

Chapter 5.80 - TREE MAINTENANCE BUSINESSES

Sections:

5.80.010 - Purpose—Authority—General provisions.

- A. The purpose of this chapter is to regulate, license and monitor activities of tree maintenance businesses, involved in tree trimming and/or removal and tree care activities, operating within the city for the health, safety and welfare of the community's urban forestry system.
- B. Authority is granted cities and towns by Wyo. Stat. Sections 15-1-103(a)(xiii) and (xli) to regulate and license certain business activities. General business licensing provisions outlined in Chapter 5.04 apply for license issuance and renewal procedures.
- C. Persons licensed pursuant to this chapter must also comply with applicable provisions of Chapter 12.16, Trees and Shrubs, of the city code.

(Ord. 3615 § 1 (part), 2004)

5.80.020 - License required—Application—Fee.

- A. Any person owning or operating a tree maintenance business who desires to provide services within the city must first obtain a business license from the office of the city clerk. Application, together with a nonrefundable annual license fee of ninety dollars (\$90.00), must be submitted to the office of the city clerk on forms provided by the city clerk. The application must contain information requested upon the form as well as any required supporting documentation.
- B. The city clerk will refer applications to the director of forestry, who will examine the applicant either orally or in writing to determine the applicant's qualifications. The director of forestry will file his or her examination results or professional evaluation of the applicant's qualifications with the city clerk within five days of the examination or evaluation.

(Ord. No. 3844, § 1, 6-8-09; Ord. 3714 § 1 (part), 2006; Ord. 3615 § 1 (part), 2004)

5.80.030 - Licensee and employee qualifications.

- A. Effective April 1, 2006, all new tree maintenance business applicants, and renewal licensees holding a tree maintenance business license must submit proof to the office of the city clerk that the business owner or an active full-time employee holds a current and valid certified arborist or certified tree worker designation from the International Society of Arboriculture.
- B. Tree maintenance businesses involved only in applying pesticides and fertilizers externally or internally to trees and shrubs are exempt from the professional certification requirements set forth in subsection A of this section, but must submit proof to the director of forestry that the owner or an active full-time employee of the tree maintenance business holds a current and valid Wyoming commercial applicator certification from the Wyoming department of agriculture.

(Ord. 3615 § 1 (part), 2004)

5.80.040 - Insurance—Required.

- A. Prior to a business license being issued, applicants must file with the office of the city clerk proof of commercial general liability insurance coverage from a carrier authorized to do business within the state of Wyoming.
 - 1. Commercial general liability insurance coverage must be in the minimum amount of one hundred thousand dollars (\$100,000.00) per occurrence with a minimum general aggregate amount of three hundred thousand dollars (\$300,000.00). The coverage document must list the

city of Cheyenne, office of the city clerk, as a certificate holder and contain a statement indicating that any notice of cancellation issued to the applicant must also be provided in writing to the city clerk within thirty (30) days of effectiveness.

- B. If applicable, proof of workers' compensation insurance coverage pursuant to Wyoming law must also be provided.

(Ord. 3615 § 1 (part), 2004)

5.80.050 - Licensee responsibility.

- A. Licensees will be responsible for performing work activities in conformance with all applicable city ordinances, including, but not necessarily limited to, Chapter 12.16, Trees and Shrubs, of the city code, and applicable Wyoming law.
- B. The following provisions apply to licensee operations:
 - 1. Safety measures and equipment must be utilized at all times to protect workers and the public;
 - 2. Adherence to notices or orders issued from the director of forestry pertaining to work activities and operations;
 - 3. Maintain current physical and mailing business address information at the office of the director of forestry for use in providing any written or personal notification necessary from the director.

(Ord. 3615 § 1 (part), 2004)

5.80.060 - License suspension—Revocation.

- A. The director of forestry may request that the city attorney investigate and determine whether to instigate proceedings for a license to be suspended or revoked for the following reasons:
 - 1. Violations of city ordinances, including, but not necessarily limited to, the provisions of this chapter and/or Chapters 5.04 and 12.16 of the city code, or Wyoming law;
 - 2. Activities and operations provided under a license demonstrating lack of knowledge or education resulting in unsafe or improper practices affecting employees, the public and/or the intent of the urban forestry program in protecting and preserving the community's trees and shrubs;
 - 3. Allowing an unlicensed business or individual to operate under licensee's business license.
- B. In the event proceedings are instigated for a license to be suspended or revoked, the provisions of Sections 5.04.100 and 5.04.110 of the city code will apply.

(Ord. 3615 § 1 (part), 2004)

5.80.070 - Violation—Penalty.

Any person who violates the provisions of this chapter and Chapters 5.04 and 12.16 of the city code will be deemed guilty of a misdemeanor, punishable as provided by the general penalty provision of the city code.

(Ord. 3615 § 1 (part), 2004)