

# 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 Lloyd Harbor

Local Law No. 7 of the year 20<sup>24</sup>

A local law to add new Chapter 133, entitled, " Landscaping," to the Code of the Village of  
(Insert Title)  
Lloyd Harbor.

Be it enacted by the Board of Trustees of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Lloyd Harbor

as follows:

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

**VILLAGE OF LLOYD HARBOR**  
**LOCAL LAW 7-2024**  
**ADDITION OF NEW CHAPTER 133**  
**“LANDSCAPING”**

**BE IT ENACTED** by the Board of Trustees of the Incorporated Village of Lloyd Harbor as follows:

**SECTION I.** Add new Chapter 133, “*Landscaping*,” to read as follows:

**Chapter 133**

**Landscaping**

**§ 133-1 Findings and intent.**

The Board of Trustees of the Incorporated Village of Lloyd Harbor hereby determines that in order to protect the public health, safety and welfare of the residents of the Incorporated Village of Lloyd Harbor, the public interest requires registration and licensing of landscapers operating within the Village so that their activities relating to the use of Village streets, hours and days of operation, removal and trimming of trees, use of equipment, and the removal and disposal of landscape materials from real property within the Village can be more closely monitored by the Village to enforce compliance with the Village Code.

**§ 133-2 License required; exceptions.**

Except as provided herein, all persons, partnerships, companies, corporations or other business entities who or which perform any landscaping within the Incorporated Village of Lloyd Harbor shall be licensed in accordance with this chapter. Landscaping functions may be performed without a license by the owner or occupant of the real property upon which the work is being performed, or by the employee of such owner or occupant, provided that such employee does not service more than two properties in the Village and is not an employee of a business entity which performs property management functions. Landscaping functions may also be performed without a license on real property owned or used by country clubs or not-for-profit institutions, provided that such work is performed by the employees of the club or institution.

**§ 133-3 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**LANDSCAPER**

Includes, but is not limited to, any person or entity who, or which engages in or performs landscaping services upon real property within the Village. A property owner who performs landscaping services on his own property shall not be deemed a landscaper under this Article.

## LANDSCAPING SERVICES

Includes, but is not limited to the management and maintenance of grass, shrubs, plants, flowers, trees or other foliage and ornamental vegetation on all properties within the Village. Landscaping services shall include the cultivation, gardening, fertilization, seeding, planting, cutting, trimming, pruning and spraying of the above landscape elements.

### **§ 133-4 Exemption.**

This chapter shall not be applicable to any person or entity engaged solely in the business of landscape design services.

### **§ 133-5 Prohibited acts.**

No landscaper shall work within the Village or perform services for any Village residents within the Village without a current Village Landscaping License. No property owner or Village resident shall contract with, or allow, or permit any unlicensed landscaper to work on his or her real property.

### **§ 133-6 Application for license.**

Any Landscaper desiring an annual Landscaping License required by this chapter shall make application to the Village on forms prescribed by the Village Clerk, pay the required fee, submit the required insurance certificates and agree to abide by the Village's Code and its rules and regulations. A Landscaping License shall only be issued to the proprietor, partner, managing member or corporate officer of the business entity.

### **§ 133-7 License fee.**

An annual license fee of \$250 shall be paid upon the issuance of a license pursuant to this chapter. An annual fee of \$50 shall be required for each additional sticker issued under the same license.

### **§ 133-8 Term of license.**

All licenses issued pursuant to this chapter shall be effective on the date of issuance and expire on the last day of December in the year in which they have been issued.

### **§ 133-9 Evidence of license.**

Every landscaper shall display the license issued pursuant to this chapter in a manner directed by the Village. A Village Official or police officer may request an individual, who is performing landscaping services upon real property within the Village, to produce evidence of a duly issued landscaping license. Failure to do so shall be presumptive evidence of non compliance with this Article.

### **§ 133-10 General regulations.**

The Board of Trustees may promulgate or amend, by resolution, such additional rules and regulations as it deems necessary to further the purposes of this chapter.

**§ 133-11 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 \$500. 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.

**§ 133-12 Suspension or revocation of license.**

In addition to the penalties set forth in § 133-11, the Board of Trustees may revoke or suspend any license issued pursuant to this chapter after notice to the licensee and after a duly noticed public hearing. The Board of Trustees may take such action if, in its discretion, such action is warranted due to the licensee's deliberate or willful disregard of the standards imposed by this chapter or by any other Village, county, state or federal law or due to two or more violations of this chapter. Any review of the revocation or suspension of any license by the Village Clerk shall be pursuant to Article 78 of the Civil Practice Law and Rules.

**SECTION II.** This local law shall take effect upon filing with the Department of State.

(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. 7 of 2024 of the ~~(County)(City)(Town)~~(Village) of Lloyd Harbor was duly passed by the Board of Trustees on July 15, 2024, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

~~**2. (Passage by local legislative body with approval, not 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) \_\_\_\_\_ and was deemed duly adopted (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.~~  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**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) \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. 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.)**~~

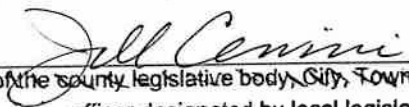
~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_, 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.

~~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   1   above.

  
Clerk of the county legislative body, City, Town, Deputy Village Clerk or  
officer designated by local legislative body, **Jill Cervini**  
Date:   7/15/24  

(Seal)