



Legislation Text

File #: 14-0578, **Version:** 4

Ordinance No. 14-89 amending Part 3 (Tree Service) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to tree service licenses

From:

Sarah Johnson, City Clerk and Jay Hein, City Forester

Summary:

As part of an ongoing effort to make the City of Colorado Springs a more business friendly community, and as one of the City Clerk's 2014 Breakthrough Strategies, the City Clerk conducted a thorough review of all general and specific business license types, requirements, and fees to ensure they are relevant and necessary to regulate activities related to health, safety or other protective purposes. This review includes proposals for removal/clarification of requirements for standardization across all general business license types. These updates to our City code eliminate unnecessary steps and requirements for a business to operate in our great city, while also aiding the future creation of an online application/renewal business licensing system.

The Parks, Recreation and Cultural Services Department, through the City Forester, is requesting changes to the tree service license. The language in the recommended changes will more closely align the City's process with other communities along the Front Range, will allow for an increased supply of licensed tree service businesses within the City, and will incorporate national certification standards into the tree service licensing process.

A summary of the proposed changes to the Tree Service License Ordinance, effective as of January 1, 2015, is as follows:

- 1. Revise the definitions of "City Forester" and "Manager" to make uniform with the same definitions found in Chapter 4 of the City Code;*
- 2. Modify the expiration date for licenses from December 31 of each year to one (1) year from the date of issuance;*
- 3. Establish two (2) classes of licenses - (1) one a "general" license that allows cutting, training, pruning, shaping, or removing tree from or above the ground, and (2) a "limited" license one that allows such activities from the ground only;*
- 4. Allow the City Forester to waive any or all of the current exam requirements if the applicant is a certified arborist or tree worker of the International Society of Arboriculture (ISA);*
- 5. Incorporate simplified general application requirements from section 2.1.403;*
- 6. Allow for statement that workers' compensation insurance coverage is not required in lieu of coverage certificate;*

7. Standardize the required insurance limits to \$1,000,000 from \$500,000;
8. Shift notice of cancellation requirement from insurer to licensee and delete 30-day notice period and additional insured requirements; and
9. Clarify that license and registration fees are “as established by the City under article 1, part 5 of this chapter”.

2.3.303: CLASSES OF LICENSES:

A. *General.* A general tree service business license shall authorize the licensee to cut, train, prune, shape or remove trees for hire from or above the ground through climbing, use of an aerial lift, or a ladder exceeding the height of twelve (12) feet.

B. *Limited.* A limited tree service business license shall authorize the licensee to cut, train, prune, shape or remove trees for hire from the ground only except by use of a ladder not exceeding the height of twelve (12) feet.

The proposed change to 2.3.303 was created as a response to the needs of our community and with the support of the Colorado Springs Fire Department (CSFD). With approximately 25% of the City’s population living within the wildland urban interface, it is important that we protect the citizens through fuels mitigation and forest restoration work. The current Tree Service Licensing system makes it difficult for any prospective Tree Service from performing that work unless they have an employee on staff that can pass the rigorous tree climbing portion of our Tree Service Licensing exam. Fuels mitigation work, rarely, if ever, requires the Tree Service to climb trees or use bucket trucks to accomplish the goals of the project. As such, we are proposing a two-tiered licensing system that accommodates businesses only interested in working from the ground. We believe this proposal is a shift toward the City’s goals of becoming more business friendly and will effectively attract additional businesses into our community. As the City Forester, I have spoken to approximately a half dozen contractors in the last 4 months that would potentially be interested in bidding on projects within the City limits if they were able to apply for the “Limited” Tree Service License.

Colorado Springs Forestry Department, along with CSFD, requires any Tree Service working under their capacity to have a valid Tree Service Business License. Homeowners who wish to perform tree work on trees within their private property may do so without a license. However, should homeowners wish to apply for grant funds through the Colorado Springs Fire Department, they must use a licensed Tree Service. Colorado Springs has a proud natural resource heritage and City Code requires that any Tree Service for hire is licensed through the City Forester and is knowledgeable of proper arboricultural practices. This is done for the protection of not only our natural resources, but for the citizens of Colorado Springs as well. A few of the key reasons for requiring Tree Services to be licensed are as follows:

- *Public safety concerns:*

Arboricultural work is among the most dangerous jobs in America. A licensed Tree Service will be required to be knowledgeable of and in compliance with ANSI standards.

Required liability insurance protects their employees as well as our citizens from damages if an accident should occur.

- *Protection for the trees against insects, disease, and early decline due to improper arboricultural practices:*

Insect and disease can spread rapidly throughout a community if proper arboricultural practices are

not followed. Our testing procedure ensures that Tree Services understand our City Forestry Rules and Regulations, proper tree identification, local insect and disease concerns, and proper tree pruning and removal techniques.

This addition to City Code is not meant to be more restrictive. Rather, it provides a unique business opportunity for companies to move into our City and do work that so desperately needs to be done. City Forestry and CSFD view this as a positive addition to our City Code and a move in the right direction toward becoming more responsive to our natural resource needs.

2.3.304: EXAMINATION BY CITY FORESTER

C. Waiver: The City Forester may waive any or all of the examination requirements upon the applicant's submission of documentation verifying that the licensed representative is a certified arborist or tree worker of the International Society of Arboriculture or any successor organization. The proposed change to 2.3.304 allows the City Forester to waive portions of either the written or skills portions of the Tree Service Licensing exam if the applicant shows proof that they are either an International Society of Arboriculture (ISA) Certified Arborist or a Certified Tree worker. Both of those certifications are awarded through a nationally recognized organization. The exams taken through ISA are very thorough and more difficult than the exams offered through the City Forestry Department and are considered to be a valid substitute

Previous Council Action:

No previous Council action.

Background:

As part of an ongoing effort to make the City of Colorado Springs a more business friendly community, and as one of the City Clerk's 2014 Breakthrough Strategies, the City Clerk conducted a thorough review of all general and specific business license types, requirements, and fees to ensure they are relevant and necessary to regulate activities related to health, safety or other protective purposes. This review includes proposals for removal/clarification of requirements for standardization across all general business license types. These updates to our City Code eliminate unnecessary steps and requirements for a business to operate in our great city, while also aiding the future creation of an online application/renewal business licensing system.

The City Clerk worked closely with the Parks, Recreation and Cultural Services Department, through the City Forester and City Attorney's Office and CSFD staff to recommend improvements to the tree service license. The language in the recommended changes will more closely align the City's process with other communities along the Front Range, will allow for an increased supply of licensed tree service businesses within the City, and will incorporate national certification into the tree service licensing process.

Financial Implications:

N/A

Board/Commission Recommendation:

N/A

Stakeholder Process:

The City Clerk worked closely with the Parks, Recreation and Cultural Services Department, through the City Forester, and City Attorney's Office and CSPD staff during the review process. The Parks and Recreation Advisory Board unanimously approved the proposed changes to the license at its September 11, 2014, meeting with the exception of the insurance limit change, which had not been proposed at that time.

Alternatives:

Not approve the ordinance.

Proposed Motion:

Motion to approve an ordinance amending Part 3 (Tree Service) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to tree service licenses on first reading.

N/A