

**RESOLUTION #107-15**

**PL #110-15**

By Alderman Gonzalez, Seconded by Alderman Barnard

**TO ENACT CHAPTER 13, ARTICLE VII, DIVISION 4: LANDSCAPE AND SNOW REMOVAL  
CONTRACTORS**

**RESOLVED**, that the City of Olean Code of Ordinances Chapter 13, Article VII, is hereby amended to include the following:

**CHAPTER 13 ARTICLE VII CONTRACTORS  
Division 4 Landscape and Snow Removal Contractors**

§ 13-390. Definitions. As used in this article, the following terms shall have the meanings indicated:

**ACTIVE LICENSE** - A license obtained by a person pursuant to this chapter which has neither expired nor been revoked.

**APPLICANT** - Any person who owns or leases at least one motor vehicle used in conducting a snow removal and/or landscape business.

**LANDSCAPE MATERIAL** - All grass, weeds, brush, leaves, flowers, shrubs, limbs up to six inches in diameter and small stumps not to exceed 12 inches in diameter.

**LANDSCAPER** - Any person providing services of planting, trimming, cutting or removing bushes, shrubs, flowers, vegetables, trees or grass for which a contract or agreement for services has been established orally or in writing by means of an invoice, sales receipt or other competent evidence. A landscape contractor constructs, maintains, repairs, installs or subcontracts the development of landscaping systems and facilities for public and/or private gardens and other areas which are designed to aesthetically, architecturally, horticulturally or functionally improve the grounds within or surrounding a structure or a tract or plot of land. In connection therewith, a landscape contractor prepares and grades plots and areas of land for the installation of any architectural, horticultural and decorative treatment or arrangement.

**MOTOR VEHICLE** - Any vehicle used for landscaping or snow removal purposes by a landscaper or snow remover as defined by this article.

**PERSON** - Any individual, firm, partnership, contractor, subcontractor, association or corporation for which a New York State tax identification number has been issued.

PRIVATE PROPERTY - All real property, improved or unimproved, owned by any municipal corporation, person or otherwise and which is not included in the definitions of "public highway" and "public place."

PUBLIC HIGHWAY- Any street open to the public for its full use by all residents of the City of Olean.

PUBLIC PLACE - All real property available to or open to use by all residents of the City of Olean.

SNOW REMOVER - Any person providing services of removing, dumping, heaping or plowing snow by means of a motor vehicle for which a contract or agreement for services has been established orally or in writing by means of an invoice, sales receipt or other competent evidence.

§ 13-391. License required.

A. No person who is a landscaper or snow remover shall conduct landscape or snow removal activities or remove any landscape materials or snow or transport the same through or upon any street, avenue, parkway, road, boulevard or highway within the City of Olean, unless he or she shall have first obtained a license from the Code Enforcement Office and shall have agreed to conform to the provisions of this chapter.

B. Failure to comply with this section shall constitute a violation of this section and shall be punishable by a fine in the amount of \$250.00. This shall be in addition to any other penalty provided in the Code of the City of Olean or in any other law.

§ 13-392. Application procedure.

A. All landscapers and/or snow removers shall apply to the Code Enforcement Office for a license upon forms to be furnished by said Office. In addition to the license, a vehicle tag for each motor vehicle, including trailers, are to be used in the furtherance of the landscape and/or snow removal business.

B. The license application shall specify the following:

(1) Name, address, telephone number and New York State tax identification number of the landscaper and/or snow remover.

(2) Name, address and telephone number of each principal partner or corporate officer of the landscaper and/or snow remover.

(3) Make, serial number, license number and load capacity of each motor vehicle, including trailers, to be utilized by the landscaper and/or snow remover and a current copy of each vehicle registration for which a vehicle tag shall be issued.

C. All new applications and the renewals there for shall be referred to the Chief of Police for its investigation regarding the moral character of the applicant and an incident history of the applicant, with a recommendation for approval or disapproval of the application. All recommendations for disapproval must state the reason for such disapproval in writing.

D. The City of Olean reserves the right to make unannounced, periodic on-site inspections during business hours to ensure compliance with all applicable laws and ordinances.

E. Tags for motor vehicles shall be placed on the center top of the windshield in line with the rear view mirror.

F. A substitute replacement tag shall be issued upon the payment of a fee for each replacement, upon the filing of an affidavit or such other proof as may be required by the Commissioner of Permit and Inspection Services.

#### § 13-393. Insurance.

The applicant shall furnish a certificate from an insurance company licensed to do business in the State of New York, evidencing that the applicant and any motor vehicles are covered by general liability, personal injury and property damage insurance and shall provide evidence that employees of the applicant are covered by workmen's compensation or by an exemption certificate meeting the requirements of the State of New York and containing a ten-day notice of cancellation clause directed to the Commissioner of Permit and Inspection Services, before any license hereunder shall be issued.

#### § 13-394. Reporting of active licenses.

A. It shall be the duty of the Code Enforcement Office to ensure that, at all times, an up-to-date "Active License Summary Report" is maintained which shall contain the name, address, telephone number and New York State tax identification number of each person in possession of an active license approved pursuant to this chapter.

B. It shall be the duty of the Commissioner of Permit and Inspection Services to ensure that a copy of the Active License Summary Report referenced in Subsection A of § 13-394 shall be filed with the City Clerk for review by the Common Council at the following times:

(1) Each year, no later than the filing deadline established by the Common Council for its first regularly scheduled meeting held in the month of December.

(2) Whenever any change shall occur in the status of an active license approved pursuant to this chapter, including but not limited to revocation or expiration of a license.

(3) At any other times as the Common Council may direct.

#### § 13-395. Availability of Active License Summary Report on the City's website.

A. It shall be the duty of the City Clerk, whenever an Active License Summary Report shall be filed with his or her office pursuant to § 13-19, to ensure that a copy of such report is forwarded to the Director of Management Information Systems.

B. It shall be the duty of the City's Data Processing Department, whenever he or she shall be forwarded a copy of an Active License Summary Report by the City Clerk pursuant to Subsection A of this section, to ensure that a copy of the most recently received Active License Summary Report shall be made available for public viewing and downloading on the City website.

§ 13-396. Regulation of landscaper services.

A. Landscape material for disposal in the City of Olean shall not contain any foreign objects, such as stone, brick, concrete, plastic or metal.

B. Burning of landscape material within the City of Olean is prohibited.

C. All landscape materials shall be removed from the serviced property by the landscaper and be transported to the City of Olean composting facility for disposal or composted at the landscaper's facility.

D. The placing or dumping of landscape material on public highways, public places or private property is prohibited.

§ 13-397. Enforcement.

This article shall be enforced by the Code Enforcement Office and the City of Olean Police Department and such other departments or persons as may be designated by the Mayor.

§ 13-398. Suspension and revocation of license; hearings.

A. All persons holding a license as a landscape contractor and/or snow removal contractor shall be subject to the rules and proceedings as contained in § 13-376 relating to hearings and decisions on charges arising from complaints or improper conduct.

B. In addition to a license revocation by the City of Olean, a violation of any provision of this chapter by a person shall be deemed an offense punishable by a fine not to exceed \$1,500 or imprisonment for a period not to exceed 15 days, or both.

§ 13-399. Expiration of license.

A. Each license and vehicle tag shall expire on the first day of November in each year.

B. No license or vehicle tag issued under this chapter shall be transferable or assigned or used by any person other than the one to whom it is issued.

§ 13-400. License and renewal fees.

Fees for license as a landscape contractor and/or snow removal contractor shall be in addition to any other license under this chapter and shall be:

A. Annual License (November 1 through October 31) No fee.

Approved: November 24,  
2015