

Chapter 100 Landscapers

§ 100-1 Legislative intent; license required; exception.

It is hereby declared and found that landscaping work performed by employees and contractors on private property in the Village of Lake Grove is a matter affecting the public interest and should be subject to supervision and administrative control for the purpose of protecting the safety, welfare and health of the general public. It is determined to be vitally important to the general public that landscaping services be performed in a manner that does not detrimentally impact the environment, disturb the peace and repose of others, or create unsightly conditions or an accumulation of waste or debris in the public or private areas of the Incorporated Village of Lake Grove. No person shall perform any landscaping functions in the Village of Lake Grove without a license obtained from the Village Clerk in accordance with this chapter. Landscaping functions, however, may be performed without a license by the owner or occupant of the property on which the work is performed.

§ 100-2 Activities regulated.

The landscaping functions referred to herein shall include but are not limited to the cutting and maintenance of grass, the trimming, pruning and maintenance of shrubs, plants, trees or other foliage, the spraying of chemicals, including the application of pesticides, and the removal of trees and/or tree stumps. A person who engages in such landscaping functions in the Village of Lake Grove shall hereinafter be referred to as a "landscaper."

§ 100-3 Work done without license prohibited; responsibility for obtaining license.

A. No landscaper shall perform any landscaping functions within the Village of Lake Grove without first obtaining a license to do so from the Village Clerk. All landscaping work by an unlicensed landscaper is prohibited. No property owner or occupant shall permit any unlicensed landscaper to perform any landscaping function on his or her property.

B. Licenses shall be obtained by the proprietor of the landscape business or by a corporate officer.

§ 100-4 Application procedure; insurance required.

Any landscaper desiring a license in accordance with this chapter shall make application on forms prescribed by the Village Clerk of the Village of Lake Grove or his or her designee. Such application shall include proof of comprehensive liability and property insurance in an amount of \$1,000,000 personal injury/\$2,000,000 aggregate and \$50,000 property damage. Such application shall also include proof of worker's compensation and disability insurance in amounts in compliance with state law. Such application shall also provide the office address of the landscaping business, the address where the vehicles and equipment are being stored and proof that the property contains the necessary permits and approvals in the vehicles and equipment are stored with the Village of Lake Grove.

§ 100-5 Fees.

Each applicant for a license shall pay a nonrefundable application fee with the application in an amount established by resolution of the Village Board of Trustees from time to time. The applicant shall also pay to the Village Clerk, or his or her designee, upon the issuance of the license, a license fee in an amount to be established by resolution of the Village Board of Trustees from time to time.

§ 100-6 Expiration of license; renewal.

All licenses issued pursuant to this chapter shall expire on the last day of December in the year in which they have been issued. Licenses may be renewed upon payment of an annual renewal fee in an amount established by resolution of the Village Board of Trustees. Said renewal fee must be paid before the first day of February of the next year. If the licensee fails to make proper, timely application for renewal, he or she shall be required to reapply and pay the additional license application fee as set for the in § 100-5 as a nonrefundable application fee with the application and the license fee referred to in § 100-5 upon the issuance of the license.

§ 100-7 Regulations.

The following rules and regulations shall apply.

A. No person shall engage in the application of pesticides unless that person has in his or her possession his or her certificate and possesses a valid pesticide business registration, and displays vehicle triangles, duly issued by the New York State Department of Environmental Control, authorizing his or her engagement in such activity.

B. Application of pesticides and insecticides by anyone by means or engine-powered spraying or dusting devices shall not take place prior to 8:00 a.m. on any day that landscaping work is permitted.

C. Landscaping work may be performed by landscapers only during the hours of 8:00 a.m. through 7:00 p.m. Monday through Friday and 8:00 a.m. through 5 p.m. on Saturday.

D. No landscaper shall scatter, nor in using any mechanical or electrical blower cause to be scattered, any garbage, refuse, cutting, leaves or other waste materials on any public street, road, sidewalks, or other public property without removing and/or cleaning the same immediately; nor shall any such material be allowed to enter any storm drains.

E. No one shall spill or dump oil, gasoline or other petroleum products or any pesticides on a public street, road or 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.

F. All vehicles and trailers are to be properly parked at a minimum of 30 feet from the corner of any intersection. Hazard warning cones are to be placed at the front and rear of any landscaping vehicles and/or trailers that are parked in or alongside the roadway.

G. All commercial vehicles used in connection with the landscaping business, including trailers, shall be clearly marked in letters two inches or greater in width and height, with the name of the company and the origin of the vehicle, and include a decal, which shall include the appropriate year, issued by the Village Clerk. Each applicant shall affix said decal to the left front fender of each motor vehicle and the left rear fender of any trailer. The fee for any decal shall be established by resolution of the Village Board of Trustees.

H. No grass clippings, branches, or any other landscaping material shall be left at the curb.

§ 100-8 Penalties for offenses.

Each and every violation of any provision of this chapter or any of the rules and regulations promulgated hereunder shall be punishable by mandatory minimum fine of not less than \$100 and maximum fine of not more than \$1,000 for each and every separate offense relating to a violation of this chapter.

§ 100-9 Revocation and suspension of license.

In addition to the penalties set forth in § 100-8, the Village Board may revoke or suspend any license issued.

§ 100-10 License to be in possession of person performing work.

The license 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.

§ 100-11 When effective.

This chapter shall take effect on filing with the Secretary of State.

Additions indicated by underline

Deletions indicated by [brackets]