

# TOWN OF DAVIE

## TOWN COUNCIL AGENDA REPORT

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark Kutney, AICP, Development Services Director / (954) 797-1101  
Prepared by Deborah Ross, AICP, Planning Supervisor

**SUBJECT:** Ordinance - Tree Trimming Service Providers

**AFFECTED DISTRICT:** Townwide

**TITLE OF AGENDA ITEM:**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN; RENAMING SECTION 26-41 ENTITLED "ARBORISTS" TO "TREE TRIMMING SERVICE PROVIDERS"; AMENDING SECTION 26-41 ENTITLED "ARBORISTS" RELATING TO LICENSING REQUIREMENTS FOR TREE TRIMMING SERVICE PROVIDERS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

**REPORT IN BRIEF:**

The Broward County Board of County Commissioners enacted a novel licensing ordinance in October of 2000 to regulate the tree trimming industry. The purpose of the ordinance was to put a stop to the on-going problem of tree abuse, hat-racking, overlifting and overthinning the canopy and making flush cuts commonly encountered in Town of Davie and the remaining Broward County municipalities. These practices damage the canopy and can lead to hazardous situations and reduced canopy quality and longevity.

The proposed Ordinance requires all business organizations (including sole proprietorships) and governmental agencies engaged in tree pruning obtain a tree trimmer license through Broward County. In order to be eligible for a license, one must demonstrate proof of insurance, workman's compensation and competency. While only one license per business organization or governmental agency is required, the ordinance mandates a minimum of one person per job site be trained and possess a training certification card to be kept with them at all times while they are working.

Competency exams and preparatory training are offered through the Broward County Extension Education Division. Licenses must be renewed every two years and require participation in a continuing education program. Failure to obtain a license can result in the imposition of fines and possibly a stop work order.

Recognizing the value and importance of this Ordinance for the safety and health of the Town of Davie's tree canopy, staff finds the inclusion of language in our Code to acknowledge and uphold it. Furthermore, recognizing the fact that the majority of those engaged in pruning work in the Town of Davie are not certified arborists, staff recommends renaming Sec. 26-41 "Arborists" to "Tree Trimming Service Providers."

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** Local Planning Agency recommended approval at its May 14, 2003 meeting (Motion carried 4-0, with Bob Waitkus absent.)

**FISCAL IMPACT:** None

**RECOMMENDATION:** Staff finds the subject text changes complete and suitable for transmittal to Town Council for further consideration.

**Attachment:** Ordinance

## ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN; RENAMING SECTION 26-41 ENTITLED "ARBORISTS" TO "TREE TRIMMING SERVICE PROVIDERS"; AMENDING SECTION 26-41 ENTITLED "ARBORISTS" RELATING TO LICENSING REQUIREMENTS FOR TREE TRIMMING; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie wishes to promote tree safe pruning practices to help promote the health, safety and longevity of our Town's tree canopy; and

WHEREAS, the Town Council of the Town of Davie wishes to acknowledge the Broward County Commission's creation and implementation of the Broward County Tree Trimmers' Licensing Ordinance; and

WHEREAS, the Town Council of the Town of Davie wishes to uphold the requirements of the Broward County Tree Trimmers' Licensing Ordinance as it pertains to businesses and governmental agencies pruning trees within the Town of Davie;

WHEREAS, the Town of Davie Local Planning Authority held a public hearing on April 23, 2003 and May 14, 2003; and

WHEREAS, the Town Council of the Town of Davie held a public hearing duly advertised as required by State Statute on May 7, 2003 and May 21, 2003 and on the date of adoption of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 26-41. Arborists Tree Trimming Service Providers.

Chapter 26 of the Town Code is amended to read as follows: ~~Vehicles used by arborists operating within the town shall be clearly marked with the name of the arborist. The arborist shall display the certified logo and registration number, if any. A photocopy of the occupational license shall be available for inspection at each job site. All businesses (including sole proprietorships) or governmental agencies that perform tree trimming in the Town of Davie must possess a current, valid Broward County Tree Trimmer's license. At each worksite, at all times, at least one person present must carry on their person a current, valid Broward County Tree Trimmer's Licensing Ordinance Training card. Any vehicles engaged in pruning-related activities shall have prominently displayed on each side of the vehicle the following information in bold letters and numerals at least one and one-half (1 ½) inches high so as to be readily distinguishable from a distance of no less than ten (10) meters (32.8 feet):~~

- (1) The trade name, symbol or "logo" of the sole proprietorship or business organization utilizing the vehicle for commercial or business purposes;
- (2) The telephone number of the individual owning or operating the business; and

- (3) The Broward County Tree Trimmer License number of the sole proprietor or business organization or governmental agency.

The above information shall be permanently affixed to any vehicle used to conduct business which is over 10,000 Gross Vehicle Weight (GVW.) Any vehicle under 10,000 GVW shall have such required information either permanently affixed to the vehicle or the license holder may provide such information on a magnetic sign. However, any vehicle which utilizes a magnetic sign shall be required to have such sign affixed to the vehicle at all times when business is being conducted.

In addition to the above-mentioned requirements pertaining to the Broward County Tree Trimmer's License, all businesses (including sole proprietorships) that perform tree trimming in the Town of Davie must possess a current, valid occupational license plus a current annual Tree Trimmer Registration Certificate with the Town of Davie. A photocopy of each document must be available for inspection at each job site.

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2003

PASSED ON SECOND READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2003

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MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003