

INCORPORATED VILLAGE OF VALLEY STREAM

LOCAL LAW 1-2020

A LOCAL LAW TO ENACT A NEW CHAPTER OF THE CODE OF THE VILLAGE OF VALLEY STREAM ENTITLED "TREE REMOVAL ON PRIVATE PROPERTY-LICENSE REQUIRED."

BE IT ENACTED by the Board of Trustees of the Incorporated Village of Valley Stream as follows

Chapter 90C is hereby inserted into the Code of the Village of Valley Stream, and shall read as follows:

CHAPTER 90C

TREE REMOVAL ON PRIVATE PROPERTY-LICENSE REQUIRED

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SECTION 1: GENERAL REFERENCES

§90C-1 PURPOSE

The Board of Trustees of the Village of Valley Stream hereby determine that to protect the public health, safety and welfare of the residents of the Village of Valley Stream, the public interest requires permitting and licensing of businesses involved with tree cutting, pruning and removal services operating within the Village and controlling of their activities, as they relate to the use of Village streets and the cutting and removal of tree material from real property within the Village.

§90C-2 DEFINITIONS

As used in this chapter, the following words and phrases shall have the following meanings:

BUSINESS INVOLVED IN TREE CUTTING, PRUNING AND REMOVAL SERVICES- Any business entity or person who performs work commercially to cut, prune or remove trees other than the owner of the land where the activity occurs.

LANDSCAPE MATERIAL-tree branches, trunks, stumps, roots.

COMPANY- Any association of individuals, partnerships, firms, corporations, societies or any other organization.

PERSON- Any natural person or an individual whether a resident of the Village of Valley Stream or not.

PRIVATE PROPERTY- Includes all real property, improved or unimproved, owned by any person, association of persons, corporations, including municipal corporations, or otherwise which is not otherwise defined as a "public highway" or "public place" herein.

PUBLIC HIGHWAY- Includes any street open to the public which has been accepted for dedication by the Village of Valley Stream, or has been maintained continuously by the Village in accordance with the provisions of the Village Law of the State of New York for the full width from property line to property line.

PUBLIC PLACE- Includes any real property available to or open to use by all residents of the Village of Valley Stream.

§90C-3 LICENSE REQUIRED

It shall be unlawful for any person or company engaged in the business of **Tree Removal Services** for profit within the Village of Valley Stream **without** first obtaining a valid license issued by the Village Clerk and has agreed to conform to the provisions of this chapter.

§90C-4 **APPLICATION**

An application for a license shall contain the following:

- A. Name and description of applicant. In the case of a corporation, the names of the president, treasurer and secretary. In the case of a partnership, the names of the partners. In the case of a sole proprietor, the name of the proprietor.
- B. Address of applicant both local and legal and all persons listed under Subsection A.
- C. Telephone and email contact information of the applicant.
- D. Brief description of the business.
- E. A statement as to whether or not the applicant or persons listed under Subsection A has ever been convicted of a crime, misdemeanor or violation of any municipal ordinance or local law, or consumer complaints, the nature of the offense, and the punishment or penalty assessed.
- F. If the applicant is a company, the names, addresses and title of the officers of the company upon whom process or other legal notice may be served.
- G. A description of all vehicles, including the license and registration numbers of each vehicle used by the applicant.
- H. The applicant shall be required to submit with its application proof of current license by the Nassau County Department of Consumer Affairs. **NO LICENCE SHALL BE ISSUED**
- I. **UNDER THIS SECTION UNLESS SUCH PROOF IS SUBMITTED.**

§90C-5 **INVESTIGATION and ISSUANCE**

- A. Upon receipt of such application, one copy shall be referred to the Nassau County Police Department for such investigation of the applicant to be made as it deems necessary for the protection of the public good and one copy to the Nassau County Department of Consumer Affairs.
- B. If such investigation should prove the applicant to have a police record or record of consumer complaints, the police department or Consumer Affairs shall attach to such application a copy of the applicant's police record and shall return the application to the Village Clerk, who shall notify the applicant that no license shall be issued on said application until a hearing is conducted by the Village Clerk.
- C. If as a result of such investigation of the applicant, no police record or a record of consumer complaints is found, the Police Department of Office of Consumer Affairs shall attach to application a statement that it has no record of the applicant and shall return said application to the Village Clerk. Upon return of such application and approval of the Village Clerk and the payment of the prescribed license fee by the applicant, the Village Clerk shall prepare and deliver to the applicant his license and decal. Such license shall contain the seal of the Village and show the name and address of the licensee, the amount of fee paid, the license number, the date of the issuance and date of expiration of such license, as well as the New York State License Plate Number(s), Vehicle(s)Registration(s) VIN numbers and description of the Vehicle Make and Model.
- D. The Village Clerk shall keep a record of all licenses issued.

§90C-6 FEES

- A. A license fee of \$250 shall be charged when the license is issued, which shall include one license decal for the first truck vehicle.
- B. Each additional truck vehicle shall be charged a \$50 fee for the license decal.
- C. Each trailer shall be charged a \$50 fee for the license decal.
- D. All license decals expire annually on February 28th.
- E. There is no reduction in fees for fractional parts of the year.
- F. The aforesaid fees, for the ensuing year, may be changed by Board of Trustees at an open meeting by resolution.
- G. Replacement license/decal fee shall be \$250.

§90C-7 LICENSE/DECAL

- A. For each vehicle licensed under this chapter, the Village Clerk shall issue a decal which shall bear the number of the license and the calendar year for which such license is issued, in figures plainly discernible. Said decal shall be attached to the left side of each vehicle in a conspicuous place and shall be kept clear and readable at all times.
- B. To each person licensed under this chapter who loses the license/decal issued by the Village Clerk, the Village Clerk shall issue a replacement upon said person submitting an affidavit setting forth the facts surrounding and establishing the loss of said license/decal and payment of the proper fee.

§90C-8 EXHIBITION OF LICENSE

Every person licensed under this chapter shall have his license in his immediate possession at all times and shall display the same upon demand of any village official.

§90C-9 TRANSFER

No license/decal issued under the provisions of this chapter may be transferred from one person to another person or from one vehicle to another vehicle, nor shall the license/decal so issued be used be at any time by any person other than the one to whom it was issued.

§90C-10 PROHIBITIONS

It shall be unlawful for any person to enter upon private property in or abutting a residential or commercial zone for the purpose of providing tree removal services before the hour of 8:00 a.m. of any day or after one-half hour before sunset of any day, or after the hour of 7:00 p.m. of any day whichever is earlier.

§90C-11 ENFORCEMENT

It shall be the duty of any Public Safety Officer of the Village of Valley Stream and Code Enforcement Officer of the Village of Valley Stream to require any person seen providing tree removal services on private property and who is not known by Public Safety Officer or Code Enforcement Officer to be duly licensed, to produce their license and to enforce the provisions of this chapter against any person found to be violating the same.

§90C-12 REVOCATION OF LICENSE

- A. Licenses issued or to be issued under the provisions of this chapter may be denied or revoked by the Village Clerk of the Village of Valley Stream after notice and hearing for any of the following causes:
 - 1. Fraud, misrepresentation or false statement contained in the application for license.
 - 2. Fraud, misrepresentation or false statement made in the course of carrying on his business as a Tree Removal Services company.
 - 3. Any violation of this chapter or any violation of the Valley Stream Village Code.
 - 4. Conviction of any crime or misdemeanor involving moral turpitude.
 - 5. Conducting the business of tree removal services in an unlawful manner or such a manner to constitute a menace to health, safety or general welfare of the public.
- B. Notice of the hearing for revocation of a license shall be given, in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage pre-paid, to the licensee at their last known address at least five (5) days prior to the date set for the hearing.
- C. The Village Clerk, upon receiving information giving Village Clerk reasonable cause to believe that the holder of any license issued hereunder has violated any provisions of this chapter or has been convicted of any violation referred to in this section, or indicted or charged with or for any crime or offense, or has been convicted of any crime of offense, may forthwith temporarily suspend such license until a hearing is held by Village Clerk, as provided herein, and the Village Clerk shall have issued a determination thereon.

§90C-13 APPEAL

An appeal may be made by any person aggrieved by the action of the Village Clerk in the denial of any application for a license, as provided in §90C -5 of this chapter, or in the decision of the Village Clerk with reference to revocation of a license, as provided in §90C-12 of this chapter, to the Board of the Village of Valley Stream. Such appeal shall be taken by filing, within **14** days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds of such appeal. The Village Board shall set a time and place for a hearing on such appeal, and notice of such hearing shall be mailed to the applicant at their last known address at least five (5) days prior to the date set for the hearing. The decision and order of the Village Board on such appeal shall be final and conclusive.

§90C-14 PENALTIES FOR OFFENSES

- A. A violation of any of the provisions of this chapter or any part thereof shall constitute disorderly conduct and such person shall be and is hereby declared a disorderly person and shall be liable for and forfeit and pay a penalty not exceeding \$1,000 and/or 15 days in jail.
- B. The foregoing and all other fines provided for Chapter 90C may be changed from time to time by the Board of Trustees by resolution.

§90C-15 REPEALER

All ordinances, local laws or resolutions, or parts of ordinances, local laws or resolutions of the Incorporated Village of Valley Stream inconsistent with the provisions of this local law are hereby repealed, provided, however, that such repeal shall be only to the extent of such inconsistency and all other respects this local law shall be in addition to other legislation regulating and governing the subject matter covered by this local law.

§90C-16 SEVERABILITY

If any section, or paragraph subdivision or provision of this local law shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this local law as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

Section 2:

§90C-17 WHEN EFFECTIVE

This foregoing provision shall take effect immediately upon filing with the Secretary of State.