

**BOROUGH OF NORTH CALDWELL
ORDINANCE NO. O-7-17**

**AN ORDINANCE SUPPLEMENTING THE CODE
OF THE BOROUGH OF NORTH CALDWELL BY
ESTABLISHING THE REQUIREMENT TO
OBTAIN LANDSCAPING LICENSES**

WHEREAS, numerous companies and individuals operate landscaping businesses within the Borough of North Caldwell providing such services to residents of the Borough of North Caldwell; and

WHEREAS, in the conduct of such businesses said businesses utilize power equipment and multiple vehicles on the streets and properties within the Borough of North Caldwell without identification of the entities providing such services, without assurance that the entities, and their servants, agents and employees, are aware of Borough of North Caldwell ordinances that impact the manner by which they conduct their business, and without a means of assuring a manner by which the Borough of North Caldwell would communication with such businesses if necessary; and

WHEREAS, the Governing Body of the Borough of North Caldwell finds that it is in the best interest of the citizens of the Borough of North Caldwell to provide for licensing of such businesses to assure that the identities of such businesses are known to the Borough of North Caldwell in order to assure compliance with the Borough of North Caldwell's ordinances as they may impact upon the manner by which said businesses are conducted;

NOW, THEREFORE, BE IT ORDAINED By the Mayor and Council of the Borough of North Caldwell, County of Essex, State of New Jersey as follows:

1. "Chapter 89. Landscaping License." of the Code of the Borough of North Caldwell be and is hereby added to provide the following:

§ 89-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ANNUAL FEE:

The fee charged by and payable to the Municipal Clerk of the Borough of North Caldwell to obtain a license as a Landscaper.

ANNUAL LICENSE:

License issued by the Municipal Clerk of the Borough of North Caldwell for the purposes stated.

CUSTOMER:

Anyone who employs the services of a Landscaper to perform the services of maintaining, cutting, cleaning, raking or performing similar activities on property within the Borough of North Caldwell.

LANDSCAPE CONTRACTOR:

The same meaning as Landscaper.

LANDSCAPER:

A person, persons or any business entity doing business with residential or commercial customers for the

purpose of maintaining, cutting, cleaning, raking or performing similar activities on property within the Borough of North Caldwell.

VEHICLE:

Any commercial vehicle required to be registered with the New Jersey Department of Motor Vehicles, or other vehicle, for use on local roads and highways and used by a Landscaper in the performance of his or her work in the Borough of North Caldwell.

§ 89-2 License required.

All Landscapers utilizing a vehicle for landscaping services within the Borough of North Caldwell shall be required to obtain a license in order to offer their services in the Borough of North Caldwell. A decal shall be required for each specified vehicle the Landscaper owns or operates within the Borough of North Caldwell. Said license shall be obtained from the Municipal Clerk prior to October 1 of each calendar year. Said licenses shall terminate September 30th. Proof of license will be demonstrated by the issuance and the display of a decal, which will be issued to each licensee and displayed at a designated location, upon each vehicle the Landscaper owns or operates in the Borough of North Caldwell.

§ 89-3 Application for license.

A. All applications for landscaping licenses shall be in writing on forms furnished by the Borough of North Caldwell, signed by the applicant or the authorized agent of the applicant, and presented to the Municipal Clerk. The application shall state or provide the following:

- (1) The name of the Landscaper;
- (2) The correct name under which the business is being operated;
- (3) The telephone number and e-mail address of the Landscaper;
- (4) The names and addresses of residents of the Borough of North Caldwell for whom landscaping services are currently being provided;
- (5) The make, model, year and license plate numbers of each vehicle utilized by the Landscaper in the Borough of North Caldwell;
- (6) Proof of general liability insurance for its operations and all vehicles utilized in the Borough of North Caldwell as well as, workers compensation insurance for all employees performing services in the Borough of North Caldwell.
- (7) Such other pertinent information as may be necessary for an investigation of the applicant.

B. All applications for licenses received by the Municipal Clerk shall, after appropriate investigation, be presented by the Municipal Clerk to the Borough of North Caldwell Administrator, who shall either grant or refuse the application. Thereafter, if the application is approved, the Municipal Clerk shall issue the license upon payment of the license fee as hereinafter provided. All licenses issued shall expire September 30 of each year.

§ 89-4 Name of company on vehicle; disposal of waste

materials.

Every Landscaper operating within the Borough of North Caldwell shall be required to comply with the following:

A. The name of the landscaping company shall be clearly indicated on both sides of any vehicle used in said operation, shall be no less than three inches in height and shall include the name, address and telephone number of the Landscaper.

B. All landscaping debris removed from a property, such as grass clippings, leaves, tree stumps, and brush shall be recycled at an approved recycling facility and all tonnage receipts for tipping submitted to the Borough Engineer at the end of each calendar year.

§ 89-5 License fee; terms.

A. Upon filing such application, the Landscaper shall pay to the Municipal Clerk a fee of \$75.00 and \$5.00 for each vehicle requiring a decal. Any fraction of the year will be considered a full year for the purposes of this section.

B. The term of such license shall expire on September 30th of the calendar year in which such license is issued.

C. Such license may be automatically renewed by the Municipal Clerk upon filing of an updated application and payment by the applicant to the Municipal Clerk of an annual renewal fee of \$75.00 and \$5.00 for each vehicle requiring a decal. Such renewal shall be for the following year in which such renewal occurs.

§ 89-6 Revocation of license.

If any Landscaper licensed in accordance with the provisions of this chapter shall be convicted of violating any statute, ordinance or regulation in the execution of any work for which a permit is required by the applicable ordinance of the Borough of North Caldwell relevant to landscaping, the Borough of North Caldwell shall revoke the license of such Landscaper immediately. The Municipal Clerk shall not restore such license during such time as the violation for which such conviction was obtained, exists or remains.

§ 89-7 Relicensing after revocation.

Any Landscaper whose license has been revoked under the provisions above may be relicensed by the Municipal Clerk when the grounds upon which such license was revoked are proven to have been removed or corrected and upon payment of the fee prescribed herein.

§ 89-8 Violations and penalties.

Any Landscaper who violates any provision of this chapter, other than disposal requirements, shall, upon conviction thereof, be punished by a fine not exceeding \$500.00 or by imprisonment for a term not exceeding 90 days, or both. A separate offense shall be deemed committed on each day during, or on which, a violation occurs or continues.

2. The Municipal Clerk, together with all other appropriate officers and employees, are hereby authorized and directed

to take any and all steps necessary to effectuate the purposes of this Ordinance.

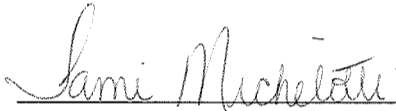
3. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
4. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this ordinance shall be deemed to be valid and effective.
5. This Ordinance shall take effect immediately upon passage and publication in accordance with law.

INTRODUCED: September 26, 2017

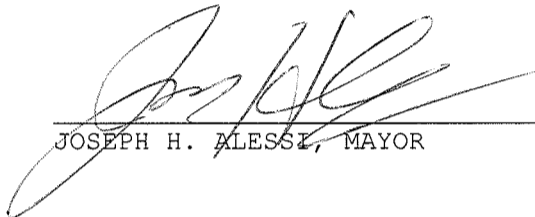
APPROVED: October 24, 2017

ATTEST:

APPROVED:



TAMI MICHELOTTI, ACTING BOROUGH CLERK



JOSEPH H. ALESSI, MAYOR