

**AMENDING §73-2 OF CHAPTER 73 OF THE VILLAGE CODE TO
REGULATE LANDSCAPERS and AMENDING §78.-4 OF CHAPTER 78
OF THE VILLAGE CODE TO REGULATE THE USE OF GAS LEAF
BLOWERS**

Be it enacted by the Village Board of the Incorporated Village of Southampton:

The Code of the Incorporated Village of Southampton, County of Suffolk, New York, is amended by:

[New Language]

~~[Old Language]~~

Section 1. Amendment. Amend §73-2 of Chapter 73 of the Village Code by adding the underlined words and deleting the strikethrough words as follows:

§ 73-2 **Registration required; requirements; tags/stickers; fee.**

A.

No landscaper shall advertise, operate or provide services within the Village of Southampton unless the landscaper is registered annually pursuant to this chapter.

B.

Registration requirements.

(1)

~~All landscapers shall submit a completed registration form provided by the Village Administrator and pay a nonrefundable registration fee of \$75, or such other amount as may hereafter be fixed by resolution of the Board of Trustees from time to time.~~

All landscapers that operate in the Village of Southampton must have a valid Home Improvement Contractors License issued by the Town of Southampton.

(2)

~~The registration form, at a minimum, shall state that the~~ **By operating in the Village, all landscapers are acknowledging they** have read, understand, and agree to comply with the Village's Nuisance Law (see Chapter **78**) with respect to the dates and times for permitted construction, property maintenance and landscaping, and the use of gas-powered leaf blowers (see § **78-4**), and all other relevant Village laws and policies. A business entity shall be responsible for all employees understanding the

applicable rules and regulations and compliance with the requirements of this chapter and the Village Code.

(3)

~~In addition, the landscaper shall submit proof of a valid and current Suffolk County home improvement license.~~

(4)

In addition, if the landscaper uses or intends to use regulated chemicals or pesticides, proof of the applicable New York State Department of Environmental Conservation certificate must be submitted.

(5)

In addition, if the landscaper uses or intends to apply fertilizer product(s), proof of a certificate of completion of a Suffolk County nitrogen fertilizer turf management course must be submitted.

C.

~~When the Village Administrator determines that all requirements have been met, s/he shall issue landscaper registration tags/stickers, which must be placed in a conspicuous location as determined by the Village Administrator on each vehicle the landscaper uses in the Village. The landscaper registration tag/sticker shall apply to the vehicle registered to the landscaper and is not transferable from one vehicle to another, nor to any other landscaper, person or entity. The landscaper shall pay a nonrefundable fee of \$5 for each registration tag/sticker issued.~~

D.

~~Landscaper registration and the landscaper registration tags/stickers shall be valid from January 1 through December 31 of each year, unless revoked.~~

Section 2. Amendment. Amend §78-4 of Chapter 78 of the Village Code by adding the underlined words and deleting the strikethrough words as follows:

§ 78-4 Unnecessary noise and activities from construction, property maintenance and landscaping; gas-powered leaf blowers.

- A. The Board of Trustees finds that noise emanating from certain conduct, activity or conditions related to construction, property maintenance and landscaping, and the operation of gas-powered leaf blowers unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the Village of Southampton and such conduct, activity or conditions related to construction, property maintenance and landscaping work, and gas-powered leaf blowers shall be deemed to create a public nuisance as set forth herein.

B. The following acts are declared to create a public nuisance during the times set forth herein:

(1)

Construction work.

(a) "Construction work" shall mean any work performed by one or more employees and/or independent contractors pursuant to an oral or written agreement for compensation and involving the construction, reconstruction, erection, alteration, repair, addition to, demolition or removal of buildings or structures, or the excavation, clearing, filling or grading of land, or the placement or removal of earth, stone or building material of any kind, or other improvement of any realty, building or structure, whether or not the work involves the use of machinery or power tools. The term "construction work" shall not mean the performance of necessary emergency repairs.

(b) So that residents may enjoy the quiet use of their property, no person shall engage in construction work, or deliveries in connection with construction work, earlier than 8:00 a.m. or later than 6:00 p.m., prevailing time, on any weekday, and no earlier than 9:00 a.m. or later than 5:00 p.m. on Saturdays. Construction work and deliveries in connection with construction work are prohibited at all times on Sunday and on federal and state holidays.

(2)

Property maintenance and/or landscaping.

(a) "Property maintenance and landscaping work" shall mean any work performed by one or more employees and/or independent contractors pursuant to an oral or written agreement for compensation and involving the excavation, clearing, filling or grading of land, or the placement or removal of earth, stone or material of any kind, or the process of tending, planting, installing, maintaining, mowing, or repairing lawns, gardens, hedges, flower beds, shrubbery, trees, or vegetation of any kind, which work involves the use of machinery or power tools, including, but not limited to, vehicles, tractors, lawn mowers, weed trimmers, leaf blowers and hedge trimmers. The term "property maintenance and landscaping work" shall not include swimming pool maintenance or snow plowing, snow blowing or other snow removal activities. The term "property maintenance and landscaping work" shall not mean the performance of necessary emergency repairs or cleanups after major storms when the Mayor has declared a state of emergency.

(b) So that residents may enjoy the quiet use of their property, no person shall engage in property maintenance or landscaping, or deliveries in connection with property maintenance and landscaping, earlier than 8:00 a.m. or later than 6:00 p.m., prevailing time, on any weekday, and no earlier than 9:00 a.m. or later than 5:00 p.m. on Saturdays. Property maintenance and landscaping, and deliveries in connection with property maintenance and

landscaping work, are prohibited at all times on Sunday and on federal and state holidays. ~~Notwithstanding anything to the contrary herein, beach and tennis clubs and Municipal employees may engage in property maintenance and landscaping work in the performance of their regular and customary duties commencing no earlier than 6:00 a.m.~~

(3)

Use of gas-powered leaf blowers. Notwithstanding any provision of this chapter to the contrary, the following restrictions shall apply to the use of gas-powered leaf blowers **for Village employees and independent contractors:**

(a) Gas-powered leaf blowers shall not be used from May 20 until September 20 **may only be used from March 15 – May 15 and October 15 –**

December 31 for spring and fall cleanup. (b) Gas-powered leaf blowers may be used from September 21 until May 19 **may only be used from March 15 – May 15 and October 15 – December 31 and**

no earlier than 8:00 a.m. or later than 6:00 p.m., prevailing time, on any weekday, and no earlier than 9:00 a.m. or later than 5:00 p.m. on Saturdays. The use of gas-powered leaf blowers is prohibited at all times on Sunday and on federal and state holidays.

(b) The restrictions governing the use of a gas-powered leaf blower shall also apply to beach and tennis clubs and municipal employees.

(c) Gas-powered leaf blowers may be used when responding to an emergency or cleanup after a major storm when the Mayor has declared a state of emergency.

(d) In addition to the time limitations above, walk-behind leaf blowers may not be used unless the property that is being cleaned is greater than 1/2 acre.

(e) No more than a total of two hand-held or backpack leaf blowers may be used at a time, unless the property that is being cleaned is greater than 1/2 acre.

(g) **Electric leaf blowers may only be used no earlier than 8:00 a.m. or later than 6:00 p.m., prevailing time, on any weekday, and no earlier than 9:00 a.m. or later than 5:00 p.m. on Saturdays. The use of electric leaf blowers is prohibited at all times on Sunday and on federal and state holidays.**

(f) **Effective October 1, 2024, the operation of gas-powered leaf blowers is prohibited in the Village of Southampton due to noise, public health and safety concerns. Electric leaf blowers may only be used from March 15 – May 15 and October 15 - December 31 for spring and fall cleanup no earlier than 8:00 a.m. or later than 6:00 p.m., prevailing time, on any weekday, and no earlier than 9:00 a.m. or later than 5:00 p.m. on Saturdays. The use of electric leaf blowers is prohibited at all times on Sunday and on federal and state holidays.**

(g) **At all times, use of any leaf blowers by any person, including residents, must comply with applicable noise limitations pursuant to the Village Code.**

C.

Both the owner of any instrumentality undertaking, using or causing the conduct, activity or conditions related to construction, property maintenance and landscaping work, or the operation of gas-powered leaf blowers, as herein provided and its operator shall be deemed to be in violation of this chapter. Property owners who cause, permit, suffer or allow a person to engage in such conduct, activity or conditions related to construction, property maintenance and landscaping, or the operation of gas-powered leaf blowers, to occur on his/her/its property, with or without direct knowledge, shall also be deemed to be in violation of this chapter.

Section 3. Authority. The proposed local law is enacted pursuant to Municipal Home Rule Law §§10(1)(i), and 10(1)(ii)(a)(12).

Section 4. Severability. If any section or subsection, paragraph, clause, phrase, or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole, or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

Section 5. SEQRA. The Board hereby deems this local law to be a Type II action pursuant to NY SEQRA.

Section 6. Effective Date. This local law shall take effect upon filing with the Secretary of State pursuant to Municipal Home Rule Law.

Aye

Nay

Mayor Warren

Trustee Stevenson

Trustee Arresta

Trustee McLoughlin

Trustee Brown

Dated: _____, 2022

Charlene Kagel-Betts – Village Clerk