

(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

of Rockville Centre

Town

Village

Local Law No. 5 of the year 2010

A local law to amend the Code of the Village of Rockville Centre, in relation to

(Insert Title)

licensing of gardeners and landscapers.

Be it enacted by the Board of Trustees **of the**

(Name of Legislative Body)

County

City

of Rockville Centre **as follows:**

Town

Village

Section one. The title of Chapter 219 of the Code of the Village of Rockville Centre is hereby amended, to read as follows:

"LANDSCAPERS AND GARDENERS; TREE SERVICES"

Section two. The definition of Gardening or Landscaping, as contained in Section 219-1 of the Code of the Village of Rockville Centre, is hereby amended, to read as follows:

"GARDENING or LANDSCAPING; TREE SERVICING. The business of tending, planting, preparation, installation, maintaining, trimming, removing, relocating or managing of lawns, gardens, flower beds, shrubbery, trees or

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

landscaping of every nature and description on real property which the person performing such work does not own. Persons engaged in the business of spraying lawns, gardens, flower beds, shrubbery or trees shall be considered for the purposes of this chapter as engaged in the business of "gardening or landscaping or tree servicing."

Section three. Section 219-2 of the Code of the Village of Rockville Centre is hereby amended, to read as follows:

"§219-2. License required. No person over the age of 16 years shall engage in the business of gardening or landscaping or tree servicing in the Village of Rockville Centre without first having obtained a license therefor from the Village Clerk."

Section four. Section 219-3 of the Code of the Village of Rockville Centre is hereby amended, by adding thereto new paragraphs D and E, to read as follows:

"D. This chapter shall not require a license for Gardening or Landscaping or Tree Servicing done pursuant to certification from the Superintendent of Building Department or such Superintendent's designee that such work is necessary to protect public health or safety in the case of an emergency, provided that the person performing such work files with the Village documentation of insurance as required from persons licensed by the Village to perform such work.

E. This chapter shall not apply to Gardening or Landscaping or Tree Servicing done pursuant to contract with the Village of Rockville Centre or any other governmental agency, or any public utility company."

Section five. Section 219-8(C) of the Code of the Village of Rockville Centre is hereby amended, to read as follows:

"C. No licensee shall operate any power or manual lawn mower or other gardening or tree servicing equipment at any time between the hours of 7:00 pm and 8:00 am, local time, on any day, or at any time on Sunday or public holidays, except in the case of emergency as determined by the Superintendent of Buildings."

Section six. Severability. In the event that any provision of this law shall be determined by a court of appropriate jurisdiction to be illegal or otherwise unenforceable, then only that particular provision shall not be enforced, and all other provisions of this law shall remain in full force and effect.

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

(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. 5 of 2010 of the ~~(County)(City)(Town)(Village)~~ of Rockville Centre was duly passed by the Board of Trustees on May 3, 2010, in accordance with the applicable provisions of law.

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)(repassed after disapproval) by the _____ and was deemed duly adopted 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)(repassed after disapproval) by the _____ 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)(repassed after disapproval) by the _____ on _____ 20__. Such local 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.

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

*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.

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 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 or Village Clerk
or officer designated by local legislative body.

(Seal)

Date: May 3, 2010

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF NASSAU

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Village Attorney
Title

County

City

of Rockville Centre

Town

Village

Date: May 3, 2010