

## **Local Law HBP 1-2024**

**A local law to amend Chapter 79 of the Village Code of the Village of Hewlett Bay Park, to modify regulations relating to the use of gardening power equipment on weekends in the Village of Hewlett Bay Park.**

**Section one.** The Code of the Village of Hewlett Bay Park is hereby amended by adding the following definition in Village Code §79-1:

### **POWER EQUIPMENT**

Any battery, gas or electric powered gardening or landscaping equipment.

**Section two.** The Code of the Village of Hewlett Bay Park is hereby amended by modifying Village Code §79-6, to read as follows:

- A. The Village Board, after a hearing, upon at least seven (7) days' notice to the licensee, at which hearing the licensee shall be given an opportunity to be heard, may suspend or revoke any license issued, in its discretion, for any of the following causes:
  - (1) Fraud, misrepresentation or false statement contained in the application for the license.
  - (2) The violation of any provision of this chapter or any of the terms or conditions imposed upon the granting of a license.
  - (3) Conducting of applicant's business, enterprise or activity in an unlawful manner or in such a way as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
  - (4) Any transfer or assignment of the license to any person, firm or corporation.
  - (5) Other good cause.
- B. Upon the suspension or revocation of a license, it shall be unlawful for the Gardener to conduct business in the Village of Hewlett Bay Park until a new license is issued upon appropriate application. Upon such suspension or revocation, the license fee shall not be returned.
- C. Notice of revocation or suspension of a permit shall be given in writing, setting forth specifically the grounds therefore.

**Section three.** The Code of the Village of Hewlett Bay Park is hereby amended by modifying Village Code §79-7(A)(1), to read as follows:

**“§79-7(A)(1).**

(1) Operate any Power Equipment earlier than 8:00 a.m. nor later than 6:00 p.m. on weekdays, or at any time on Saturdays, Sundays or legal holidays. Notwithstanding such restriction:

- (a) Such equipment may be operated between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays, Sundays and legal holidays if not more than one such piece of equipment is in use at any one time and such use is by a person who resides on the property where the equipment is being operated;
- (b) Where an emergency situation exists, as confirmed in writing by the Village Building Department, operation of equipment as authorized is permitted;
- (c) Not more than three times per gardening season (March 15 through December 15) on a Saturday, Sunday or legal holiday, upon a written approval from the Building Department after the owner of the premises files a written request for a one-time/one day exception at least three (3) days before the date proposed for such exemption, Power Equipment may be operated at the owner's premises between 9:00 a.m. and 6:00 p.m. on the date permitted by the written approval.

**Section four.** Any local law, ordinance, or resolution of the Village of Hewlett Bay Park in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

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

**Section six.** This local law shall take effect immediately upon adoption and filing of such law pursuant to the Municipal Home Rule Law.