



INCORPORATED VILLAGE OF FREEPORT  
46 NORTH OCEAN AVENUE  
FREEPORT, NY 11520  
(516) 377-2300  
FAX (516) 771-4127

Application Date: \_\_\_\_\_  
FEE PAID: \_\_\_\_\_

Expiration Date: February \_\_\_\_, 20 \_\_\_\_

## APPLICATION FOR GARDENERS AND LANDSCAPERS LICENSE

Fee: \$30.00 for One (1) Truck and One (1) Trailer  
\$30.00 additional fee for each additional truck and/or trailer

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1. **Name of Applicant:** \_\_\_\_\_
  2. **Address:** \_\_\_\_\_
  3. **Telephone:** \_\_\_\_\_
  4. **Name of Business:** \_\_\_\_\_  
(Attach a copy of the Certificate of Incorporation, Articles of Partnership, & Certificate of Doing Business)
  5. **Business Address:** \_\_\_\_\_
  6. **Business Phone:** \_\_\_\_\_
  7. **Vehicle Information:**

<p><b><u>Truck A:</u></b> Year/Make/Model _____ NYS License Plate # _____</p> <p><b><u>Trailer:</u></b> NYS License Plate _____</p> <p><b><u>Truck C:</u></b> Year/Make/Model _____ NYS License Plate # _____</p> <p><b><u>Trailer:</u></b> NYS License Plate _____</p>	<p><b><u>Truck B:</u></b> Year/Make/Model _____ NYS License Plate # _____</p> <p><b><u>Trailer:</u></b> NYS License Plate _____</p> <p><b><u>Truck D:</u></b> Year/Make/Model _____ NYS License Plate # _____</p> <p><b><u>Trailer:</u></b> NYS License Plate _____</p>
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- Attach a copy of the NYS registration for each vehicle listed above.
- Attach a photograph of each vehicle listed above with sign located thereon, depicting the business name, address, and phone number.

8. Has the Applicant been convicted of any violation of Article IV of Chapter 138 of the Code of the Incorporated Village of Freeport in the past 24 months?      YES         NO

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- 9. Has the Applicant ever had a Nassau County Department of Consumer Affairs license revoked or suspended?  
YES  NO
- 10. Has the Applicant had three (3) or more parking convictions in the Village of Freeport in the past 24 months?  
YES  NO
- 11. Has the Applicant ever had Gardeners & Landscapers License revoked or suspended by the Village of Freeport?  
YES  NO
- 12. Do you utilize regulated pesticides or agents? YES  NO   
If yes, attach a copy of NYS Dept of Environmental Conservation permit.
- 13. Attach a copy of your Nassau County Consumer Affairs License.

**Certification:**

STATE OF NEW YORK)  
COUNTY OF NASSAU ) ss:

I hereby state that I have received a copy of Article IV of Chapter 138, entitled "Gardeners & Landscapers" and a copy of Article III of Chapter 155, entitled "Noise Control", and I understand that this business to be licensed is required to comply with the same. I further certify, that the business is in compliance with all Federal, State and County laws, rules and regulations. I fully understand that no debris shall be disbursed in the streets of the Incorporated Village of Freeport, all debris shall be gathered, collected and removed by the business to be licensed. I further certify that all vehicles and trailers are parked in accordance with the laws, rules and regulations of the Incorporated Village of Freeport, when not in use.

\_\_\_\_\_  
Signature

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

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**OFFICIAL USE ONLY**

Approved

Disapproved

Truck  
Permit No. \_\_\_\_\_

Truck  
Permit No. \_\_\_\_\_

Trailer  
Permit No. \_\_\_\_\_

Trailer  
Permit No. \_\_\_\_\_

Signature \_\_\_\_\_  
Village Clerk/Deputy Village Clerk

Issue Date: \_\_\_\_\_

Village of Freeport, NY  
Friday, March 8, 2013

## Article IV. Gardeners and Landscapers

**[Added 2-5-2001 by L.L. No. 1-2001]**

### § 138-24. Scope and purpose.

It is the finding of the Board of Trustees that the provisions of this article are necessary and desirable to regulate and control the enterprise of commercial landscape gardening or groundskeeping activities and services which pose a potential or actual risk of noise, odors or other nuisance or which might otherwise impair or disturb the public health, safety, peace, welfare and good order of the community. It is the intention of this article to license certain persons engaged routinely in the trade or occupation of commercial landscape gardening and to limit, regulate or prohibit related activities by any person which, if left unregulated, would tend to create or encourage public or private nuisances, noise or other environmental pollution or disturbance of the public peace and order.

### § 138-25. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings ascribed:

#### **COMMERCIAL LANDSCAPE GARDENING**

The business or trade of rendering any landscaping, gardening, lawn maintenance service business or groundskeeping services, as defined herein, either as principal independent contractor or through an agent or employee, for a fee, charge or other compensation, to or for the benefit of any owner, tenant or occupant of lands, grounds or buildings, including but not limited to lawn maintenance services.

#### **GARDENING**

The filling, sowing, cultivation, trimming, fertilization, pruning, cutting, shaping, treatment, spraying or other maintenance and care of any lawn, tree, flower, sod, shrub, bush, plant or other flora on any lot, plot or parcel of land.

#### **GROUNDSKEEPING**

The cleaning of any lot, plot or parcel of land by means of gathering and removing weeds or any fallen, diseased, dead or discarded tree limbs, branches, brush, leaves, grass or lawn clippings, fruit or flower waste or other plant waste and any litter, dirt, debris, rubbish or other refuse or waste present or engendered on or about the premises.

**LANDSCAPING**

The planting, arranging, placing or removal of any lawns, sod, trees, flowers, shrubs, bushes or other flora on any lot, plot or parcel of land for a planned design or purpose or to achieve some aesthetic effect.

**PERSON**

Includes any individual, firm, partnership, corporation or business of any form, style or nature.

**PUBLIC HIGHWAY**

Includes any street open to the public for its full width from property line to property line, including the sidewalk area, whether or not installed,

**PUBLIC PROPERTY**

Includes any real property owned by the Village of Freeport.

**§ 138-26. Authority to grant licenses.**

- A. The Village Clerk shall have the authority to grant the license and vehicle permit required by this article.
- (1) License and/or necessary vehicle permit applications under this article shall be submitted to the Village Clerk and, except as otherwise required by the provisions of this article, shall comply with the requirements of the application supplied by said Clerk.
  - (2) The Board of Trustees, by resolution, shall adopt, and from time to time may amend, a schedule of fees for the processing, administration and issuance of licenses and permits, and any reinstatement or renewals thereof, pursuant to this article.
  - (3) All licenses and permits issued pursuant to this article shall expire on the last day of February of each year.
- B. Any person who submits an application for either a license or a vehicle permit at least 30 days before the license or vehicle permit is either required or is due to expire shall be deemed to have said license vehicle permit until such time as the Village Clerk either grants or denies the application.

**§ 138-27. Application for license.**

License applications under this article shall be submitted to the Village Clerk pursuant to the provisions of this article and shall include the following:

- A. A certification by the applicant that no commercial vehicles will be parked or garaged within the Village during nonbusiness hours, or if the vehicle will be parked or

garaged within the Village during nonbusiness hours, proof that the commercial vehicle will be parked or garaged in a manner that does not violate the Village Code or parking regulations.

- B. A statement that the operation of the commercial landscape gardening business shall be in strict accordance with the Incorporated Village of Freeport Noise Control Law, Chapter **155**, Article **III**, of the Code of the Village of Freeport, § **155-15** et seq.
- C. A statement that the commercial landscape gardening business is in compliance with, including, but not limited to, all federal, state and local laws, ordinances or regulations. The application shall be accompanied by a current copy of the applicant's Nassau County Department of Consumer Affairs license.
- D. All other information which the Village Clerk deems appropriate.
- E. Copies of registrations of all vehicles and trailers from the New York State Department of Motor Vehicles.
- F. Photographs of all vehicles and trailers to be licensed depicting the information required by § **138-29B**.

## § 138-28. Business license and vehicle permits required; exemptions.

### A. Permit required.

- (1) It shall be unlawful for any person to engage in or practice the trade or business of commercial landscape gardening within the corporate limits of the Incorporated Village of Freeport without having first obtained and having in full force and effect and affixed to each vehicle a license or vehicle permit and a license for such purpose, issued pursuant to the requirement of this article.
- (2) Every truck, dump truck, van or other motor vehicle and every trailer, container or other towable device owned, leased or otherwise used by any person engaged in the trade or business of commercial landscape gardening, except those persons exempted under Subsection **B**, shall have an accessory vehicle permit, required by this article, firmly affixed to such vehicle or device at all times that such vehicle or device is located and used in the Village in the course of such trade or business.

### B. Notwithstanding the provisions of Subsection **A** hereinabove, the following persons shall be exempt from the licensing requirements of such subsection:

- (1) Any person engaged in such trade or business as the employee or agent of a person licensed under this article while the employee or agent is under the actual direction, supervision and control of his employer.

- (2) Any person engaged in such trade or business or such person's actual employees or agents pursuant to a contract or subcontract for such services with any federal, state or local government agency or authority.
- (3) Any person engaged in the rendering of landscaping, gardening, lawn maintenance service business or groundskeeping services pursuant to and within the scope of his duties and responsibilities as an employee of any governmental agency or authority or as the private employee of any owner, tenant or occupant of land solely while in or upon the lands owned, leased or occupied by his employer.
- (4) Any person who renders or performs necessary or related landscaping, gardening, lawn maintenance service business or groundskeeping services incidental to the erection, construction, renovation, alteration or demolition of any building or structure pursuant to building permits, construction contracts or other regulations or requirements.
- (5) Any person providing landscaping, gardening or groundskeeping services on a casual or part-time basis, cutting three or fewer lawns per week, provided that such person is under 19 years of age.

### **§ 138-29. Copies of license; information to be on vehicles.**

- A. A person licensed pursuant to this article shall at all times keep a copy of such license affixed to the vehicle or accessory vehicle and/or at the site at which such person is rendering any landscaping, gardening, lawn maintenance service business or groundskeeping services and shall immediately produce such copy for inspection by any person lawfully requesting the production of the same, including but not limited to any peace or police officer and any inspector, official or the Village or other government agency or authority.
- B. Every motor vehicle and towable device required to have a license or an accessory vehicle permit pursuant to this article shall also have the name, trade name or other business name of the permit holder, together with the business address and phone number of the same, plainly, legibly and conspicuously painted or imprinted in letters and figures each at least two inches in height and at least one inch in width on each side of every such motor vehicle and towable device whenever the same is located and used within the corporate limits of the Village.

### **§ 138-30. General regulations and restriction.**

- A. No person, whether or not licensed, required to be licensed or otherwise exempt from licensure under the provisions of this article shall:

- (1) Commence or continue the performance of any landscaping, gardening or groundskeeping services between the hours of 9:00 p.m. and 8:00 a.m., prevailing time.
  - (2) Use any gas, diesel, electric or other machine or device which emits noise and fumes in the performance of any landscaping, gardening, lawn maintenance service business or groundskeeping services unless such device is affixed with a muffler and exhaust emissions control device manufactured and originally installed on such machine or device by the manufacturer or distributor of such equipment.
  - (3) Use any air blower or similar device to move, scatter, gather, disperse or place any dirt, soil, plant waste, leaves, lawn or grass clippings, litter, debris or other refuse of any kind in, on or upon any public street, sidewalk, waterways or other public place or in or upon the private lands or private property; and in any such event, all such materials shall immediately be gathered and placed in sealed receptacles designed and intended to hold the same and removed and disposed of at the cost and expense of the person performing such service or activity.
- B. Any person applying pesticides within the Incorporated Village of Freeport shall, upon inquiry from a police officer, or any other person charged with the enforcement of this article, produce proof of New York State Department of Environmental Conservation certification. The enforcing officer shall file a report with the Department of Environmental Conservation which identifies the person found to be applying pesticides or herbicides without said certification, describing the date, time and location and the circumstances surrounding the alleged offense.

## § 138-31. Denial or revocation of business license or vehicle permits.

- A. The Village Clerk may deny a license or accessory vehicle permit if the Clerk determines that:
- (1) There is a materially false statement made in the application for said license and/or permit or a renewal thereof; or
  - (2) The applicant and/or license/permit holder has violated any provision of this article as indicated in § **138-32**; or
  - (3) The applicant and/or license/permit holder has failed to make timely payment of any fee pursuant to § **138-26** or payment of any fine imposed pursuant to § **138-35**; or

**[Amended 3-26-2001 by L.L. No. 2-2001]**

- (4) A license/permit fee paid by an applicant by check is dishonored; or

- (5) Any person who has been convicted of any provision of this article, three or more times within any twenty-four-consecutive-month period.

### § 138-32. Revocation of license.

- A. The Clerk of the Incorporated Village of Freeport may revoke any license issued under this article, upon the following:
- (1) Two or more convictions of violating any provision of this article within a twenty-four-month period.
  - (2) Revocation or loss of a Nassau County Department of Consumer Affairs license.
  - (3) Three or more convictions of parking violations for licensed vehicles, within a twenty-four-month period.
- B. Upon such notification, the Village Clerk shall send a written notification of revocation of a license or permit. Said notice shall be mailed by certified mail, return receipt requested, to the address indicated on the application. No revocation shall be effective until 30 days after said mailing.
- C. The licensee or permittee may request a hearing on said revocation, in writing, to the Village Clerk. Said request shall be received in the Village Clerk's office prior to the expiration of the thirty-day period in Subsection B above, or the revocation shall become effective. Said request shall stay any revocation, pending a hearing as provided for in § 138-33.

### § 138-33. Hearing upon denial or revocation of business license or vehicle permit.

Any person whose license/permit application, whether for initial issuance, reinstatement or renewal, has been denied, or whose license/permit has been revoked, in accordance with the provisions of this article may request a hearing before the Board of Trustees. A request for such a hearing shall be made by a person whose license/permit application has been denied, or whose license/permit has been revoked, in writing to the Village Clerk not more than 30 days after notice of such denial or revocation has been mailed by the Village Clerk to said applicant or license/permit holder. Said hearing shall be conducted by the Board of Trustees within 30 days of the filing of said appeal, unless for good cause shown said hearing is adjourned or rescheduled either at the request of the person appealing, or by the Board of Trustees on its own motion. At the hearing, the person shall be heard in his or her defense in person or by counsel, and may offer evidence and testimony on his or her behalf. The licensee shall have the right to counsel, and to present witnesses on his behalf, and to cross-examine witnesses at said hearing. The person conducting the hearing may administer oaths, take testimony, subpoena witnesses and compel the production of books, papers, records and documents deemed pertinent to the hearing. Within 45 days of the close of the hearing, the Board of Trustees shall issue a determination either upholding in whole or in part, modifying

or overruling the determination of the Village Clerk in denying or revoking said permit. Said determination shall be filed in the office of the Village Clerk and a copy mailed to the applicant by the Clerk. Said determination shall be deemed final for purposes of appeal and judicial review pursuant to Article 78 of the Civil Practice Law and Rules.

### **§ 138-34. Notices and determinations.**

For the purpose of this article, all notices and determinations shall be sent by the Village Clerk in writing by ordinary first class mail to the applicant or permit holder at the address given by said person on the most recent application for a permit as submitted and updated by said person from time to time, and shall be deemed sent when the same are deposited in a post office or an official depository under the exclusive care and custody of the United States Postal Service within New York State.

### **§ 138-35. Penalties for offenses.**

- A. Each and every violation of the terms and provisions of this article shall constitute a violation of said terms as defined by the Penal Law of the State of New York and be punishable as such by a maximum fine of \$250, a term of imprisonment not to exceed 15 days, or both such fine and imprisonment.
- B. Each and every day (twenty-four-hour period) that such violation continues shall constitute a separate and distinct violation.

### **§ 138-36. Enforcement.**

The terms and provisions of this article shall be enforceable by the Department of Buildings and the Freeport Police Department.

### **§ 138-37. Severability.**

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