



CITY OF HERINGTON

ARBORIST LICENSE APPLICATION

In accordance with the City of Herington Ordinance 1640 Chapter VI, Article 7, Section 6, you are hereby requested to make application for an Arborist License. The following procedure has been adopted:

1. Complete Application.
2. Provide Photo ID.
3. Provide copy of \$100,000.00 Bodily Liability Insurance.
4. Provide copy of \$20,000.00 for Loss, Destruction or Injury of Any Property Insurance.
5. Provide \$2,000.00 Surety Bond.
6. Pay \$10.00 Annual License Fee.
7. Licenses run from January 1st through December 31st. (It doesn't matter when the license is purchased, it will expire December 31st.)

Length of time you have been engaged in tree trimming _____

Name of Business _____

Name of Applicant _____ Date of Birth _____

Address _____

Business/Home Phone # _____ Cell Phone # _____

Social Security Number _____

Driver's License Number _____

Vehicle License Tag Number _____

Vehicle Make/Model/Color _____

I hereby acknowledge that I am familiar with and agree to abide by the attached City of Herington Ordinance Rules and Regulations, and I affirm that all statements are true to my knowledge.

Signature _____ Date _____

ARTICLE VII. - TREES

Sec. 6-701. - Definitions.

Park trees are herein defined as trees, shrubs, bushes and all woody vegetation in public parks having individual names, and all area owned by the city or to which the public has free access as a park.

Street trees are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the city.

Sec. 6-702. - City Tree Board; created.

There is hereby created and established a City Tree Board for the City which shall consist of three members, city staff, citizens, and residents of this city, who shall be appointed by the Mayor with the approval of the City Commission. The membership shall include one arborist and two citizen members. One member shall be appointed for an initial term expiring on September 1, 2006. One member shall be appointed for an initial term expiring on September 1, 2007. One member shall be appointed for an initial term expiring on September 1, 2008. Following the initial terms established herein, all terms shall be for three years in length. No member shall be eligible to serve more than three consecutive full three-year terms, except that any such person who has previously served upon the Board shall be eligible to be appointed to the Board after at least one year has elapsed since such person's last serving upon the Board. In the event that a vacancy shall occur during the term of any member, such member's successor shall be appointed for the unexpired portion of the term. General duties for the Board shall be reviewed from time to time by the City Commission and specified by resolution duly adopted by the City Commission. The previously created Tree Advisory Board is hereby disbanded.

Sec. 6-703. - Compensation to Board members.

Members of the Board shall serve without compensation. Special duty expenses shall be reimbursed by approval of the Board and City Commission.

Sec. 6-704. - Duties and responsibilities of Board.

- (a) It shall be the responsibility of the Board to study, investigate, counsel and develop a written plan to provide a guide for the future development and maintenance of tree environment of the City of Herington, including the care, preservation, trimming, planting, replanting, removal or disposition of trees and shrubs in public ways, streets, and alleys. Upon completion said plan shall be presented to the City Commission for approval. Thereafter, the Board shall review and update said plan as necessary and submit the same to the City Commission for approval.
- (b) The Board in accordance with said plan shall control all planting, pruning and removal of all trees located within the street rights-of-way, easements, alleys and parks of the city. An owner of land abutting thereon, may, when acting within the provisions of [the ordinance from which this section is derived] and the approved plan, prune, spray, plant or remove trees in that part of such street rights-of-way, easements, and alleys abutting his land not used for public travel. An owner of property intending to deviate from the provisions of this article must first secure written approval from the Board.
- (c) The Board when requested by the City Commission shall consider, investigate, make findings, report and recommend upon any matter coming within its scope of work.

Sec. 6-705. - Operation of Board.

The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings and make a copy thereof available to the City Commission. A majority of the members shall be a quorum for the transaction of business. Meetings will be held at the discretion of the Board, unless agreed to by a majority of members. Meetings are open to the public.

Sec. 6-706. - Street tree species to be planted.

The following list constitutes the official street tree species for Herington, Kansas. The Board at its discretion may amend this list.

Small Trees 20-30'

Flowering crabapple (sp.);

Redbud;

Hawthorn (sp.);

Bradford pear;

Purple leaf plum;

Flowering peach;

Golden rain tree;

Serviceberry;

Common apricot;

Paper mulberry;

Amur maple.

Medium Trees 30—45'

Honey locust (thornless);

Chinaberry (soapberry);

Kentucky coffee tree;

Red mulberry (male);

Golden rain tree;

Osage orange (male thornless);

Japanese pagoda tree;

Hard (sugar) maple;

Black cherry;

Pin oak.

Large Trees 45'—Up

Siberian elm;

Bur oak;

Hackberry;

London planetree;

American sycamore;

Red oak;

Green ash;

Silver maple;

Cottonwood (cottonless);

Basswood.

Sec. 6-707. - Spacing.

The spacing of "street trees" will be in accordance with the three specified size classes listed, and no trees may be planted closer together than the following: Small trees - 20', medium trees - 30' and large trees - 40'. No street tree shall be planted closer than ten feet to any fireplug.

Sec. 6-708. - Public tree care.

The city shall have the right to plant, trim, spray, preserve and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to ensure safety when servicing city utilities or to preserve the symmetry and beauty of such public grounds. The City Tree Board may recommend removal or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest.

Sec. 6-709. - Trimming: Corner clearance.

- (a) Every owner of any tree overhanging any street or right-of-way within the city shall trim the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of 15 feet above the surface of the street or right-of-way. Said owner shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to trim any tree or shrub on private property when it interferes with the proper visibility of any traffic control device or sign, such trimming to be confined to the area immediately above the right-of-way.
- (b) It shall be unlawful to "top" trees within the city limits.

Sec. 6-710. - Interference with City Tree Board.

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, or servants, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees, or trees on private grounds, as authorized in [the ordinance from which this section is derived].

Sec. 6-711. - Dead or diseased tree control on private property.

- (a) Whenever the Board or any competent state or federal authority shall file with the Governing Body of the city, a written statement based on laboratory tests or other supporting evidence that trees or tree material or shrubs located upon private property are infected or infested with or harbors any tree or plant disease or insect, pest or larvae, the uncontrolled presence of which may constitute a hazard to or result in the damage or destruction of other trees or shrubs in the community, describing the same and where located, the City Clerk shall be directed to forthwith issue notice requiring the owner or agent of the owner of the premises to treat or remove any such designated tree, tree material or shrub within 60 days after receipt of notice: and notice shall be served by the city's Chief of Police or other police officer by delivering a copy thereof to the owner or agent, or if the property be

unoccupied and the owner a non-resident, then the City Clerk shall notify the owner by certified mail at his last known address.

- (b) In the event the owner shall fail to comply with the requirements of said notice, the city shall proceed to have the designated tree, tree material, or shrub treated or removed and the cost thereof shall be paid by the owner or shall be assessed and charged against the lot or parcel of ground on which the tree, tree material or shrub is located and certified to the County Clerk to be extended on the tax roll against said lot or parcel of ground as provided by law.

Sec. 6-712. - Arborists license.

- (a) It shall be unlawful for any person or firm to engage in the business or occupation of trimming, pruning, treating, or removing trees within the city without first applying for and procuring an arborist license. The City Clerk shall issue such license upon completion of the application form, payment of the license fee, adequate proof presented by the applicant of public liability insurance in the minimum amount of \$100,000.00 for bodily injury liability and \$20,000.00 for the loss, destruction or injury of any property, and acknowledgment that the applicant is familiar with and agrees to abide by the municipal rules and regulations. The applicant must also post with the City Clerk to a surety bond in the amount of \$2,000.00.
- (b) The license fee shall be \$10.00 annually in advance; provided, however, that no license shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors. Licenses shall expire on December 31 of the calendar year in which the license was issued.
- (c) In addition to the penalty provided by Section 6-714, the license of any person violating any provision of this article shall upon conviction be deemed revoked. Such person shall not be eligible to reapply for an arborist license for one year from the date of the conviction. Upon conviction of a second violation, such person shall not thereafter be eligible to apply for an arborist license.

Sec. 6-713. - Review by city.

The City Commission shall have the right to review the conduct, acts and decisions of the City Tree Board. The City Commission shall hear the matter and make final decisions.

Sec. 6-714. - Penalty.

Any person violating any provision of this article shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$500.00.