

**BOROUGH OF GARWOOD**

**ORDINANCE NO. 20-07**

**Adopted:** \_\_\_\_\_

Introduced: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Motion: \_\_\_\_\_

Motion: \_\_\_\_\_

Seconded: \_\_\_\_\_

Seconded: \_\_\_\_\_

**ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF GARWOOD, COUNTY OF UNION, NEW JERSEY, REQUIRING THE LICENSING AND REGISTRATION OF LANDSCAPERS WITHIN THE BOROUGH**

**WHEREAS**, it is in the best interest of the Borough of Garwood to create an ordinance to regulate commercial lawn maintenance businesses operating within the boundaries of the Borough; and

**WHEREAS**, the Borough finds it necessary to require registration of commercial landscapers so as to ensure such businesses are complying with applicable law; and

**WHEREAS**, it is necessary to establish such law to ensure that commercial landscapers operate at appropriate times during the day; and

**WHEREAS**, the Borough has an obligation to take such action to preserve the health, safety, and welfare of its residents, businesses and the general public.

**NOW THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Garwood, County of Union, New Jersey that:

**Section 1.** Chapter 71, "Businesses and Occupations," of the Code of the Borough of Garwood is hereby amended to add a new Article, Article II, "Landscaping and Lawn Maintenance", as follows:

Article II. **LANDSCAPING AND LAWN MAINTENANCE.**

**§71-13 License Required; Exemptions.**

a. No person shall engage in or carry on the commercial business of furnishing or providing landscaping, lawn maintenance or similar services within the Borough without first having obtained from the Borough a license for that purpose. This shall apply only to a commercial entity.

b. Exemptions.

1. Any individual providing such services on a casual or part-time basis, if such a person is under twenty-two (22) years of age or if this person does not utilize a motor vehicle to transport equipment used in furnishing such services.
2. Any individual or business entity that has obtained a Home Improvement Contractors Registration Certificate from the State of New Jersey. If the individual or business entity is claiming this exemption, the party must submit a copy of their Home Improvement Contractors Registration Certificate to the Borough Clerk's Office.

**§ 71-14 Application; Fee; Term; Renewal.**

- a. All applications for landscaping licenses shall be in writing on all forms furnished by the Borough, signed by the applicant or the authorized agent of the applicant and presented to the Borough Clerk. The application shall state:
  1. The name of the landscaper.
  2. The correct legal name under which the business is being operated.
  3. The address and contact information of the landscaper.
  4. The make, year and commercial license plate of each vehicle to be licensed.
  5. The applicant must submit proof of general liability insurance coverage in the amount of at least \$2,000,000 general aggregate/\$1,000,000 each occurrence; personal injury liability of \$1,000,000 each occurrence; and motor vehicle liability insurance in the minimum amount generally required by applicable state statutes and workers' compensation insurance in the form of a current, original certificate of insurance or policy declaration page showing that the applicant has obtained and possess each such form of insurance from a duly licensed commercial insurance company.
  6. Such other pertinent information as may be necessary for an investigation of the applicant.
- b. All applications for licenses received by the Borough Clerk shall after appropriate investigation be either approved or denied by the Borough Clerk. Thereafter, if the application is approved, the Borough Clerk shall issue the license upon payment of the license fee as hereinafter provided.
- c. The annual fee for such license shall be thirty (\$30.00) dollars. The license, when issued, shall be signed by the Borough Clerk, and such license or a copy of same shall be in each vehicle while in use in the operation of such business. The license shall continue in force and effect only for the calendar year in which it is issued. Upon expiration of the license initially issued by the Borough Clerk, the license may be renewed by the Borough Clerk upon the filing of a renewal application and payment of the renewal fee of thirty (\$30.00) dollars.

**§ 71-15 Hours of Operation.**

Licensees hereunder shall be permitted to furnish gardening, landscaping, lawn maintenance, tree or shrubbery care or similar services within the Borough only during the following hours:

- a. Monday through Friday from 7:00 a.m. prevailing time until dusk.
- b. Saturday from 8:00 a.m. prevailing time until dusk.
- c. Sundays and holidays from 9 a.m. prevailing time until dusk.

**§ 71-16 Disposal of Leaves and Brush**

Landscapers shall be prohibited from placing along any of the public streets, highways, parks or other public place in the township or along any curb for garbage collection, any leaves, sticks, branches, grass clippings, foreign material or construction material. All such materials shall be removed and properly disposed of by all landscapers.

**§ 71-17 Designation of Enforcement Authority**

It shall be the duty and responsibility of the Property Maintenance Officer to enforce the provisions of this Article as herein provided. In enforcing this Article, Property Maintenance Officer shall consult or seek the advice or assistance of such other agents of the Borough as necessary and appropriate to enforce the provisions of this Article. Such other individuals shall cooperate with and aid the Property Maintenance Officer in the enforcement of this Article.

**§ 71-18 Relief from Personal Liability**

The Property Maintenance Officer and any agent or employee of the Borough working under the supervision of the Property Maintenance Officer who acts in good faith and without malice in the discharge of duties of enforcement of this Article is relieved of all personal liability for any damage that may accrue to persons or property as a result of such acts or alleged failure to act. Further, the Property Maintenance Officer shall not be held liable for any costs in any action, suit or proceeding that may be instituted by the Property Maintenance Officer in the enforcement of this Article.

**§ 71-19 Violations and Penalties; Issuance of Notices and Orders**

Any person or persons who shall violate or fail to comply with any of the provisions of this section, upon conviction thereof, shall be punished by a fine of one hundred (\$100.00) dollars for the first offense, five hundred (\$500.00) dollars for the second offense and one thousand (\$1,000.00) dollars for the third offense and/or the revocation of the permit to further operate within the Borough.

The Property Maintenance Officer or any other agent or employee of the Borough working with or at the direction of the Property Maintenance Officer shall issue all necessary notices, orders and summons to enforce the provisions of this Article and remedy any violations of it.

**Section 2.** All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

**Section 3.** If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

**Section 4.** A copy of this Ordinance shall be available for public inspection at the office of the Borough Clerk during regular business hours for the required statutory period.

**Section 5.** This Ordinance shall take effect in accordance with all applicable laws.

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
**SARA TODISCO, Mayor**

\_\_\_\_\_  
**CHRISTINA M. ARIEMMA, Municipal Clerk**

**RECORDED VOTE**

**INTRODUCTION:**

**ADOPTION:**

**COUNCILMAN BENOIT  
COUNCILWOMAN BLUMENSTOCK  
COUNCILMAN GRAHAM  
COUNCILMAN INCE  
COUNCILMAN MCCORMACK  
COUNCIL PRESIDENT LAZAROW**