

ORDINANCE NO. 278

ORDINANCE REQUIRING A LICENSE FOR PERSONS OR BUSINESSES
TRIMMING, CUTTING OR REMOVING TREES FOR A FEE.

WHEREAS, the Mayor and Board of Aldermen of the City of Magee, Mississippi have determined that certain businesses within the City of Magee, Mississippi are trimming, cutting or removing trees for a fee.

WHEREAS, it has been determined that said businesses should be licensed for the protection of the citizens of the City of Magee, Mississippi.

WHEREAS, the Mayor and Board of Aldermen of the City of Magee, Mississippi, have determined the need to establish regulations regarding the trimming, cutting and removal of trees within the city limits of the City of Magee, Mississippi; and therefore adopt the following regulations and penalties.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF MAGEE, MISSISSIPPI, THAT THE FOLLOWING BE ADDED TO AND MADE A PART OF THE MAGEE CODE OF ORDINANCES, TO-WIT:

Section 1. DEFINITION: A tree trimmer and cutter means any person who, for a fee, engages in any manner in trimming, cutting or removal of trees that are a minimum of 10 inches in diameter or 30 feet in height.

Section 2. LICENSE REQUIRED: It shall be unlawful for any person or business to act or operate as a tree trimmer and cutter in the City of Magee, Mississippi, without obtaining a license prior thereto.

Section 3. APPLICATION: Any person desiring to become a tree trimmer and cutter in the City of Magee, Mississippi shall apply to the Building Inspector in writing for a license. The application shall state the name and address of the applicant; whether the applicant is an individual, partnership, LLC or corporation; and the number, make and style of vehicles to be used by the applicant in carrying on the business of tree trimmer and cutter.

Section 4. INSURANCE:

- A. No person shall be issued a license required by this Ordinance until the applicant furnishes the City with the following insurance policies or certificates of insurance;
1. A public liability insurance policy in the sum of at least two hundred thousand dollars (\$200,000.00) for bodily injury to each person, five hundred thousand dollars (\$500,000.00) for bodily injury for each accident and two hundred thousand dollars (\$200,000.00) for property damage for each accident. Said

insurance shall cover all operations including the applicant's own direct work, work performed by subcontractors, and all equipment used in the business.

- B. Such policy or certificate shall provide that it may not be cancelled by the insurer except after ten (10) days written notice to the Building Inspector, and if such insurance is so cancelled and the licensee shall fail to replace the same with another policy conforming to the provisions of this Section, said license shall also be automatically suspended until such insurance shall have been replaced.

Section 5. REMOVAL OF DEBRIS: Within 15 days of ending of any work on public or private property, licensee shall clean the work site and remove all wood and debris from the property and public rights-of-way. Licensees are responsible for the legal disposal of all debris. Debris resulting from the work of a licensed tree trimmer or cutter may not be left on private or public property for pick up and disposal by the City. Debris infected with any disease must be disposed of according to DEQ or Department of Agriculture guidelines.

Section 6. TERM AND FEE: A tree trimmer and cutter license shall be operative and valid, unless first terminated, suspended or revoked, for a term of one (1) year commencing on January 1 of the year of issuance and terminating on December 31 of the same year. The annual license fee shall be \$25 payable to the City of Magee upon application for a license. Any license obtained in 2017 shall be valid until Dec. 31, 2018.

Section 7. RENEWAL: A tree trimmer and cutter license may be renewed by filing a license renewal form with the Building Inspector, on or before December 10 of each year, and payment of the \$25.00 license fee. Such form shall supply any changes in information supplied by the initial registration form.

Section 8. LICENSE – SUSPENSION OR REVOCATION:

- A. The Building Inspector is authorized to suspend or revoke a tree trimmer and cutter license in conformity with the provisions of this Section.
- B. No tree trimmer and cutter license shall be suspended until after an administrative hearing before the Building Inspector. The licensee shall be given no less than five (5) days written notice of the hearing. Such notice shall contain the time, date, and place of the hearing and a list of the alleged violations which will be considered at the hearing. Notice may be sent by certified mail to the address on the license application. The Building Inspector shall conduct the hearing, dispose of procedural requests, motions and similar matters, continue the hearings from time to time when necessary, and rule on the admissibility of evidence. Witnesses may be sworn, but the strict rules of evidence shall not apply.

Hickman. Whereupon, the motion was put before the Board of Aldermen who voted as follows:

	YEA	NAY
Angel Brister	<u>X</u>	_____
Whitney Baker	<u>X</u>	_____
Matthew Hickman	<u>X</u>	_____
Patrick Brown	<u>X</u>	_____
Lane Steele	<u>Abstained</u>	_____

The Ordinance having received the affirmative vote of a majority of the members of the Board of Aldermen of the City of Magee, Mississippi, Mayor Dale Berry declared said Ordinance to have been fully adopted and to be in full force and effect according to its provisions.

SO ORDERED, this the 15th day of August, 2017.

Dale Berry
DALE BERRY, MAYOR

ATTEST: *Lane Yearby*
LANE YEARBY,
CITY CLERK