

Village of Southampton
Board of Trustees
Public Session Agenda
January 22, 2019
6:00 PM

Pledge of Allegiance: Mayor Irving

Public Comment: Anyone wishing to address the Board must sign in at the front table to be recognized by the Mayor. Three (3) minutes per speaker. Please approach the podium and state your name and address for the Board Minutes.

Board Presentations:

None

Public Hearings:

1. Proposed Local Law: Annual Registration Landscapers
2. Proposed Local Law: Nuisances/Unnecessary Noise from Construction/Property Maintenance

Communications to the Board:

None

Suggested Resolutions:

1. RESOLVED, that the reading of the minutes for the Public Session of January 10, 2019 be dispensed with and that those minutes be accepted as filed by the Village Administrator and that the actions taken at that meeting be and hereby are ratified and approved. _____/_____/_____
2. RESOLVED, that the claims for the warrants dated January 22, 2019 totaling \$ (Warrant #11 - General Fund), \$ (Warrant #15- Trust Fund), \$ (Warrant #9 – Capital Reserve Fund) and the Village payrolls for the

period from January 4, 2019 to January 17, 2019 be audited and approved. ____ / ____ / ____

3. RESOLVED, that the Board of Trustees hereby approves the attached schedule of budget transfers to eliminate line item overages for the period ending January 22, 2019. ____ / ____ / ____.

Discussion Items:

None

Comments from Board Members:

Trustee Yastrzemski-
Trustee Allan-
Trustee McGann-
Trustee Hattrick-
Mayor Irving

2nd Public Comment: Anyone wishing to address the Board should approach the podium and state your name and state your name and address for the Board Minutes. Three minutes per speaker.

Motion to adjourn to Executive Session for the purpose of discussing legal matters and personnel matters involving Village employees.

____ / ____ / ____ / ____ pm

Return to Public Session _____ pm

Resolutions, if any:

Motion to Adjourn: ____ / ____ / ____ _____ pm

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.

LOCAL LAW NO. OF 2019

A LOCAL LAW amending Chapter 78 (Nuisances) to identify nuisances from unnecessary noise from construction, property maintenance and landscaping, and gas-powered leaf blowers.

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

Section 1. Conduct, activities and conditions associated with construction, property maintenance and landscaping cause noise and other impacts negatively effecting the atmosphere and peace, comfort, repose and tranquility of the Village particularly during weekends, and throughout the summer season when most residents and tourists are enjoying their homes and properties. Despite the limitations on noise in Chapter 77 and certain public nuisances in Chapter 78, the conduct, activities and conditions involving construction, property maintenance and landscaping have been to date difficult to limit and enforce under the current regulations. It is the intent and purpose of this Local Law to identify certain conduct, activities and conditions associated with construction, property maintenance and landscaping that have become detrimental to the public health safety and welfare and to provide reasonable limitations on when such activities may take place so as to minimize and avoid negative impacts.

Section 2. Amendment. Amend Chapter 78 (Nuisances) of the Village Code by deleting strikethrough words and adding underlined words as follows:

§78-4. Unnecessary noises from Construction, Property Maintenance and Landscaping; Gas-powered Leaf Blowers.

A. The Board of Trustees finds that noise emanating from certain conduct, activity or conditions related to construction, property maintenance and landscaping, and the operation of gas-powered leaf blowers unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the Village of Southampton and such conduct, activity or conditions related to construction, property maintenance and landscaping, and gas-powered leaf blowers shall be deemed to create a public nuisance as set forth herein.

B. The following acts are declared to create a public nuisance during the times set forth herein:

(1) Construction work. "Construction work" shall mean any work performed by one or more employees and/or independent contractors pursuant to an oral or written agreement for compensation and involving the construction, reconstruction, erection, alteration, repair, addition to, demolition or removal of buildings or structures, or the excavation, clearing, filling or grading of land, or the placement or removal of earth, stone or building material of any kind, or other improvement of any realty, building or

structure, whether or not the work involves the use of machinery or power tools. The term "construction work" shall not mean the performance of necessary emergency repairs. So that residents may enjoy the quiet use of their property, no person shall engage in construction work earlier than 8:00 a.m. or later than 6:00 p.m., prevailing time, on any weekday, and no earlier than 9:00 a.m. or later than 5:00 p.m. on Saturdays. Construction work is prohibited at all times on Sunday and on federal and state holidays.

(2) Property maintenance and/or landscaping. "Property maintenance and landscaping work" shall mean any work performed by one or more employees and/or independent contractors pursuant to an oral or written agreement for compensation and involving the excavation, clearing, filling or grading of land, or the placement or removal of earth, stone or material of any kind, or the process of tending, planting, installing, maintaining, or repairing lawns, gardens, hedges, flower beds, shrubbery, trees, or vegetation of any kind, which work involves the use of machinery or power tools, including but not limited to vehicles, tractors, lawn mowers, weed trimmers, leaf blowers and hedge trimmers. The term property maintenance and landscaping work shall not include swimming pool maintenance or snow plowing, snow blowing or other snow removal activities. The term "property maintenance and landscaping work" shall not mean the performance of necessary emergency repairs or clean-ups after major storms. So that residents may enjoy the quiet use of their property, no person shall engage in property maintenance or landscaping earlier than 8:00 a.m. or later than 6:00 p.m., prevailing time, on any weekday, and no earlier than 9:00 a.m. or later than 5:00 p.m. on Saturdays. Property maintenance and/or landscaping is prohibited at all times on Sunday and on federal and state holidays.

(3) Use of gas-powered leaf blowers. Notwithstanding any provision to the contrary, the following restrictions apply to the use of gas-powered leaf blowers in connection with construction, property maintenance and landscaping:

(a) Gas-powered leaf blowers shall not be used from May 15 until September 30.

(b) Gas-powered leaf blowers may be used from October 1 until May 14 no earlier than 8:00 a.m. or later than 6:00 p.m., prevailing time, on any weekday, and no earlier than 9:00 a.m. or later than 5:00 p.m. on Saturdays. The use of gas-powered leaf blowers are prohibited at all times on Sunday and on federal and state holidays.

(c) Golf, beach and tennis clubs, and municipal employees may use gas-powered leaf blowers to perform their regular duties, provided that any leaf blower may not be used within 100 feet of the nearest residence.

(d) Gas-powered leaf blowers may be used when responding to an emergency or clean-up after a major storm.

(e) In addition to the time limitations above, walk-behind leaf blowers may not be used unless the property that is being cleaned is greater than 1/2 acre.

(f) No more than a total of two handheld or backpack leaf blowers may be used at a time, unless the property that is being cleaned is greater than 1/2 acre.

C. Both the owner of any instrumentality undertaking, using or causing the conduct, activity or conditions related to construction, property maintenance and landscaping, or the operation of gas-powered leaf blowers, as herein provided and its operator shall be deemed to be in violation of this chapter. Property owners who permit, suffer or allow such conduct, activity or conditions related to construction, property maintenance and landscaping, or the operation of gas-powered leaf blowers to occur on his/her/its property shall also be deemed to be in violation of this chapter.

§78-4. §78-5. Penalties for offenses. Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. 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.

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.