

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of HEWLETT BAY PARK

Local Law No. 1 of the year 2024

A local law (Insert Title) TO AMEND CHAPTER 79 OF THE VILLAGE CODE OF THE VILLAGE OF HEWLETT
BAY PARK, TO MODIFY REGULATIONS RELATING TO THE USE OF GARDENING
POWER EQUIPMENT ON WEEKENDS IN THE VILLAGE OF HEWLETT BAY PARK

Be it enacted by the BOARD OF TRUSTEES of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of HEWLETT BAY PARK

as follows:

SEE ATTACHED PAGES 1-2

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2024 of the ~~(County)~~(City)(Town)(Village) of HEWLETT BAY PARK was duly passed by the BOARD OF TRUSTEES on MARCH 18 2024, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

Bill HBP 1-2024

A local law to amend Chapter 79 of the Village Code of the Village of Hewlett Bay Park, to modify regulations relating to the use of gardening power equipment on weekends in the Village of Hewlett Bay Park.

Section one. The Code of the Village of Hewlett Bay Park is hereby amended by adding the following definition in Village Code §79-1:

POWER EQUIPMENT

Any battery, gas or electric powered gardening or landscaping equipment.

Section two. The Code of the Village of Hewlett Bay Park is hereby amended by modifying Village Code §79-6, to read as follows:

- A. The Village Board, after a hearing, upon at least seven (7) days' notice to the licensee, at which hearing the licensee shall be given an opportunity to be heard, may suspend or revoke any license issued, in its discretion, for any of the following causes:
- (1) Fraud, misrepresentation or false statement contained in the application for the license.
 - (2) The violation of any provision of this chapter or any of the terms or conditions imposed upon the granting of a license.
 - (3) Conducting of applicant's business, enterprise or activity in an unlawful manner or in such a way as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
 - (4) Any transfer or assignment of the license to any person, firm or corporation.
 - (5) Other good cause.
- B. Upon the suspension or revocation of a license, it shall be unlawful for the Gardener to conduct business in the Village of Hewlett Bay Park until a new license is issued upon appropriate application. Upon such suspension or revocation, the license fee shall not be returned.
- C. Notice of revocation or suspension of a permit shall be given in writing, setting forth specifically the grounds therefore.

Pg 1 of 2

Section three. The Code of the Village of Hewlett Bay Park is hereby amended by modifying Village Code §79-7(A)(1), to read as follows:

“§79-7(A)(1).

- (1) Operate any Power Equipment earlier than 8:00 a.m. nor later than 6:00 p.m. on weekdays, or at any time on Saturdays, Sundays or legal holidays. Notwithstanding such restriction:
 - (a) Such equipment may be operated between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays, Sundays and legal holidays if not more than one such piece of equipment is in use at any one time and such use is by a person who resides on the property where the equipment is being operated;
 - (b) Where an emergency situation exists, as confirmed in writing by the Village Building Department, operation of equipment as authorized is permitted;
 - (c) Not more than three times per gardening season (March 15 through December 15) on a Saturday, Sunday or legal holiday, upon a written approval from the Building Department after the owner of the premises files a written request for a one-time/one day exception at least three (3) days before the date proposed for such exemption, Power Equipment may be operated at the owner’s premises between 9:00 a.m. and 6:00 p.m. on the date permitted by the written approval.

Section four. Any local law, ordinance, or resolution of the Village of Hewlett Bay Park in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section five. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section six. This local law shall take effect immediately upon adoption and filing of such law pursuant to the Municipal Home Rule Law.

Pg 2 of 2

5. (City local law concerning Charter revision proposed by petition.)


I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 3/19/2024

(Seal)