

(PLEASE USE THIS FORM FOR FILING YOUR 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 underlying to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
MAY 30 2003

VILLAGE OF EAST WILLISTON

LOCAL LAW NO: 1 of the Year 2003

MISCELLANEOUS
& STATE RECORDS

A local law of the Village of East Williston, New York amending Chapter 18 of the Municipal Code entitled "Brush, Grass and Refuse".

Be it enacted by the Board of Trustees of the Incorporated Village of East Williston, New York as follows:

SECTION ONE. AMENDING CHAPTER 18 OF THE MUNICIPAL CODE PERTAINING TO BRUSH, GRASS AND REFUSE TO INCLUDE ADDITIONAL SECTIONS 18-5 AND 18-6 PERTAINING TO COMMERCIAL LANDSCAPING AS FOLLOWS:

Section 18-5. Requirement of Permit for Commercial Landscapers.

- A. No commercial landscaper may work within the Village without obtaining a permit for the ability to do so from the Village Clerk.
- B. The requirements to obtain such permit shall be of such nature as shall be required by the Village Clerk. However, a showing by the commercial landscaper to the Village Clerk that such landscaper is licensed or permitted to conduct landscaping work within the townships surrounding the Incorporated Village of East Williston shall be sufficient for the issuance of a permit.
- C. Fees: The fees for a permit shall be as provided by the Village Board of Trustees by Resolution.

Section 18-6. Violations; Penalties for Offenses.

- A. Any commercial landscaper who works within the Village without a permit shall be in violation of the within Chapter.
- B. Any person, whether as owner, lessee, tenant or the agent or employee of any of them who hires or is otherwise accessory to the use of a commercial landscaper without permit performing work within the Incorporated Village of East Williston shall be in violation of the above Chapter.

C. **Penalty for Violation.**

Any person, whether as owner, lessee, tenant or the agent or employee of any of them, or any commercial landscaper who violates or is accessory to the violation of the above described sections pertaining to commercial landscaping shall be guilty of a violation of the Penal Law and shall be liable to a penalty not exceeding in the case of any one violation two hundred fifty dollars (\$250.00) or imprisonment not exceeding fifteen days or to both such fine and imprisonment. Each and every day such violation continues after a notice of violation has been served shall be deemed a separate and distinct violation.

D. **Service of notice of Violation.**

The notice of violation shall be in such form as designated by the Village Clerk and shall be served upon the commercial landscaper, owner, lessee, tenant, agent or employee of any of them by personal service or service by certified and regular mail at the last known address. The last known address of any commercial landscaper shall be such address as the landscaper provided to the Village at the time of receiving a permit. The last known address of the owner, lessee, tenant, agent, or employee shall be deemed the address of the property upon which the landscaper was working. The Village may proceed in a violation as against either the commercial landscaper or the owner, lessee, tenant, agent or employee of any of them and shall not be required to proceed as to each of them with respect to any particular violation.

SECTION TWO. SEVERABILITY.

Severability is intended throughout and within the provisions of this Local Law. If any section, sub-section, sentence, clause, phrase, or portion of this Local Law is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Local Law.

SECTION THREE EXERCISE OF SUPERSESSION AUTHORITY.

The Village hereby exercises the power of supersession granted to it pursuant to Municipal Home Rule Law Section 10(1)(ii)(e)(3) with respect to the within Local Law and hereby supersedes Village law 7-706(2) to the extent it requires notice or publication other than has been, or will be, provided as to the within Local Law.

SECTION THREE. EFFECTIVE DATE.

This law shall become effective upon filing with the office of the Secretary of State.

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 the City of _____ having been submitted to referendum pursuant to the provisions of sections (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 _____, 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 the County of _____ State of New York having been submitted to the electors at the General Election of November _____ pursuant to subdivisions 5 and 6 of section 33 of the Municipal Home Rule Law and having received the affirmative vote of a majority of the qualified electors of the county of said county as a unit and a majority 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.

Jeanne Lyons
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body JEANNE LYONS, VILLAGE CLERK

Date: *May 13, 2003*

(Seal)

(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.

CARRIERI & CARRIERI, P.C.
By *J.L. Blinkoff*
Signature JEFFREY L. BLINKOFF
Title *Village Attorney*

County
City of East Williston
Town
Village

Date: 5/23/03