

**LOCAL LAW NO. OF 2019**

A LOCAL LAW adding a new Chapter 73 entitled Landscapers requiring an annual registration.

BE IT ENACTED by the Village Board of the Village of Southampton as follows:

**Section 1. Amendment.** Amend the Village Code by adding a new Chapter 73 as follows:

**Chapter 73**

**Landscapers**

**§73-1. Definitions.** As used in this chapter, the following terms shall have the meanings indicated:

LANDSCAPER - Any person over the age of 18, corporation, partnership or business entity of any form who tends, plants, installs, maintains, or repairs lawns, gardens, hedges, flower beds, shrubbery, trees, or landscaping of any kind on real property which such person or business entity does not own or at which s/he does not reside.

**§73-2. Registration required; requirements; fee; exemptions.**

A. No landscaper shall advertise, operate or provide services within the Village of Southampton unless the landscaper is registered annually pursuant to this chapter.

B. Registration requirements.

(1) All landscapers shall submit a completed registration form provided by the Village Administrator and pay a nonrefundable registration fee of \$100.00 for an individual landscaper or \$250.00 for a business entity, or such other amount as may hereafter be fixed by resolution of the Board of Trustees from time to time.

(2) The registration form, at a minimum, shall state that the landscaper has read, understands, and agrees to comply with the Village's nuisance law (see Chapter 78) with respect to the dates and times for permitted construction, property maintenance and landscaping, and the use of gas-powered leaf blowers (see §78-5), and all other relevant Village laws and policies. A business entity shall be responsible for all employees understanding the applicable rules and regulations and compliance with the requirements of this Chapter and the Village Code.

(3) In addition, the landscaper shall submit proof of a valid and current Suffolk County Home Improvement License.

(4) In addition, if the landscaper uses or intends to use regulated chemicals or pesticides, proof of applicable New York State Department of Environmental Conservation Certificate must be submitted.

(5) In addition, if the landscaper uses or intends to apply fertilizer product(s), proof of a Certificate of Completion of a Suffolk County Nitrogen Fertilizer Turf Management Course must be submitted.

C. When the Village Administrator determines that all requirements have been met, s/he shall issue landscaper registration tags/stickers, which must be placed in a conspicuous location as determined by the Village Administrator on each vehicle the landscaper uses in the Village. The landscaper registration tag/sticker shall apply to the vehicle registered to the landscaper and is not transferable from one vehicle to another, nor to any other landscaper, person or entity. The landscaper shall pay a nonrefundable fee of \$5.00 for each registration tag/sticker issued.

D. Landscaper registration and the landscaper registration tags/stickers shall be valid from January 1 through December 31 of each year, unless revoked.

### **§73-3. Penalties for offenses.**

A. Any person or business entity committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation punishable by a fine of no less than \$250.00 and not more than \$500.00 for a first offense; no less than \$500.00 or more than \$2,500.00 for a second offense; and no less than \$2,500.00 or more than \$5,000.00 for a third or subsequent offense. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

B. In addition, the Board of Trustees may revoke the registration of any landscaper who violates any requirement of this chapter.

**Section 2. Authority.** The proposed local law is enacted pursuant to §4-412 of the New York State Village Law, as well as Municipal Home Rule Law §§10(1)(i), and 10(1)(ii)(a)(12).

**Section 3. Severability.** If any section or subsection, paragraph, clause, phrase, or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole, or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

**Section 4. Effective Date.** This local law shall take effect upon filing with the Secretary of State pursuant to Municipal Home Rule Law.