

## Chapter 79

### HOME IMPROVEMENT CONTRACTORS

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[HISTORY: Adopted by the Town Board of the Town of Shelter Island 6-10-1975 by L.L. No. 1-1975; amended in its entirety 10-22-2021 by L.L. No. 10-2021. Subsequent amendments noted where applicable.]

ARTICLE I  
**General Provisions**

**§ 79-1. Title.**

This chapter shall be titled Home Improvement Contractors.

**§ 79-2. Purpose.**

It is the intent of this chapter to establish licensing and standards for home improvement contractors in the Town of Shelter Island.

**§ 79-3. Definitions.**

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

**BUILDING INSPECTOR** — The Building and Zoning Administrator of the Town of Shelter Island or any duly appointed Building Inspector or Code Enforcement Officer of the Town of Shelter Island.

**BUSINESS** — Includes occupation, profession, trade, craft or any other calling for hire.

**CONSUMER** — An individual who buys or leases or agrees to buy or lease consumer goods or services or credit, including a coguarantor or surety.

**CONTRACT** — An oral or written agreement contained in one or more documents for the performance of work and includes all labor, goods and services.

**ENGAGE** — The undertaking, offering to undertake, solicitation or agreement to perform a contract.

**HOME IMPROVEMENT** — [Per NY Business Law Article 36-A Section 770(3)] The repairing, remodeling, altering, converting, or modernizing of, or adding to, residential property and shall include, but not be limited to, the construction, erection, replacement, or improvement of driveways, swimming pools, siding, insulation, roofing, windows, terraces, patios, landscaping, fences, porches, garages, solar energy systems, flooring, basements, and other improvements of the residential property and all structures or land adjacent to it. "Home improvement" shall also mean the construction of a custom home, the installation of home improvement goods, the furnishing of home improvement services or the provision of landscaping services. "Home improvement" shall not include:

- A. The sale or construction of a new home, other than a custom home as defined in this section;
- B. The sale of goods by a seller who neither arranges to perform nor performs, directly or indirectly, any work or labor in connection with the installation or application of the goods;
- C. The sale or installation of appliances, such as stoves, refrigerators, freezers, room air conditioners, dishwashers, clothes washers or dryers, which are designed to be removable from the premises without material alteration thereof;
- D. The sale or installation of decorative goods or services, such as draperies and carpets; or
- E. The performance of repairs, replacements, or other services pursuant to an express or implied warranty, or a maintenance agreement as defined in § 395-a of the New York State General Business Law.
- F. An owner that performs his or her own home improvement work.

**HOME IMPROVEMENT CONTRACT** — [Per NY Business Law Article 36-A Section 770(6)] An oral

or written agreement for the performance of home improvement, between a home improvement contractor and an owner, and where the aggregate contract price specified in one or more home improvement contracts, including all labor, services and materials to be furnished by the home improvement contractor, exceeds \$500.

**HOME IMPROVEMENT CONTRACTOR** — [Per NY Business Law Article 36-A Section 770(5)] A person, firm or corporation which owns or operates a home improvement business or who undertakes, offers to undertake or agrees to perform any home improvement for a fee and for whom the total cash price of all of his home improvement contracts with all his customers exceeds \$1,500 during any period of 12 consecutive months. Home improvement contractor does not include a person, firm, corporation, landlord, cooperative corporation, condominium board of managers, joint tenant or cotenant that owns, in whole or in part, the property to be improved.

**LICENSEE** — A person permitted to engage in the home improvement business under the provisions of this chapter.

**OWNER** — Any owner of residential property, tenant or any other person who orders, contracts for or purchases the services of a home improvement contractor, or the person entitled to performance of the work of a home improvement contractor pursuant to a home improvement contract.

**PERSON** — (Per in § 37 of the General Construction Law of the State of New York) An individual, firm, partnership, corporation or other entity.

**PLACE OF BUSINESS** — Any shop, residence, place or premises from which a home improvement business is transacted.

**RESIDENTIAL PROPERTY** — Any property used, intended or otherwise appropriate for human habitation.

#### **§ 79-4. License required.**

No person shall conduct or engage in any home improvement business without first obtaining and maintaining in effect at all times a license therefor from the Building Inspector, as hereinafter provided.

#### **§ 79-5. Exceptions.**

No license shall be required under this chapter in the following instances:

- A. An individual who performs labor or services for a home improvement contractor licensed under this chapter for wages or salary.
- B. A member or partner of a firm, partnership or other entity which is a licensed home improvement contractor under this chapter, who performs labor or services for such licensed home improvement contractor.
- C. A stockholder or officer of a corporation which is a home improvement contractor licensed under this chapter, who performs labor or services for such licensed home improvement contractor.
- D. A plumber, electrician, architect, professional engineer or any other person who is required by state or Town law to attain standards of competency or experience as a prerequisite to engaging in such craft or profession and who is acting exclusively within the scope of the craft or profession for which he is currently licensed.
- E. Any home improvement where the aggregate contract price for all labor, materials and other items is less than \$500. This exclusion does not apply where the work is only part of a larger or major

operation, whether undertaken by the same or different home improvement contractor, or in which a division of the operation is made in contracts of amounts less than \$500 for the purpose of evasion of this chapter or otherwise.

- F. Employees of any federal, state or local government, or any agencies thereof, or of a state or local authority, as that term is defined in § 2 of the New York Public Authorities Law and specifically to include the Shelter Island Highway Department and Department of Public Works, provided that such employees are performing the work on behalf of a government entity or public authority. This exemption shall not apply to any work performed by a person, as that term is defined in this article, who is not an employee of any federal, state or local government or any agencies thereof or of a public authority even if such work is performed on behalf of or pursuant to an agreement with a governmental entity or public authority.
- G. Employees of and on behalf of any gas or electric corporation, waterworks corporation or telegraph and telephone corporation, provided that such employees are performing the work on behalf of a gas or electric corporation, waterworks corporation or telegraph and telephone corporation. This exemption shall not apply to any work performed by a person, as that term is defined in this article, who is not an employee of a gas or electric corporation, waterworks corporation or telegraph or telephone corporation, even if such work is performed on behalf of or pursuant to an agreement with a gas or electric corporation, waterworks corporation or telegraph and telephone corporation.
- H. Maintenance work by bona fide employees in an industrial, commercial, institutional or other such establishment within the building or property limits of the employer unless provided otherwise pursuant to this chapter or regulations promulgated hereunder.
- I. An architect, professional engineer or any other person who is required by state or local law to attain standards of competency or experience as a prerequisite to engaging in such profession and who is acting exclusively within the scope of the profession for which he is currently licensed pursuant to such other law. Issuance of a certificate of competency by any other federal, state or municipal agency shall not constitute a license issuance and all such contractors holding such certificates shall be subject to this article.
- J. A contractor engaged in the field of home maintenance or decorating.
- K. Any retail clerk, clerical, administrative or other employee of a licensed home improvement contractor who transacts business from an establishment.

#### **§ 79-6. Term of licenses.**

All licenses shall be valid for a period of one year from the date of issuance thereof. Subsequent renewals shall be for periods of one year.

#### **§ 79-7. Renewal.**

Licenses must be renewed annually at least one month prior to the expiration of the existing license. Upon renewal, an applicant must submit proof that they remain in compliance with requirements of this chapter and that they are not otherwise in violation of any provision herein and that they have completed all required training.

#### **§ 79-8. Application requirements.**

- A. Applicants for licenses or renewals thereof shall file a digital signed and verified application with the

Building Inspector. Where the applicant is a corporation, the application shall be signed and verified by an officer thereof. When the applicant is a firm, partnership or other entity, the application shall be signed and verified by member or partner thereof.

- B. Applications shall set forth the following information:
- (1) The name, trade name and business address of the applicant.
  - (2) If the applicant is an individual, his name and residence address; if the applicant is a corporation, the names and residence addresses of the officers thereof; if the applicant is a firm, partnership or other entity, the names and residence addresses of the members or partners thereof and a copy of the certificate of incorporation.
  - (3) Whether or not there are any outstanding liens or judgments against the applicant.
  - (4) Such other reasonable information as the Building Inspector may deem necessary or advisable to facilitate the purposes of and enforcement of this chapter, including, but not limited to, the following:
    - (a) The names and residence addresses of any employees of the applicant.
    - (b) The names and residence addresses of the stockholders and directors of a corporate applicant.
    - (c) Whether or not the applicant or any member, partner, officer, stockholder or employee thereof ever engaged in a home improvement business under another name or for another person and, if so, reasonable information with respect thereto.
    - (d) Information relating to the financial responsibility and character of the applicant.
  - (5) A federal tax identification number or New York State sales tax identification number, as applicable. If such information is not provided, a license will not be issued.
  - (6) Registration information for each and every vehicle to be utilized in their operations on Shelter Island.
- C. All applicants must submit proof of liability insurance with a limit of at least \$300,000 naming the Town of Shelter Island as an additional insured.
- D. All applicants must submit proof of worker's compensation insurance.
- E. Any applicant that will be applying fertilizer pesticides, fungicide, herbicide, rodenticide or any other chemical agent must provide proof of licensing by annually required federal, state or county agency (FEMA, DEC, DOH etc.) any required training or continuing education including Suffolk County Turf Management training.

#### **§ 79-9. Issuance of license.**

After the filing of an application for a license or renewal thereof and payment of the required fee, the Building Inspector shall examine the application and make such investigation as he deems necessary or advisable. Upon completion of same, the Building Inspector shall issue a license unless he finds that the applicant is unfit or undesirable to carry on such home improvement business or is incapable of properly conducting such home improvement business, in which event he shall deny the license.

**§ 79-10. Appeal of denial.**

- A. The Building Inspector shall notify the applicant of his denial of an application for a license. Service of such notice shall be made personally or by certified mail, addressed to the address set forth in the application for a license. Such notice shall be in writing and shall specify the ground or grounds for the denial. The notice shall include or be accompanied by a statement that the applicant may request an appeal hearing before the Town Board by filing a written request therefor with the Town Clerk. The Town Clerk shall give the appealing party at least five days' written notice of the time and place of such hearing.
- B. At the time and place set for the hearing upon the appeal from the determination of the Building Inspector, the Town Board shall give the appealing party and any other interested party a reasonable opportunity to be heard in order to show cause before said Board why the determination of the Building Inspector should not be upheld. The decision of the Town Board shall be in writing, shall specify the ground or grounds upon which the decision is based and shall be final and conclusive.

**§ 79-11. License fee.**

- A. A fee as determined from time to time by Town Board resolution shall be paid to the Town of Shelter Island upon the filing of each application for a license or any annual renewal for the purpose of defraying expenses incidental to the processing of said applications and the enforcement of the provisions of this chapter.
- B. Any license issued hereunder shall expire one year after its date of issuance, unless revoked as hereinafter provided.
- C. Issuance of a license shall create no presumption that the licensee is in compliance with the provisions of this chapter nor that the licensee is entitled to the license.
- D. No license issued under this chapter shall be transferred or assigned to any person or used by any person other than the licensee to whom it was issued.
- E. A license issued hereunder may not be construed to authorize the licensee to perform any work or engage in any kind of business which is reserved to qualified licensees under separate provisions of state or Town law.
- F. A license issued hereunder shall at all times be posted conspicuously in the place of business of the licensee.
- G. Every licensee shall, within 10 days after a change of control in ownership or of management or of address or of trade name, notify the Building Inspector of such change in writing.

**§ 79-12. Conditions of license.**

- A. No license issued hereunder shall be assignable or transferable.
- B. Failure to make application and pay the required fee for a license renewal prior to the expiration date of said license shall render the license null and void on the expiration date. Compliance with the provisions of this section shall entitle the licensee to the renewal of his license, provided that such license has not been suspended or revoked by the Director prior to the expiration date.
- C. The death of an individual who holds a valid license issued pursuant to this chapter shall terminate such license.

- D. A license issued pursuant to this chapter shall be conspicuously posted in the place of business of the licensee and upon all vehicles operated by the business.
- E. Each licensee shall, within seven business days after a change of address or trade name, notify the office, in writing, of such change.
- F. Licensee must immediately report the Shelter Island Building Department any lapse in insurance coverage.
- G. All advertising for home improvement contracting shall contain the license number of the home improvement license issued pursuant to this chapter.
- H. Licensees must ensure all vehicles comply with applicable laws and regulations.
- I. No licensee shall permit an unlicensed driver to operate any vehicle within the Town of Shelter Island.
- J. No licensee shall permit an uninsured vehicle to operate on Shelter Island.
- K. All vehicles used by the licensee or its employees must display a sticker with the licensee's license number on the rear bumper.

**§ 79-13. through § 79-19. (Reserved)**

ARTICLE II  
**Disciplinary Procedures**

**§ 79-20. Licensing Review Board. [Amended 10-28-2024 by L.L. No. 16-2024]**

A. Formation and composition.

- (1) There is hereby established in and for the Town of Shelter Island a Licensing Review Board, consisting of either three or five members, as may be determined from time to time by the Town Board, who shall be appointed by the Town Board to serve at the pleasure of the Town Board. In no event shall a member serve for more than two years unless reappointed by the Town Board.
- (2) The Town Board shall designate one member of the Licensing Review Board to serve as Chairman thereof.
- (3) A majority of the members shall constitute a quorum of the Licensing Review Board.
- (4) Members of the Licensing Review Board shall be residents of the Town and shall serve voluntarily without salary or compensation.
- (5) At least one member of the Licensing Review Board shall be a current home improvement contractor who resides and has their place of business within the Town or a retired home improvement contractor who currently resides and has had their place of business previously within the Town.

B. Function. It is the function of this Board to hear and determine any complaint or grievance that may be the basis for recommendation to the Town Board for suspension or revocation of a license or that may be the basis for suspension of a license by the Licensing Review Board, upon a finding that the licensee has been guilty of any one of the following:

- (1) Fraud, misrepresentation or bribery in securing a license.
- (2) The making of any false statement as to a material matter in any application for a license.
- (3) The person or the management personnel of the home improvement contractor are untrustworthy or not of good character.
- (4) The business transactions of the home improvement contractor have been or are marked by a practice of failure to timely perform or complete its contracts or the manipulations of assets or accounts or by fraud or bad faith or is marked by an unwholesome method or practice of solicitation of business from owners.
- (5) Failure to display the license as provided in this chapter.
- (6) Failure to comply with any demand or requirement lawfully made by the Building Inspector, Licensing Review Board or Town Board.
- (7) An agent or employee of a licensee has been guilty of an act of omission, fraud, misrepresentation, and the licensee has approved or had knowledge thereof.
- (8) Violation of any provision of this chapter.
- (9) Abandonment or willful failure to perform, without justification, any home improvement

contract or project engaged in or undertaken by a home improvement contractor; or willful deviation from or disregard of plans or specifications in any material respect without the consent of the owner and, where required, from the Building Inspector.

- (10) Making a substantial misrepresentation in the solicitation or procurement of a home improvement contract or making any false promise of a character likely to influence or persuade or induce.
- (11) Any fraud in the execution of, or in the material alteration of, any contract, mortgage, promissory note or other document incident to a home improvement transaction.
- (12) Preparing or accepting any mortgage, promissory note or other evidence of indebtedness upon the obligations of a home improvement transaction with knowledge that it recites a greater monetary obligation than the agreed consideration for the home improvement work.
- (13) Directly or indirectly publishing any advertisement relating to home improvements which contains an assertion, representation or statement of which is false, deceptive or misleading, provided that any advertisement which is subject to and complies with the then-existing rules, regulations or guides of the Federal Trade Commission shall not be deemed false, deceptive or misleading; or by any means advertising or purporting to offer the general public any home improvement work with the intent not to accept contracts for the particular work or at the price which is advertised or offered to the public.
- (14) Willful or deliberate disregard and violation of the building, sanitary, fire and health laws of the Town, county or state.
- (15) Failure to notify the Building Inspector of any change or control in ownership, management or business name or location.
- (16) Conducting a home improvement business in any name other than the one in which the home improvement contractor is licensed.

C. Procedure.

- (1) The Licensing Review Board shall have the right to determine whether or not it will take jurisdiction of any complaint submitted to it. In the event that it shall deny jurisdiction, such determination shall be in writing, and a copy shall be mailed to the complainant.
- (2) If the Licensing Review Board, upon reasonable cause, should believe that any licensee has violated any of the provisions of this chapter, such Board shall have the power to make such investigation as it shall deem necessary or advisable.
- (3) There shall be no suspension of a license or recommendation that a license be suspended or revoked until after a hearing had before the Licensing Review Board, upon written notice to the licensee of at least 10 days. Such notice shall specify the time and place of the hearing and the ground or grounds which will be the subject of the hearing, and it shall state that the purpose of the hearing is to determine whether the license should be suspended and whether a recommendation of suspension or revocation should be made to the Town Board. Such notice shall be served personally or by certified mail, return receipt requested, addressed to the place of business of the licensee. The licensee and any other interested party shall be given a reasonable opportunity to be heard. A stenographic record of the hearing may be taken and preserved. The determination or recommendation of the Licensing Review Board shall be in writing and shall specify the ground or grounds upon which it is based.

(4) The Licensing Review Board shall maintain records and files of any and all hearings held by it.

D. Powers.

(1) The Licensing Review Board shall have the power to suspend a license, for a period not exceeding 30 days, if it determines that the licensee has been guilty of any act or circumstance set forth in this chapter. Any such determination of suspension shall be final and conclusive. Upon making such determination of suspension, such Board shall direct the Building Inspector to notify the licensee that his license is suspended. Such notice shall be served personally or by certified mail, return receipt requested, addressed to the place of business of the licensee, and such licensee shall immediately surrender his license to the Building Inspector.

(2) The Licensing Review Board shall have the power to recommend to the Town Board that a license be suspended or revoked by the Town Board.

(3) In lieu of a suspension or a recommendation to the Town Board, the Licensing Review Board may accept a written assurance of a compromise between the parties.

**§ 79-21. Suspension or revocation of license by Town Board.**

A. The Town Board shall have the power to revoke a license if it determines, after a public hearing as hereinafter provided, that the licensee is unfit or undesirable to carry on the home improvement business or is incapable of properly conducting such home improvement business. The Town Board shall have the power to suspend a license if it determines, after a public hearing as hereinafter provided, that the licensee has been guilty of any act or circumstance set forth in of this chapter.

B. Hearing.

(1) If the Town Board determines to hold such hearing, it shall notify the licensee that a hearing will be held before the Town Board to determine whether his license should be suspended or revoked. Such notice shall specify the time and place of the hearing and the ground or grounds for suspension or revocation which will be the subject of the hearing. Such notice shall be in writing, shall be served at least 10 days prior to the date of the hearing and shall be served personally or by certified mail, return receipt requested, addressed to the place of business of the licensee.

(2) At the time and place set for the hearing, the Town Board shall give the licensee and any other interested party a reasonable opportunity to be heard. The decision of the Town Board shall be in writing, shall specify the ground or grounds upon which the decision is based and shall be final and conclusive.

C. If the Town Board determines that the license of a licensee should be suspended or revoked, the Town Board shall direct the Building Inspector to notify the licensee that his license is suspended or revoked. Such notice shall be served personally or by certified mail, return receipt requested, addressed to the place of business of the licensee. A licensee shall immediately surrender his license to the Building Inspector upon its suspension or revocation by the Town Board.

**§ 79-22. Automatic suspension.**

Any licensed issued under this chapter shall be suspended immediately by operation of law and the contractor prohibited from performing any work in the Town of Shelter Island upon notice to the contractor of the lapse, cancellation or any other termination of liability or worker's compensation coverage and such

suspension shall remain in effect until such coverage is reinstated.

**§ 79-23. through § 79-29. (Reserved)**

ARTICLE III  
**Prohibited Acts**

**§ 79-30. Prohibited acts.**

- A. In addition to any prohibitions contained in this article or in any other local law, resolution, or ordinance, the following acts are prohibited.
- B. Abandonment or willful failure to perform, without justification, any contract engaged in by a licensee.
- C. Willful deviation from or disregard of contract specifications or estimates in any material respect without the consent of the contracting party.
- D. Engaging in deceptive or unconscionable trade practices in the solicitation or procurement of a contract, or in the preparation of or performance of a work estimate or invoice, or in the collection of debts incurred for consumer goods and services as defined below:
- (1) Deceptive trade practices. Any false, falsely disparaging or misleading oral or written statement, visual description, or other representation of any kind, which has the capacity, tendency or effect of deceiving or misleading consumers or the consuming public and is made in connection with a contract, preparation of or performance of a work estimate or invoice, in the extension of consumer credit, or in the collection of consumer debts. Deceptive trade practices, include but are not limited to:
    - (a) Representations that:
      - [1] Goods or services have sponsorship, approval, accessories, characteristics, uses, benefits, or quantities that they do not have.
      - [2] The seller has a sponsorship, approval, status, affiliation, or connection that he/she does not have.
      - [3] Goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, or secondhand.
      - [4] Goods or services are of a particular standard, quality, grade, style, or model, if they are of another.
    - (b) The use, in any oral or written representation, of exaggeration, innuendo or ambiguity as to a material fact.
    - (c) Failure to state a material fact if such failure deceived or tends to deceive.
    - (d) Disparaging the goods, services or business of another by false or misleading representations of material facts.
    - (e) Offering goods or services without intent to sell them.
    - (f) Offering goods or services without intent to supply reasonably expectable public demand, unless the offer disclosed the limitation.
    - (g) Making false or misleading representations of fact concerning the reason for, existence of or amounts of price reductions, or the price in comparison to prices of competitors or one's

own price at a past or future time.

- (h) Falsely stating that a consumer transaction involves consumer rights, remedies or obligations.
  - (i) Falsely stating that services, replacements or repairs are needed.
  - (j) Falsely stating the reasons for offering or supplying goods or services at sale or discount prices.
  - (k) The failure by any person engaged in the delivery, pickup, inspection or repair of consumer goods and/or services in the home to keep an appointment to perform the delivery of consumer goods and/or services on the day agreed upon with the consumer unless the consumer has received written or verbal notice of delay or cancellation before the end of the preceding business day. This provision shall not apply to the sale or delivery of utility services, home improvement contractors working under a contract, requests by consumers for same-day emergency service, cancellations of appointments by the consumer, delays caused by the consumer or failures to keep an appointment caused by strike or natural disaster. If unexpected circumstances, such as a mechanical breakdown, preclude notification by the end of the preceding business day, then no violation shall occur if actual notice is given to the consumer as soon as practicably possible.
- (2) Unconscionable trade practice. Any act or practice which unfairly takes advantage of the lack of knowledge, ability, experience, or capacity of the consumer or which results in a gross disparity between the value received by a consumer and the price paid by the consumer. "Unconscionable trade practice" shall include any acts or practices which unfairly take advantage of a sudden disaster, such as hurricanes, tornadoes, flooding, blizzards, explosions, airplane crashes, earthquakes, nuclear war, radiological emergencies, war, civil unrest or disobedience or acts of God and comparable acts which result in gross disparity between the value received by a consumer and the price ordinarily paid by the consumer in the absence of one of these above occurrences. The existence of such a disaster shall be established, for the purposes of this chapter, by a written declaration by either the County Executive or a majority of the entire membership of the County Legislature. The Director shall initiate investigation of such unconscionable trade practices immediately after any one of the natural disasters or other acts of God described above.

**§ 79-31. through § 79-39. (Reserved)**

ARTICLE IV  
**Remedies**

**§ 79-40. Penalties for offenses.**

- A. Any person who shall conduct or engage in any home improvement business without having obtained a license therefor, in violation of this chapter, or who shall conduct or engage in any home improvement business while his license is suspended or revoked, in violation of this chapter, shall, upon conviction, be punishable by a fine not exceeding five times the then-applicable license fee or by imprisonment for not more than 15 days, or both, for each and every violation. Each day that work is performed without a license shall be considered a separate offense.
- B. Any contractor as defined herein who performs services on Shelter Island without a valid and current liability and worker's compensation insurance policy shall, upon conviction, be punishable by a fine not exceeding \$2,500 or by imprisonment for not more than 15 days, or both, for each and every violation. Each day that work is performed without the required policies shall be considered a separate offense.
- C. Any contractor as defined herein who advertises to perform services in the Town of Shelter Island without listing their license number on the advertisement shall, upon conviction, be punishable by a fine not exceeding \$100. Each separate and distinct advertisement shall be considered a separate offense.
- D. Any contractor as defined herein operates a vehicle in the Town of Shelter Island without a valid license sticker shall, upon conviction, be punishable by a fine not exceeding \$100. Each unstickered vehicle shall be considered a separate offense for each day it operates in the Town of Shelter Island.
- E. Any contractor regardless of licensing status as defined herein who utilizes any vehicle to perform services in the Town of Shelter Island without affixing a sticker shall, upon conviction, be punishable by a fine not exceeding \$250. Each separate and distinct advertisement shall be considered a separate offense.
- F. Any contractor as defined herein who engages in a willful failure to comply with any lawful order of any federal, state, or Town agency department or official shall, upon conviction, be punishable by a fine not exceeding \$250. Each separate and distinct advertisement shall be considered a separate offense.
- G. Any contractor as defined herein who engages in deceptive trade practices shall, upon conviction, be punishable by a fine not exceeding \$5,000. Each separate and distinct advertisement shall be considered a separate offense.
- H. Any contractor as defined herein who engages in unconscionable trade practices shall, upon conviction, be punishable by a fine not exceeding \$10,000. Each separate and distinct advertisement shall be considered a separate offense.

**§ 79-41. Injunctive relief.**

Upon application of the Building Inspection or the Town Attorney, the Town may commence an action in the name of the Town to restrain, prevent and enjoin a violation of this chapter or any rule or regulation promulgated hereunder or any continuance of such violation.

**§ 79-42. Stop work.**

The Building Inspector may immediately stop work of any home improvement contractor found in violation of the provisions of this chapter and shall immediately refer the matter to the Licensing Review Board.

**§ 79-43. Private right of action.**

- A. Any contract entered into in the Town of Shelter Island by any unlicensed contractor is voidable by the home owner subject only to payment for work already completed.
- B. A private right of action shall exist for any home owner with regard to any violation by the contractor of Article III, Prohibited Acts, of this chapter.

**§ 79-44. Applicability.**

- A. This chapter shall take effect 10 days after its adoption and shall not apply to home improvement contracts entered into before such date.
- B. A license issued by any governmental agency prior to the effective date of the appropriate article of this chapter shall continue to remain in full force and effect until its expiration or termination unless sooner revoked or suspended for cause.