

ORDINANCE NO. 3426

AN ADDITION TO NEW CASTLE CITY CODE  
TITLE XI: BUSINESS REGULATIONS, LICENSE REQUIREMENTS  
FOR TREE TRIMMING OR SERVICE COMPANIES

WHEREAS, tree trimming or service companies do business in the City of New Castle, and

WHEREAS, the nature of the tree service business directly impacts the public health, safety and welfare of the citizens of the City in that

A. The City has a direct interest in how trees are trimmed or maintained so as to avoid damage to public utility lines or other public infrastructure.

B. A direct interest in the removal of debris or tree limbs created by the tree trimming or service industry.

C. Such services may be required in the event of a natural catastrophe such as ice storms, high winds, and tornados, and

WHEREAS, it is important that such business be regulated so as to prevent damage to infrastructure, public and private property, and to generally protect the public welfare.

NOW THEREFORE BE ORDAINED BY THE COMMON COUNCIL of the City of New Castle that all those engaged in the tree maintenance, tree trimming, or tree care industry shall do the following:

1. Obtain a license from the City of New Castle prior to engaging in such activity within the corporate limits in the Town.

2. The license shall be obtained from the New Castle Building Commissioner's Office. The applicant must complete a form prepared by that office supplying certain information which includes but is not limited to the following:

- a. The applicant's business name.
- b. The names of the principals who operate or own the business.
- c. The business identification number of the business.
- d. The address of the businesses principle office or location.
- e. The social security numbers and the birth dates of the principals or owners of the business.
- f. The residential addresses of the principals or the owners of the business.
- g. State of incorporation if applicable.
- h. Length of time engaged in the business of tree care trimming or maintenance.

- i. Telephone number of principle place of business.

3. After supplying the information referred to above and completing the appropriate form, the applicant must provide proof of liability insurance bonding or other form of surety in the amount of \$300,000.00 per occurrence. The form of the proof of liability insurance, surety or bond must be approved by the City of New Castle and be with an identifiable and reputable insurance carrier, bonding agent or surety. The proof of insurance, bonding or surety must contain the full name, address, and telephone number of the carrier or surety and any agent associated therewith. It must further show the dates that the insurance policy, bond or surety is in force. Upon expiration of the applicable insurance, bonding or surety, said license shall expire and shall be immediately revoked.

4. FEE. There shall be a seventy-five dollar (\$75.00) fee for said license. This fee shall reimburse the City for the cost of issuing the license and investigating the information submitted on the application.

5. TERM OF LICENSE. Unless the license expires due to termination or expiration of available insurance as set out above, the license shall expire on the 31<sup>st</sup> day of December of each year. The maximum term of any license shall be 365 days.

6. LICENSE RENEWAL. License may be renewed by updating the existing application. If renewed within sixty (60) days of expiration, no new licensing fee shall be required. At the time of renewal, the application shall be reviewed and all information updated. Further a current certification or proof of liability insurance, bond or surety must be provided. If no renewal occurs within sixty (60) days after the license expiration, a new application and license fee must be paid.

7. JOB PERMIT. A licensed tree trimmer engaged in any tree maintenance trimming or service work which requires the owner or customer to pay the tree maintenance service, a fee in excess of \$500.00 shall first obtain a permit from the City of New Castle. In order to obtain the permit, the applicant must provide the City with the name of the property owner, the address of the location of the tree to be trimmed or serviced, the location of any public utility lines or public infrastructure in relation to the tree, the date on which the tree maintenance trimming or removal is to be performed, and provide information regarding the manner and method for debris removal and the location to which debris will be delivered.

8. All permit fees and licensing fees referred to above shall be paid to the office of the Building Commissioner of the City of New Castle, Indiana.

9. A person or business entity that violates any term of this Ordinance shall be subject to the following penalties:

- a. Immediate revocation of any existing license.
- b. Assessment of a fine of not less than \$100.00 nor more than \$1,000.00. Said fine to be determined based upon the severity of the violation and the damages resulting therefrom. The payment of said fine does not relieve the

offending party from civil damages caused  
by negligence or intentional misconduct.  
The minimum fine for violating a  
provision of this Ordinance is hereby  
established to be \$100.00. All violations  
of this ordinance if contested shall be  
prosecuted in the New Castle City Court.

**REPEALER:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SEVERABILITY:** Any provision herein contained which is found by a court of competent jurisdiction to be unlawful or which by operation shall be inapplicable, shall be deemed omitted but the rest and remainder of this ordinance, to the extent feasible, shall remain in full force and effect.

**EFFECTIVE DATE:** This Ordinance shall become effective immediately upon passage and publication all pursuant to statutory requirements.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2005.

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Thomas Nipp, Presiding  
Officer, Common Council, City  
of New Castle, Indiana

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ATTEST:

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Janice Lavarney,  
Clerk-Treasurer

APPROVED BY ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2005.

Nipp, Mayor of the City

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Thomas  
Of New Castle, Indiana