

INCORPORATED VILLAGE OF GARDEN CITY
LOCAL LAW NO. 2-2022

A LOCAL LAW TO ADD CHAPTER 128 TO THE VILLAGE CODE CONCERNING
LANDSCAPER LICENSING

BE IT ENACTED, by the Board of Trustees of the Village of Garden City, as follows:

Section 1. A new Chapter, to be Chapter 128 of the Village Code, entitled "Landscapers", is hereby added to the Village Code of Garden City requiring landscapers to register with the Village, obtain a License and Permit from the Village Clerk, obtain a Home Improvement License from the Nassau County Consumer Affairs, provide the Nassau County Consumer Affairs with a current/in effect Certificate of Insurance, and provide same Certificate of Insurance to the Village Clerk in order to conduct business within the confines of Garden City.

Chapter 128 Landscapers.

§128-1 Landscaping License and Permit required.

All persons over the age of 18 years of age, companies or corporations who perform any landscaping functions in the Village of Garden City (collectively referred to as "landscapers") shall be licensed and obtain a permit in accordance with this chapter. A property owner or occupant may perform Landscaping functions without a license and/or permit on the property owner's own property. A fee for such license and permit is to be set by the Board of Trustees and may be changed from time to time by resolution. Licenses and permits issued will expire on December 31 of each year.

§128-2 Activities regulated.

For the purpose of this Chapter, the landscaping functions shall include but are not limited to the weeding, cultivation, seeding, planting, cutting, trimming, pruning, and maintenance of grass, shrubs, plants, trees or other foliage. Landscaping functions shall not include the application of pesticides, insecticides, fungicides, fertilizers, or rodenticides, as applications of these items are governed by New York State.

§128-3 Work done without license or permit prohibited; responsibility for license and permit.

No landscaper shall perform any landscaping functions within the Village of Garden City without first obtaining a license and permit from the Village Clerk and Nassau County Consumer Affairs. All landscaping work by an unlicensed and un-permitted landscaper is prohibited. No property owner or occupant shall permit any unlicensed landscaper to perform any landscaping function on his or her property. Licenses shall be obtained by the proprietor of the landscape business or by a corporate officer.

§128-4 Application procedure and Insurance.

A. Any landscaper desiring a license by this chapter shall make application on forms prescribed by the Village Clerk of the Incorporated Village of Garden City (or his or her designee) and by the Nassau County Consumer Affairs.

B. All applications are required to include proof of the following insurances:

- (i) Bodily Injury - \$100,000.00/300,000.00
- (ii) Property Damage - \$50,000.00/50,000.00
- (iii) Combined Limit - \$300,000.00 minimum

C. Pursuant to the New York State Workers' Compensation Law, landscapers are required to submit proof of worker's compensation and disability insurance. If the business is not required to have such insurance, a proper affidavit (form WC/DB100) stamped "Received" by the Workers' Compensation Board must be submitted with the application. Failure to maintain this coverage (or exemption) will result in the license issued by the Office of the Village Clerk being null and void immediately upon expiration or termination of the required insurance, without further notice to the licensee.

§128-5 Expiration of license; renewal.

All licenses issued pursuant to this chapter applicable to the Village of Garden City shall expire on the last day of December in the year in which they have been issued. All applicants whose license, from the Village of Garden City and the Nassau County Consumer Affairs, that have expired shall (in order to lawfully conduct business in Garden City) subsequently re-apply for a valid license to each entity.

§128-6 Registration.

Village Clerk shall register all landscapers that have been issued a license to perform landscaping services within the confines of the Village.

§128-7 Posting of Village Decal.

Each applicant shall affix to and display on the left front bumper of each vehicle and on the left rear bumper of any trailer regularly used in the course of its business an identification decal issued by the Village. Additional decals for additional vehicles and/or trailers owned by and used by the same company may be purchased for a fee to be set by the Board of Trustees.

§128-8 Regulations.

A. Landscaping work may only be performed by landscapers during the hours of 8:00 a.m. through 8:00 p.m., Monday through Friday, and after 9:00 a.m. and before 8:00 p.m. on Saturday and Sundays.

B. Except for the authorized seasonal leaf pick up, no licensee shall place or scatter, nor in using any mechanical or electrical blower, cause to be placed or scattered, any garbage, refuse or cuttings, leaves or other waste materials on any public highway or public

property. Any fertilizers or lawn treatment substances must be swept off sidewalks, driveways and curbs and not swept or blown into the street. All waste and/or debris (including leaves, weeds or other growths) shall be removed from the property by the landscaper collecting same from the property.

C. No landscaper, nor any person employing a landscaper, shall spill or dump oil, gasoline or other petroleum products on the public highway or right-of-way or 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.

D. The Superintendent of Public Works is hereby authorized to promulgate such other reasonable rules and regulations as may be in the public interest and consistent with the intent of this legislation.

§128-9 Penalties for offenses.

Each and every violation of any provision of this chapter or of any of the rules and regulations promulgated hereunder shall be punishable by a mandatory fine of \$500 for the first offense, \$500 for the second offense, and a \$1,000 fine for every offense thereafter.

§128-10 Revocation and suspension of license and/or permit.

Any license or permit granted pursuant to this section may be suspended or revoked by the licensing officer, as designated pursuant to this chapter, after a public hearing.

§128-11 License to be in possession of person performing work.

The licenses issued pursuant to this chapter or a photocopy signed by the licensee shall be at all times in the actual possession of the person performing the work at the site.

§128-12 Lawn Maintenance.

- A. No person shall operate or cause, suffer or permit to be operated any power gardening or lawn-maintenance equipment or tool in the Village before 8:00 a.m. and/or after 8:00 p.m. Monday through Friday, nor before 9:00 a.m. and/or after 8:00 p.m. on Saturday and/or Sunday.
- B. No person shall operate any gas powered leaf blower, at any time during the time period from the Saturday before Memorial Day through Labor day. The Mayor may temporarily waive this prohibition in the event of a severe weather conditions.
- C. This subdivision 12 shall not apply to golf courses prior to January 1, 2023.

Section 2. This local law shall take effect thirty days after filing with the Office of the Secretary of State.