

Borough of Fair Lawn



ORDINANCE NO. 2688-2024

AN ORDINANCE CREATING A NEW CHAPTER 126, LANDSCAPING, OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Fair Lawn that the Borough Code of Fair Lawn is amended and supplemented by inserting the text **underlined and marked in bold** as follows:

SECTION 1: A new Chapter 126, Landscaping, be and is hereby created to read as follows:

Chapter 162 Landscaping

§ 162.1 Definitions

As used in this chapter, the following term shall have the meaning indicated:

LANDSCAPER – Any person, partnership or corporation engaged in the business of landscaping as a primary occupation, and shall not include casual employment by minors or family members.

§ 162.2 License required.

No person shall engage in the business of landscaping without first obtaining a license therefor. During the term of any license issued, Landscaper shall maintain valid motor vehicle registrations, drivers' licenses and insurance coverage as provided in § 163.3 of this chapter. Any changes to information in Landscaper's application during the term of any license issued thereon shall be updated with the Borough Clerk as soon as possible, but not later than ten (10) days after such change becomes effective.

§ 163.3 Application.

Every Landscaper seeking a license under this chapter shall sign an application on forms furnished by the Borough Clerk. The application shall require, at a minimum, the following information:

- A. Name, address and telephone number of the Landscaper providing landscaping services, and a valid, unexpired driver's license for all drivers used in connection with providing the landscaping services. If a driver's license is due to expire within one (1) month of the application, applicant shall provide proof that the relevant driver has applied for renewal of the driver's license.**
- B. Make, model, year, color, registration number and license plate number of all motor vehicles used by Landscaper in connection with providing the landscaping services. If the registration is due to expire within one (1) month of the application, the applicant shall provide proof that the applicant has applied for renewal of the registration.**
- C. Proof of insurance, including statutory workers' compensation insurance, motor vehicle insurance for each motor vehicle used in providing landscaping services, and liability insurance for personal and property damage in an amount not less than \$1 million for personal injuries and \$500,000 for property damage.**
- D. If pesticides are used in connection with landscaping services, proof that the Landscaper is registered with the Fair Lawn Health Department in accordance with Chapter 166, Pesticides, of the Borough Code.**

§ 162.4 License fee; badge or sticker.

The license fee shall be \$25.00 for the first motor vehicle and \$15.00 for each motor vehicle thereafter per calendar year, and no part of such fee shall be prorated for any part of the year. Upon payment of the fee, the Borough Clerk shall issue an identification sticker or decal for the calendar year for which the license is issued and which shall be affixed to Landscaper's vehicle(s) and visibly displayed.

§ 162.5 Removal of clippings and debris.

All Landscapers shall provide for the removal of lawn clippings and other landscaping debris, and shall not leave or deposit said debris at the curbside or any other site in the Borough of Fair Lawn. Any Landscaper who causes said lawn clippings or landscaping debris to remain on the site or curbside or anywhere in the Borough of Fair Lawn shall forfeit its license to conduct landscaping services anywhere within the Borough and shall also be subject to the penalties hereinafter provided in this chapter.

§ Violations and penalties.

Any person who violates any provision of this chapter shall, upon conviction, be subject to the penalties provided in Chapter 1, General Provisions, Article III, “General Penalty Provisions” of the Borough Code.

SECTION 2: Each section of this Ordinance and every subsection hereof shall be deemed independent, separate and distinct from all other sections, and the holding of any section or a part hereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part hereof, and to this end, the provisions of this Ordinance are hereby declared severable.

SECTION 3. All other ordinances, codes or parts thereof that are in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior Borough ordinances, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Borough’s ordinances are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4: This Ordinance shall take effect upon passage and publication as required by law.

Introduced: February 27, 2024

	Motion	Second	Aye	Nay	Abstain	Absent
Reinitz		X	X			
Rottenstrich	X		X			
Cutrone			X			
Krause			X			
Peluso						RESIGNED

Adopted: March 26, 2024

	Motion	Second	Aye	Nay	Abstain	Absent
Salinas			X			
Krause		X	X			
Reinitz	X		X			
Cutrone			X			
Rottenstrich			X			

Attest:



Nicholas J. Magarelli, RMC
Municipal Clerk

Approved:



Gail Rottenstrich
Mayor