Request for City Council Committee Action
from Licenses and Consumer Services

Date: September 23, 2014

To: Council Member Lisa Goodman, Chair
Community Development and Regulatory Services Committee

Subject: Ordinance Amendment related to Tree Servicing

Recommendation: That the Community Development and Regulatory Services Committee approve amending Chapter 347 of the Minneapolis Code of Ordinances related to Tree Servicing International Society of Arboriculture (ISA) Certification.

Previous Directives: This issue was introduced to the Minneapolis City Council on June 13, 2014

Department Information

Prepared by: Grant Wilson, Manager of Business Licenses, 673-3902

Approved by:

_____
Cathy Polasky, Director of Economic Policy and Development

_____
Grant Wilson, Manager of Business Licenses

Presenters in Committee: Grant Wilson

Financial
- No financial impact

Community Impact
- Neighborhood Notification: Public Hearing notices were sent to all license holders, business associations, neighborhood organizations and posted on the Business Licenses' website.
- City Goals: Businesses – big and small – start, move, stay and grow here.

Supporting Information

In 2007, the Minneapolis City Council amended Chapter 347 of the Minneapolis Code of Ordinances related to tree servicing licenses. The intent was to address multiple issues which included ensuring greater professionalism in the tree servicing industry and safeguarding our urban forest and canopy.

Since September of 2011 the City has been defending litigation which, in part, challenges the legal validity of a provision of Section 347.35 which requires all tree servicing licensees to employ at least one

individual who is ISA certified as an arborist or who possesses a post-secondary degree in urban forestry or arboriculture. Individuals with this certification or degree may not work for more than one tree servicer.

The parties to that litigation have reached an amicable proposed settlement which would result in dismissal of the litigation without costs to either party if the attached amendment to Section 347.35 were adopted. City staff support the proposed amendment drafted by the City Attorney's office. Without compromising the city's original intent in 2007, the operational needs of smaller-sized tree servicers are represented by allowing qualified individuals to work for up to four tree servicing companies.

The amendment has been drafted in a manner which protects the interests of the City, the public, and the entrepreneur both big and small with an increased amount of operational flexibility to meet the license requirements, compete in the industry, and protect our green infrastructure. For these reasons, the Business Licensing Division and the City Attorney's Office endorse this amendment and recommend its adoption.

2014-Or-___

AN ORDINANCE
of the
CITY OF
MINNEAPOLIS

By Frey

Amending Title 13, Chapter 347 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Tree Servicing.

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That Section 347.35 of the above-entitled ordinance be amended to read as follows:

347.35. ISA certification or urban forestry or arboriculturist degree required. All licensees shall employ or contract with an individual (for purposes of this section referred to as the "designated individual") who possesses current certification as an arborist from the International Society of Arboriculture (ISA) or holds a post-secondary degree in urban forestry, ~~arboriculturist~~ arboriculture, or an equivalent area of study, from an accredited institution of higher learning before a license will be issued to the applicant. ~~An individual certified arborist, or urban forester or arboriculturist may not, at any time, be designated as the person in responsible charge of work by more than one (1) tree servicer.~~ The ~~certified arborist or urban forester or arboriculturist~~ designated individual shall be responsible for property and tree protection, provide supervision of tree servicing, and comply with all applicable American National Standards for Arboricultural (ANSI) standards. ~~Tree service licensees who obtained their license from the City of Minneapolis prior to the passing of this chapter shall provide the name or names of the certified arborists or urban foresters or arboriculturist by December 31, 2008.~~ A single designated individual may contract with no more than four (4) licensed tree servicers at one time and the licensed tree servicers that contract with a single designated individual may have a combined total of no more than twenty (20) employees or workers who perform services at job sites. The number of tree servicers and employees and workers for such tree servicers outside of Minneapolis that a designated individual contracts with for licensing purposes shall be included in the aggregate maximum levels provided for pursuant to this section. If a designated individual owns or is employed by a tree servicing company or firm, that company or firm and its employees and workers shall not be included in the aggregate maximum levels unless that same individual is also the designated individual for the company pursuant to this section. A licensed tree servicer with more than twenty (20) job site employees or workers may comply with the requirements of this section by employing or contracting with a designated individual who shall not serve as the designated individual for any other licensee. The designated individual and the license holder or license applicant shall be available for and respond to inquiries and record requests from the licensing official for the purpose of establishing compliance with this section. In the event of a major storm or other tree emergency, the licensing official may, upon request by the Director of Forestry of the Minneapolis Park and

Recreation Board, exempt tree servicers who are under contract with the board to provide removal of diseased or infested trees and stumps from the requirements of this section for services completed under such contracts.