

(Published in the Russell County News on March 25, 2021)

ORDINANCE NO. B-568

AN ORDINANCE REGULATING TREE TRIMMING AS PASSED BY THE GOVERNING BODY OF THE CITY OF VICTORIA, COUNTY OF ELLIS, STATE OF KANSAS, AND PROVIDING FOR THE LICENSING OF TREE TRIMMERS, QUALIFICATIONS, LIABILITY INSURANCE AND PENALTIES FOR FAILING TO BECOME LICENSED IN THE CITY OF VICTORIA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VICTORIA, KANSAS:

CHAPTER VIII
Health and Welfare
Section 5, Article 4

Section 5-401. When license required; application.

No person shall engage in the business of cutting, pruning, removing, spraying or otherwise treating trees within the city without first procuring a license therefor from the city clerk. The application for such license shall specify the types of service for which the applicant desires to be licensed. Nothing contained in the article shall be construed to prevent owners or occupants from performing work on their own property.

Section 5-402. Examination

Before any such license shall be issued, the application therefore shall be submitted by the city clerk to the City Superintendent who shall then examine the applicant orally and in writing upon the applicant's qualifications and competency to engage in the types of service for which his application discloses that he desires to be licensed. A current certification from the Kansas Arborist Association or equivalent certification may be used in lieu of a written examination. The applicant shall demonstrate such actual practical ability and competence or furnish such evidence of previous satisfactory experience as the City Superintendent deems proper. The City Superintendent shall return to the city clerk the application with an endorsement of approval for the type of service in which the applicant has been found

Section 5-405. Rules and regulations.

The City Superintendent may recommend for adoption reasonable rules and regulations governing those aspects of the conduct of the business and of any and all parts thereof, directly affecting the public health and safety and requiring the use of such safety appliances, apparatus and equipment as are reasonably necessary for the protection of the workers engaged in such work, and the public and private property and it is unlawful for any licensee hereunder to violate or fail, neglect or refuse to comply with any such rules or regulations. Such rules and regulations shall be adopted, amended and repealed by majority vote of the Council and shall be effective when filed with the city clerk.

Section 5-406. Names and address displayed on vehicles and equipment.

All automobiles, trucks, trailers or other vehicles operated by any licensee for the transportation of the equipment used by him in such business and all self-propelled, draw or tow equipment used by any licensee in such business shall have the name and address of such licensee displayed on both sides thereof in plain and legible figures and letters not less than three inches in height which shall be kept in such condition as to permit such name and address to be readily distinguished and read at a distance of at least 60 feet. It shall be unlawful and a ground for revocation of his license for any licensee to operate any such vehicle or cause any such equipment to be operated or drawn or towed upon the streets, alleys or any public ways or places within the city, unless or without such name and address being so displayed on such vehicle.

Section 5-407. Penalty.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction of such violation shall be fined not less than \$40, nor more than \$100. Each and every day's violation of any of the provisions of this article shall constitute a separate offense.

qualified, or an endorsement of disapproval accompanied by a written explanation for all other applied for types of service. Proof of a state commercial pesticide applicator's license issued by the state department of agriculture is required prior to applying for a city license. The city clerk shall issue or refuse to issue such license in accordance with the endorsement of the City Superintendent.

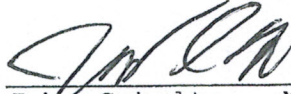
Section 5-403. Insurance requirement.

No such license shall be effective, and no such license shall be issued until the applicant or licensee shall present to the city clerk a satisfactory public insurance policy covering all operations of such applicant or licensee in such business in the city in the sum of at least \$250,000.00 per occurrence bodily injury liability insurance, at least \$250,000.00 per occurrence, and \$250,000.00 aggregate limit property damage liability insurance. Should any policy be canceled, the city shall be notified of such cancellation within ten days after such cancellation is effective. A provision requiring such notice shall be incorporated in such policy. In the event such policy at any time fails, in the opinion of the City Superintendent, to comply with the provisions of this section or afford reasonably satisfactory protection to the persons intended to be protected, such failure shall be grounds for revocation of any such license, or in the discretion of the City Superintendent, grounds for suspension of such license until the insurance required by this section be so furnished. It is unlawful for any person to engage in the business defined while their license is for any reason suspended or revoked.

Section 5-404. License fee.

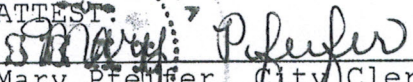
The initial fee for every license to engage in this business shall be \$25.00; renewal of such license shall be \$10.00 per calendar year. The effective date of the initial license shall be the first day of operation within the city. Current licenses must be renewed by February 15.

PASSED by the Governing Body on June 15, 2020.



John Schulte - Mayor



ATTEST:

Mary Pfeuffer, City Clerk