

Local Law 2 of 2020

Chapter 69

Section 69-8 General Regulations.

No gardener or any employee of a gardener shall perform, or cause, suffer or permit any person to perform, any of the following:

- A. Operate any power or manual lawn mower or any other power equipment Monday through Friday, before 8:30 a.m. or after 6:00 p.m. The operating of any power tools and equipment are strictly prohibited on Saturday and Sunday and legal holidays. Landscaping activities that do not involve power tools and equipment are permitted Saturday and Sunday from 9:00 a.m. to 5:00 p.m.

1. *Notwithstanding the foregoing, it shall be prohibited for commercial landscapers performing landscaping services to operate and use any gas-powered or diesel-powered leaf blowers between the dates of June 15 to September 15.*
 - (i) *For purposes of this section a gasoline or diesel leaf blower shall be defined as any device which is used, designed, or operated to produce a current of air for the purpose of pushing, propelling, or blowing leaves, dirt, gardening and grass clippings and cuttings, refuse or debris.*

 - (ii) *During the time period that commercial landscapers are permitted to perform landscaping service with a gasoline or diesel leaf blower the operation of said leaf blower shall be only permitted from Monday through Friday between the hours of 8:30 a.m. and 6:00 p.m. Saturday, Sunday and legal holidays are strictly prohibited.*

 - (iii) *No gasoline or diesel powered leaf blower may be used unless it meets the current Environmental Protection Agency (EPA) exhaust standards and is operated and maintained in accordance with manufacturer's instructions and specifications.*
[Amended 12-16-2020 by L.L. 2-2020(A).

LOCAL LAW 4 OF 2011

LICENSING OF LANDSCAPERS

Section 69-1 DEFINITIONS

As used in this chapter, the following words and phrases shall have the following meanings:

LANDSCAPING and GARDENING

Any person (except an individual under the age of 16) who engages for hire in the tending, cultivation, maintaining, fertilization, seeding, planting, managing, trimming, pruning, treating or laying out of grass, lawns, gardens, flower beds, shrubbery, trees, foliage or landscaping of every nature and description on private property. The term "gardener" shall include persons engaged in the business of landscaping and tree servicing. The term "gardener" shall not include a person who owns or resides upon the property where such activity is being conducted, or an employee of such person.

PERSON

Any individual, firm, partnership, corporation or legal entity.

PRIVATE PROPERTY

Any real property, improved or unimproved, owned by any person or business or corporation which is not included in the definitions for "public highway" or "public place" in this section.

PUBLIC PROPERTY

Any property owned by the Village of Port Washington North and/or available to or opens to use by all or a majority of the residents of the Village of Port Washington North.

VEHICLE

Every device in which a person or property is or may be transported upon on a public or private highway.

Section 69-2 LICENSE REQUIRED

No person shall engage in the business of a landscaper and/or gardener in the Village of Port Washington North without first being licensed in accordance with this chapter.

Section 69-3 EXEMPTIONS

1. This chapter shall not require a license for any landscaper and gardener performing work pursuant to certification from the Public Works Department and/or Building Inspector or their designee that such work is necessary to protect public health or safety in the case of an emergency, provided that the person performing such work files with the Village of Port Washington North documentation of insurance as may be required from persons licensed by the Village of Port Washington North to perform such work.
2. This chapter shall not apply to any landscaper and gardener performing work pursuant to contract with the Village of Port Washington North, or any other governmental agency or public utility company.

Section 69-4 APPLICATION AND PROCEDURE

1. Any gardener desiring a license required by this chapter shall make application on forms prescribed by the Village Clerk. The Village Clerk shall have the power to issue the license required by this chapter.
2. The application for a license to operate or conduct business as a landscaper or gardener in the Village of Port Washington North shall be made, in writing to the Village Clerk and signed by the applicant. The application shall set forth:
 - a. The name, address and telephone number of the applicant and, if applicable, the corporate name, addresses and telephone numbers of the officers and directors of the company; applicant's place of business. No post office boxes will be accepted as an address.
 - b. License plate number of any vehicle to be used in providing the service.
 - c. Permits are for the use of the applicant only. Permits are not transferable.

Section 69-5 FEES

Each applicant for a license shall pay a nonrefundable filing fee with the application. A license fee shall be paid upon issuance of the license and decal. The fees shall be established by the Village Board of Trustees by resolution pursuant to Chapter 91 of the Port Washington North Village Code. The fees are hereby declared to be for the purpose of defraying the cost of the enforcement of this chapter and not solely for the purpose of revenue.

Section 69-6 EXPIRATION OF LICENSE

All licenses issued pursuant to this chapter shall expire on the last day of December in the year of issuance.

Section 69-7 INSURANCE

Each applicant for a license pursuant to this chapter shall have and maintain during the term of such license all workers' compensation as required by law, liability insurance certificate for each vehicle, a copy of the registration for each vehicle that is used in the Village of Port Washington North for landscaping and gardening and a current Nassau County Department of Consumers Affairs license. The applicant shall provide the Village with a copy of the documentation of each.

Section 69-8 GENERAL REGULATIONS

No gardener or any employee of a gardener shall perform, or cause, suffer or permit any person to perform, any of the following:

- a. Operate any power or manual lawn mower or any other power equipment Monday through Friday, before 8:30 a.m., or after 6:00 p.m., The operating of any power tools and equipment are strictly prohibited on Saturday and Sunday and legal holidays. Landscaping activities that do not involve power tools and equipment is permitted Saturday and Sunday from 9 a.m. to 5 p.m.
- b. Place any garbage, refuse, cuttings, leaves, wood or other materials upon any public highway, public place or private property.
- c. Scatter any garbage, refuse, cuttings, leaves or other waste materials from the custody of such person to any public highway, public place or private property.
- d. Cause or permit anyone to blow or rake leaves, grass or other debris onto the public highway or right-of-way or onto adjoining property. As a precondition to the issuance of a license, a landscaper will be required to furnish proof that he, she or it has a permit to deposit leaves, grass clippings and other debris at a duly licensed depository.

e. Cause or permit anyone to spill or dump oil, gasoline or other petroleum products or any pesticides on the public highway or right-of-way or anywhere on the ground. No equipment shall be filled or refilled except over a drop cloth or other device designed to catch and retain any accidental spillage.

f. Cause or permit anyone to remove any tree, nor operate any machinery, in violation of law.

g. Perform any work in violation of any applicable federal, state and local laws, ordinances, rules and regulations. Every applicant for a license shall review the applicable laws, ordinances, rules and regulations and shall affirm in the application or renewal application that the applicant and all of its employees are familiar with such.

h. Violate any other rule or regulation adopted by resolution of the Board of Trustees, as it may deem necessary to further the purposes of this chapter.

i. The use of dumpsters shall only be permitted when stored on the property for which they are being used and shall comply with Article II, Sections 140-13 to 140-18 of the Village of Port Washington North Village Code.

Section 69-9 PENALTIES FOR OFFENSES

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation and shall be punished by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. Each day on which any violation of this chapter occurs shall constitute a separate and distinct offense hereunder.

Section 69-10 REVOCATION OF LICENSE

In addition to the penalties otherwise provided by law, the Board of Trustees may revoke or suspend any license issued pursuant to this chapter after notice to the licensee and a reasonable opportunity for the licensee to be heard. The Board of Trustees may take such action if, in its discretion, such action is warranted due to the licensee's deliberate or willful disregard of the standards imposed by this chapter or by any other village, county, state or federal law, or due to two or more violations of this chapter or any other law occurring within a period of 60 days.

Section 69-11 DISPLAY OF DECAL

Each vehicle used for landscaping functions in the Village shall be registered with the Village, and shall prominently display a decal provided by the Village on each vehicle that is being used in the Village of Port Washington North for landscaping and gardening.

Section 69-12 EFFECTIVE DATE

This local law shall take effect on January 1, 2012 and filing with the Secretary of State.