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted as if such illegal, invalid or unconstitutional, sections, sentences, clauses, parts or provisions had not been included therein.

Section 3: Effect: This Ordinance shall take effect and be in force from and after the date of enactment.

ENACTED AND ORDAINED, by the Borough of Media, Delaware County, Pennsylvania, this 21st day of November, 2024.

BOROUGH OF MEDIA

Attest:




PRESIDENT OF COUNCIL
MARK PAIKOFF



MANAGER/SECRETARY
BRITTANY N. FORMAN

Approved this 21st day of November, 2024.



MAYOR
ROBERT A. McMAHON