

#6

CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL 117576

AN ORDINANCE relating to tree and vegetation management in public places; adding a new Chapter 15.43 to Subtitle I of Title 15 of the Seattle Municipal Code to provide for the regulation of planting, maintenance, and removal of trees and shrubs in all public places; amending Sections 15.02.042, 15.02.044, 15.02.046, 15.04.012, 15.18.010, 15.90.018, and 15.91.002; repealing Chapter 15.42 of the Seattle Municipal Code; and amending the current Seattle Department of Transportation Street Use fee schedule by adding new tree-related Street Use permit codes.

WHEREAS, the City of Seattle recognizes that its urban forest is part of a larger ecological system which is integral to the health of our city; and

WHEREAS, trees in the public place provide environmental, economic, and aesthetic benefits to the citizens of Seattle; and

WHEREAS, a sustainable urban forest supports the goals and policies of Seattle's 2009 Comprehensive Plan by reducing storm water runoff and pollution, absorbing air pollutants and carbon dioxide, providing wildlife habitat, stabilizing soil, and increasing property values; and

WHEREAS, the 2007 Urban Forest Management Plan sets goals for increasing canopy cover citywide, including street trees, by preserving and protecting existing trees, and planting new trees; and

WHEREAS, street trees support the 2009 Pedestrian Master Plan goals by serving a variety of purposes, including creating a human-scaled environment; providing shade for sidewalks, walkways, and roadways; providing a buffer between motor vehicles and pedestrians; calming traffic; and increasing the aesthetic value of the pedestrian environment; and

WHEREAS, the Seattle Urban Forestry Commission has expressed support for stronger street tree legislation to provide residents, departments, franchise operators and developers with updated guidance on managing street trees in order to improve the urban forest canopy;

WHEREAS, this legislation will enable the Seattle Department of Transportation to promote and protect public health and safety, and to preserve and protect the health of trees by providing standards for and supervision of planting, pruning, removal, and maintenance of trees, shrubs, and other plants in public places; NOW, THEREFORE,



BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. **Purpose** The City of Seattle recognizes that trees planted and growing in public places are an important part of the urban forest, the health of which provides a substantial contribution to the quality of life in Seattle. The preservation, retention, protection, and planting of trees and shrubs reduces the impacts of storm water runoff and helps to replenish ground water supply; aids in reducing air and noise pollution and energy consumption; sequesters global warming pollution; maintains and increases property values; provides habitat for wildlife; and enhances the aesthetic environment. The purpose of this ordinance is to promote and protect the public health, safety, and welfare by providing standards for regulating the planting, pruning, removal, and maintenance of trees, shrubs, and other plants in public places; promote tree health and aesthetics; foster species diversity; preserve and increase the tree canopy, and protect residents from damage caused by improper planting, maintenance, or removal of trees and shrubs.

Section 2. Section 15.02.044 of the Seattle Municipal Code, last amended by Ordinance 123830, is amended as follows:

15.02.044 Definitions D through M

* * *

E. "Hazardous tree" means any tree or tree part that poses a high risk of damage to persons or property located in the public place, as determined by the Director according to the tree risk evaluation standards established by the International Society of Arboriculture.



1 F. “Heritage tree” means a tree, or group of trees, given special designation by the
2 Heritage Tree Program, co-sponsored by Plant Amnesty and Seattle Department of
3 Transportation. Heritage tree classifications shall be maintained in the Street Tree Manual.

4
5 ((F))G. “Marquee” means an approximately horizontal, rigid, nonretractable,
6 noncollapsible structure, projecting from and supported by a building.

7
8 ((F))H. “Marquee sign” means a sign placed on, constructed in, or attached to a marquee.

9
10 ((G))I. “Mobile-food vending” means to sell, offer for sale, solicit orders, display, or
11 otherwise peddle; food that is exempt from acquiring a food-establishment permit under Title 5
12 of the King County Board of Health; to the public from a public place; as authorized or
13 prohibited in Sections 15.17.010, or 15.17.130.

14
15 Section 3. Section 15.02.046 of the Seattle Municipal Code, last amended by Ordinance
16 123830, is amended as follows:

17
18 **15.02.046 Definitions N through Z**

19
20 * * *

21 G. “Pruning, major” means removal of branches 2 inches in diameter or greater; removal
22 of roots 2 inches in diameter or greater; or removal of branches constituting more than 15 percent
23 of a tree’s foliage-bearing area.



1 ((G))H. "Public place" means public right-of-way and the space above or beneath its
2 surface, whether or not opened or improved, including streets, avenues, ways, boulevards, drives,
3 places, alleys, sidewalks, planting strips, squares, triangles, and plazas that are not privately
4 owned.

5
6 ((H))I. "Publisher" means the owner or distributor of a newspaper or other publication
7 distributed through a newsstand.

8
9 ((I))J. "RCW" is an abbreviation for Revised Code of Washington.

10
11 K. "Severe crown reduction" means the reduction of the overall size of the tree by
12 altering the tree's natural structure by cutting back to lateral limbs less than 1/3 of the diameter
13 of the limb that is cut.

14
15 ((J))L. "Shoreline street ends" means the land portions of street segments that provide or
16 could provide if improved, the public with visual or physical access to a body of water and its
17 shoreline that are listed on Exhibit A to Resolution 29370 that adopted policies guiding the
18 development of public access improvements to shoreline street ends.

19
20 ((K))M. "Sidewalk café" means a portion of the public place in which tables and chairs
21 are placed for the use of patrons consuming food or beverages including alcoholic beverages that
22 is operated by a food service business located on abutting property.
23



1 ((L))N. "Sign" means any medium, including its structure and component parts, that is
2 used or intended to be used out of doors to attract attention to the subject matter for advertising,
3 identification or informative purposes.

4
5 ((M))Q. "SMC" is an abbreviation for Seattle Municipal Code.

6
7 P. "Street tree" means any tree planted or growing within a public place.

8 Q. "Street Tree Inventory" means a database or list of trees growing in public places, that
9 includes attributes such as species, size, tree condition, location, and maintenance responsibility,
10 as maintained by the Director.

11
12 R. "Street Tree Manual" means the Department of Transportation's Tree Standards
13 Manual for planting, pruning, maintenance, and protection of trees in public places, as adopted
14 by Director's Rule.

15
16
17 ((N))S. "Superintendent" or "Superintendent of Parks and Recreation" means the City
18 Superintendent of Parks and Recreation or authorized representatives.

19
20 T. "Topping" means the severe and indiscriminate cutting back of limbs to stubs within
21 the tree's crown, to such a degree as to remove the normal canopy and disfigure the tree; or the
22 cutting back of limbs or branches to lateral branches that are not sufficiently large enough to
23 assume the terminal role, or are less than 1/2 of the diameter of the limb or branch that is cut.

24
25 U. "Tree Service Provider" means any individual or business entity that engages in the
26 business of pruning, removing or otherwise treating trees for monetary or other compensation.
27



1 ((Θ))V. "Vend or vending" means to sell, offer for sale, solicit orders, display, rent, lease,
2 or otherwise peddle any good, ticket, thing, or service of any kind; to the public from a public
3 place; as authorized or prohibited in Chapters 15.14 or 15.17.

4
5 ((P))W. "Vending cart" means a movable cart that is used to serve, vend, or provide food,
6 nonalcoholic beverages, or flowers.

7
8 Section 4. Section 15.04.012 of the Seattle Municipal Code, last amended by Ordinance
9 123830, is amended as follows:

10
11 **15.04.012 Nuisances**

12 A. Any structure built, excavation made, or material placed in or on any public place by
13 anyone without having first obtained and complied with a permit, as provided in Title 15, may be
14 ((deemed)) declared a public nuisance.

15
16 B. The Director may declare that a street tree or a tree on private property is a public
17 nuisance if it impacts the safe operations of the transportation system, including but not limited to
18 impeding signs and signals, or harbors a contagious disease or an insect infestation that threatens the
19 health of other trees or vegetation.

20
21
22 C. In the discretion of the authorizing official identified in Sections 15.04.015 and
23 15.43.010, the nuisances may be abated with or without action at law; or other equivalent
24 proceedings may be taken as are authorized by law or City ordinances.



Section 5. Section 15.18.010 of the Seattle Municipal Code, last amended by Ordinance 121276, is amended as follows:

15.18.010 Duty to maintain -- Notice of hazardous condition -- Barricading((.))

A. The owner of a structure or trees on property ~~((adjoining))~~ abutting a public place has an obligation to maintain it so that it does not create a hazard to the public using the public place; and, if a hazard to the public should develop, to promptly place barricades in the public place to warn the public of the danger and discourage entry into the area of risk. Upon discovering the hazard, the owner shall immediately inform the Director of Planning and Development, and, as to park drives and boulevards, the Superintendent of Parks and Recreation, and as to other public places, the Director of Transportation.

* * *

Section 6. Chapter 15.42 of the Seattle Municipal Code, last amended by Ordinance 123361 and that currently reads as follows, is repealed:

~~((15.42~~ **PLANTING TREES AND SHRUBS**

~~15.42.010~~ ~~General provisions~~ ~~Trees.~~

~~No one shall plant in any public place any maple, Lombardy poplar, cottonwood or gum, or any other tree which breeds disease dangerous to other trees or to the public health. No one shall allow to remain in any public place any tree trunk, limb, branch, fruit or foliage which is in such condition as to be hazardous to the public, and any such trees now existing in any such planting~~



(parking) strip or abutting street area may be removed in the manner provided in this subtitle for the revocation of permits and removal of obstructions.

~~15.42.015 — Tree root damage Liability.~~

~~Anyone who owns any tree, the roots of which cause injury to the public sewers, sidewalks, or pavements shall be liable for the damage done to the public sewers, sidewalks or pavement by said trees. No tree shall be planted within one foot (1') of any City sidewalk or pavement, except by special permit.~~

~~15.42.020 — Overhanging trees and shrubs.~~

~~No flowers, shrubs or trees shall be allowed to overhang or prevent the free use of the sidewalk or roadway, or street maintenance activity, except that trees may extend over the sidewalk when kept trimmed to a height of eight feet (8') above the same, and fourteen feet (14') above a roadway.~~

~~15.42.030 — Contact with telephone and electric wires,~~

~~No trees shall be allowed to come in contact with telephone, telegraph, electric or power wires of public service companies or of the City where such wires are twenty five feet (25') or more above the level of the public place over which they pass. When the Director of Transportation finds that such trees are coming in contact with such wires of public service companies or of the City, said Director may order the trees trimmed, and if not so trimmed within ten (10) days after service of written notice upon the owner of such trees, or the posting of written notice thereof upon the premises, the Director of Transportation may issue a permit to the owner(s) of the wires, authorizing them to trim such trees at their own expense. If the work is done by the owner(s) of the wires, the Director of Transportation or his/her representative may accompany such owner(s) or the contractor~~



thereof and have charge of the work, and the cost of supervising such trimming shall be borne by the owner(s) of the wires.

~~15.42.040 — Obstruction of intersection prohibited.~~

No trees, shrubs or flowers over two feet (2') in height shall be planted or maintained in that portion of any planting (parking) strip lying within thirty feet (30') of the intersection of the planting (parking) strip with the curbline of any intersecting street.

~~15.42.050 — Conformance to Street Tree Planting Standards.~~

Tree planting shall conform to the Street Planting Standards of the City of Seattle adopted by the Director of Transportation, insofar as practical. Changes from those standards may not be granted without approval of the Director of Transportation.

~~15.42.060 — Removal of hazards.~~

If any such trees or shrubs are or become a hazard, the Director of Transportation may order the same removed as provided under this subtitle.))

Section 7. A new Chapter 15.43 of the Seattle Municipal Code is added as follows:

Chapter 15.43 TREE AND VEGETATION MANAGEMENT IN PUBLIC PLACES

15.43.010 Authorizing official

The Director of Transportation is authorized to regulate and enforce the regulations as provided for in Chapter 15.43 and to promulgate rules, regulations, policies, and standards to govern the planting, pruning, maintenance, removal, protection, fertilization, cabling, and



1 bracing of street trees and other vegetation located in all public places. The Director shall
2 maintain a list of tree species and varieties that may be planted in public places. Chapter 15.43
3 does not regulate trees and vegetation located on City property or public places under the
4 jurisdiction of the Seattle Parks and Recreation Department or the Department of Finance and
5 Administrative Services.
6

7 **15.43.020 Tree preservation and protection**
8

9 No person shall destroy, kill, injure, mutilate, or deface a street tree or vegetation in a
10 public place by any means, including but not limited to the following:
11

12 A. Causing or encouraging setting fire underneath, or within 5 feet of the dripline of a
13 street tree or within 5 feet of other vegetation;
14

15 B. Applying any toxic chemicals to a street tree or to the ground within the dripline of a
16 street tree;
17

18 C. Attaching any rope, wire, nails, advertisements, posters, or other objects to any street
19 tree, except for:
20

21 1. Supports for young or broken trees;
22

23 2. Official City placards affixed in a manner that is not injurious to trees; or
24
25
26
27
28



3. Decorative or seasonal lighting, approved with a Street Use permit, attached in a manner consistent with Department of Transportation specifications that does no permanent damage to the street tree;

D. Using climbing spurs on a street tree;

E. Causing the topping or severe crown reduction of a street tree, except in the course of tree removal pursuant to a Street Use permit approved by the Director; and

F. Placing, or storing materials, including but not limited to, stones, bricks, concrete, asphalt, fill soil, plastic sheeting, or construction materials, within the dripline of a street tree or other vegetation in the public place.

15.43.030 Street Use permits required

No person shall plant, remove, or perform major pruning on any street tree without first obtaining a Street Use permit from the Department of Transportation, for street trees under the jurisdiction of the Department of Transportation as authorized by Section 15.43.010.

A. Applications for Street Use permits for work on street trees shall be filed with the Director on forms provided by the City, pursuant to Sections 15.04.020 and 15.04.025 and shall include a plan that complies with the Street Tree Manual.

B. Pursuant to Section 15.04.035, the Director may approve, condition, or deny a Street Use permit application involving street trees. The Director may also consider the following factors when



reviewing a permit involving street trees when reviewing a Street Use permit application involving work on street trees:

1. When planting street trees, only tree species identified in the Department of Transportation's approved tree list or trees approved by the Director may be planted in public places.

2. All major pruning of street trees shall comply with American National Standards Institute (ANSI) A-300 standards and relevant standards outlined in the Street Tree Manual.

3. Tree Service Providers named in permit applications shall have current Tree Service Provider Registrations as required in Section 15.43.050.

C. The City's policy is to retain and preserve trees whenever possible. Accordingly, street tree removal shall not be permitted unless the Director:

1. Designates the street tree to be a hazardous tree;
2. Determines the street tree poses a public safety hazard;
3. Determines the street tree is in such a condition of poor health or poor vigor that removal is justified; or
4. Determines the street tree cannot be successfully retained, due to construction or development conflicts; public or private.

D. Removed street trees shall be replaced with a species of tree from the approved tree list or with a tree approved by the Director and the replanting shall be consistent with the standards in the Street Tree Manual.



1 E. Posting and Public Comment. Any person applying for a Street Use permit to remove a
2 street tree shall post a notice of Street Use permit application at the site notifying the public of the
3 proposed tree removal application and providing an opportunity for public comment. The notice of
4 Street Use permit application shall be on a form provided by the City and be posted in a location
5 clearly visible from the adjacent public place for a period of at least 14-calendar days. The Director
6 may exempt an applicant from posting requirements if a street tree poses an imminent danger to the
7 public's health or safety.
8

9
10 F. All planting, pruning, treatment, and removal of street trees shall be performed as
11 authorized by the conditions of the Street Use permit.

12
13 G. Pruning by utilities and communications providers. The Director may issue Street Use
14 permits to utility and communication providers to prune and maintain street trees in order to protect
15 the wires, cables, and other facilities owned by the utilities and telecommunication providers.
16 Except in cases of imminent danger to the public health or safety, all pruning shall be done in
17 accordance with Chapter 15.43 and the Street Tree Manual. The Director may require a
18 Department of Transportation representative be present to monitor the pruning. The permittee
19 shall inform the abutting property owners and tenants by posting doorknob notices or other
20 means as approved by the Director at least three weeks before starting tree work. The permittee is
21 responsible for all expenses related to the pruning, permitting, monitoring and inspections.
22
23

24 **15.43.040 Maintenance of trees**

25
26 A. Private property owners are responsible for:
27
28



1 1. Maintaining street trees and other vegetation in abutting public places, in
2 accordance with the standards in the Street Tree Manual, except for those trees in the Street Tree
3 Inventory that are designated for Department of Transportation maintenance;

4
5 2. Pruning street trees in abutting public places and trees on private property so that
6 the trees do not obstruct street lights, traffic signs or signals, and views of streets or intersections.
7 Street trees must meet the minimum height clearance requirements of 8 feet above the surface of
8 the sidewalk and 14 feet above the surface of the street;

9
10 3. Removing or relocating improperly planted street trees in abutting public places
11 when requested to do so by the Director; and

12
13 4. Abating nuisance trees in abutting public places. Any tree identified by the
14 Director as being hazardous, or having a contagious disease or insect infestation that threatens the
15 health of other trees or vegetation is declared a nuisance. Abutting property owners are responsible
16 for abating nuisance street trees by removing the trees, applying an appropriate treatment to the
17 affected trees, or by pruning the trees in a manner that abates the threat to the public.

18
19 B. If a property owner fails to maintain trees as required in subsection 15.43.040.A, the
20 Director may perform the required tree work at the abutting property owner's expense. The abutting
21 property owner is liable to the City for the costs of maintenance or removal of the trees and
22 restoration of the public place, together with an additional charge equal to 15 percent of its costs to
23 cover administrative expenses.
24
25
26
27
28



1 C. Any person or entity that owns or is responsible for the maintenance of any tree is liable
2 for any damage done by the tree roots to the public sewers, storm drains, sidewalks, pavement, or
3 other City-owned infrastructure.

4
5 **15.43.050 Tree Service Provider requirements**

6 A. All Tree Service Providers engaged in the business of pruning, removing or otherwise
7 treating street trees shall be registered with the Department of Transportation.

8
9 B. Tree Service Provider registration may be obtained by submitting an application to the
10 Department of Transportation on forms provided by the City, pursuant to the Street Tree Manual.
11 The Director may deny Tree Service Provider registration to any applicant who fails to submit a
12 complete application or misrepresents information in the application.

13
14 C. Each approved registrant shall be issued a Tree Service Provider registration card
15 containing a registration number. Tree Service Providers shall renew their registration annually by
16 filing a renewal application prior to the registration expiration date.

17 D. Any major pruning, removal, or treatment of street trees by a Tree Service Provider shall
18 be supervised by an International Society of Arboriculture (ISA) certified arborist or an ISA
19 certified tree worker and shall comply with the standards in Chapter 15.43, the Street Tree Manual,
20 and rules governing trees in public places.

21
22 E. Tree Service Providers shall have their current Tree Service Provider registration card
23 and any applicable Street Use permits at the work site whenever pruning, removing, or treating any
24 street tree and shall provide those documents to City representatives or the public when requested.
25 A stop work order may be issued and penalties shall be assessed against any Tree Service Provider
26



performing tree work in a public place without a current Tree Service Provider registration card or applicable Street Use permits.

F. The Director may revoke a Tree Service Provider registration or a Street Use permit for failure to comply with any of the provisions of Chapter 15.43. Written notification of the revocation shall be sent by first-class mail to the registrant.

G. Section 15.43.050 does not prevent property owners from pruning street trees abutting their property in a manner consistent with Chapter 15.43 and the Street Tree Manual standards, or successor rules.

15.43.060 Director's review

A person aggrieved by the approval, denial, or conditions imposed on a Street Use permit, the denial of a Tree Service Provider registration, or the revocation of a Tree Service Provider registration may request the Director review the decision by filing a written request for review within 10-calendar days of the date of the decision pursuant to Section 15.04.112.

Section 8. Section 15.90.018 of the Seattle Municipal Code, last amended by Ordinance 121925, is amended as follows:

15.90.018 Civil penalty((-))

A. In addition to any other sanction or remedial procedure ~~((which))~~ that may be available, any person or entity violating or failing to comply with any of the provisions of Title 15 shall be subject to a cumulative penalty of up to ~~((Five Hundred Dollars (-)))~~ \$500~~((-.00)))~~ per



day for each violation from the date the violation occurs or begins until compliance is achieved.

The City shall also be entitled to recovery of its enforcement costs, including, but not limited to((;)) staff time, administrative expenses and fees, and costs and attorneys' fees.

B. In addition to the cumulative penalty for violations of Section 15.43.020, any person or entity that destroys, kills, injures or mutilates a street tree, may be subject to a civil penalty in an amount equal to the appraised value of each affected tree in accordance with the most current edition of the Council of Tree and Landscape Appraisers 'Guide for Plant Appraisal'. If the violation is found to be willful or malicious, the amount of the penalty may be trebled. In addition, violators shall be responsible for restoring the public place to as good or better condition in conformance with a site plan, approved by the Director,

~~((B))~~C. The penalty imposed by ~~((this section))~~ Section 15.90.018 shall be collected by civil action brought in the name of the City. The Director shall notify the City Attorney in writing of the name of any person subject to the penalty, and the City Attorney shall, with the assistance of the Director, take appropriate action to collect the penalty. In any civil action for a penalty, the City has the burden of proving by a preponderance of the evidence that a violation exists or existed; the issuance of the notice of violation or of an order following a review by the Director is not itself evidence that a violation exists.

~~((C))~~D. Peak Period Penalty Enhancement. In addition to the cumulative ~~((Five Hundred Dollar-))~~\$500~~((-.00)))~~ penalty per day for each violation ~~((set forth in Subsection A))~~ pursuant to subsection 15.90.018.A, each person or entity that violates any of the provisions enforced by ~~((this))~~ Chapter 15.90 during a Peak Period shall be subject to an additional penalty of ~~((One~~



1 ~~Thousand Dollars (-))\$1,000((-00)))~~ per day for each violation. The failure to take immediate
2 action to correct the violation as directed by the Director shall constitute a separate violation.

3
4 Section 9. Section 15.91.002 of the Seattle Municipal Code, last amended by Ordinance
5 123100, is amended as follows:

6 **15.91.002 Scope((-))**
7

8 A. Violations of the following provisions of Seattle Municipal Code Title 15 may be
9 enforced under the citation or criminal provisions set forth in this Chapter 15.91 by the Director of
10 Transportation:
11

- 12 1. Use and Occupation Permits -- No permit obtained (((SMC)) Section
13 15.04.010);
14
15 2. Marquees, Awnings, Canopies, and Decorative Elements (((SMC)) Chapter
16 15.10);
17
18 3. Signs, Banners, and Street Clocks (((SMC)) Chapter 15.12);
19
20 4. Newsstands (((SMC)) Chapter 15.14);
21
22 5. Building Cleaning or Painting (((SMC)) Chapter 15.20);
23
24 6. Vending (((SMC)) Chapter 15.17);
25
26 7. Warning Lights and Barricades (((SMC)) Chapter 15.40);
27
28

- 1 8. Debris in Public Places (((SMC)) Chapter 15.46);
- 2
- 3 9. Snow and ice removal (((SMC)) Section 15.48.010);
- 4
- 5 10. Barbed wire or electric fence (((SMC)) Section 15.48.020);
- 6
- 7 11. Obstruction of utility or traffic facilities prohibited (((SMC)) Section
- 8 15.22.050);
- 9
- 10 12. Removal of earth and debris (((SMC)) Section 15.22.060);
- 11
- 12 13. Mixing of mortar or concrete (((SMC)) Section 15.22.070);
- 13
- 14 14. Permit to drive over sidewalk or curb (((SMC)) Section 15.22.100);
- 15
- 16 15. Barricades and warning devices (((SMC)) Section 15.44.010);
- 17
- 18 16. Dangerous Structures on Adjoining Property (((SMC)) Chapter 15.18);
- 19
- 20 17. Permit Required - failure to comply with conditions of permit (((SMC))
- 21 Section 15.04.010);
- 22
- 23 18. Sidewalk Cafes (((SMC)) Chapter 15.16);
- 24
- 25 19. Scaffolds (((SMC)) Chapter 15.24);
- 26
- 27 20. Backfilling (((SMC)) Chapter 15.26);
- 28
- 29 21. Building and Equipment Moving (((SMC)) Chapter 15.28);



22. Lifting Heavy Equipment (((SMC)) Chapter 15.36);

23. Crowd Control Event (((SMC)) Chapter 15.52);

24. Tree and Vegetation Management in Public Places (Chapter 15.43).

B. Any enforcement action or proceeding pursuant to ((~~this~~)) Chapter 15.91 shall not affect, limit or preclude any previous, pending or subsequent enforcement action or proceeding taken pursuant to Chapter 15.90.



Section 10. Seattle Department of Transportation's Street Use Permit Fee Schedule,
Attachment A to Ordinance No.123477, as amended by Ordinances 123600, 123611, 123659, and
123485 as amended by Ordinances 123585 and Ordinance 123907, is further amended as follows:

Attachment A: Street Use Permit Fee Schedule

* * *

Activities the use the public Right-of-Way that involve little to no mobility blockage				
Use Code	Use Description	Base Permit fee	Occupation Fee (Long Term)	Use Fee (Short Term)

((43))	((Tree removal when blocking street))	\$146	N/A	None
47	Cross curb and sidewalk with equipment			

Activities that have value to the general citizenry				
Use Code	Use Description	Base Permit fee	Occupation Fee (Long Term)	Use Fee (Short Term)
1	Beautification	None	N/A	None
1A	Tree pruning((,planting, and removal and other plantings))			
1B	Tree planting			
1C	Tree removal			



Section 11. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2012, and signed by me in open session in authentication of its passage this ____ day of _____, 2012.

President _____ of the City Council

Approved by me this ____ day of _____, 2012.

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2012.

Monica Martinez Simmons, City Clerk

(Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle Department of Transportation	Roy Francis 233-7829 Nolan Rundquist 615-0957	Rebecca Guerra 684-5339

Legislation Title:

AN ORDINANCE relating to tree and vegetation management in public places; adding a new Chapter 15.43 to Subtitle I of Title 15 of the Seattle Municipal Code to provide for the regulation of planting, maintenance, and removal of trees and shrubs in all public places; amending Sections 15.02.042, 15.02.044, 15.02.046, 15.04.012, 15.18.010, 15.90.018, and 15.91.002; repealing Chapter 15.42 of the Seattle Municipal Code ; and amending the current Seattle Department of Transportation Street Use fee schedule by adding new tree-related Street Use permit codes.

Summary of the Legislation:

This ordinance establishes the Director of Transportation's authority to develop rules, regulations, policies and arboricultural standards governing protection and preservation, planting, pruning, maintenance and removal of street trees.

The proposed ordinance also addresses the following issues:

- Recognizes the value trees contribute to the quality of life, including reducing storm water runoff, replenishing ground water supplies, reducing air, water and noise pollution, reducing energy consumption, sequestering carbon, and other benefits.
- Declares the City's intent to preserve, promote, and protect trees whenever possible. This ordinance prohibits the topping of trees, the storage of material in the tree root zone, and makes it illegal to destroy or damage a street tree.
- Establishes regulatory authority of the Department of Transportation for the planting, maintenance, and removal of trees in the public place and issuing permits allowing property owners to perform such work.
- Identifies non-permitted activities related to the treatment of trees and establishes penalties for damaging or destroying trees in the public place.
- Sets out conditions for granting or denying permits for planting, pruning, or removing trees in the public place. Permit fees are established by ordinance in the SDOT Street Use Fee schedule.
- Clarifies City of Seattle and property owner responsibilities for maintaining trees that are growing within the public place.
- Requires that work on street trees be performed by or be under the supervision of an ISA Certified Arborist or Certified Treeworker.



- Establishes a 'no-cost' tree service provider registry that ensures the ISA certification, insurance, and City licensing requirements are met prior to being included on the registration listing.

Background:

The proposed legislation would replace the existing Chapter 15.42, which was adopted in 1962. Since that time, the urban forest canopy has declined from 30% to 23%. In 2007, the Urban Forest Management Plan, in conjunction with Seattle's Climate Action Plan, developed city-wide goals for increasing tree canopy. In addition, the goals of the legislation are reflected in the 2009 Seattle Comprehensive Plan that defines the City's policy to protect and retain trees to enhance the urban characteristics and to reduce the effects of urban pollution; and the 2009 Pedestrian Master Plan that aligns the goals of tree preservation and improved walkability in our communities. The policy goals for the proposed legislation are to prioritize tree preservation; add tree care standards for pruning and maintenance work done on street trees; clarify maintenance responsibilities; and establish penalties for non-permitted or non-compliant work performed on street trees. In preparing this legislation, SDOT met with more than a dozen community councils, business groups and citizen boards, as well as sent out announcements to 2,100 business owners.

Please check one of the following:

☒ **This legislation does not have any financial implications.**

☐ **This legislation has financial implications.**

Appropriations: N/A

**Total Regular Positions Created, Modified, or Abrogated through this Legislation,
Including FTE Impact:**
None.

Do positions sunset in the future? N/A

Spending/Cash Flow: N/A

Other Implications:

- a) **Does the legislation have indirect financial implications, or long-term implications?**
The anticipated long-term effect will be an improvement in the overall City-wide tree canopy coverage.

Although there are no anticipated financial impacts, the SDOT Street Use Fee Schedule needs to be changed to reflect changes to two permit types (type 1A and 43) and the addition of two



new permit types (1B and 1C). Use Code 1A will be amended to more easily discern how many permits are issued for all tree maintenance activities for pruning, planting, and removals. For these permit use codes (1A, 1B, and 1C) there is no fee charged for these permit activities. There were 510 type 1A permits issued in 2009, 556 permits issued in 2010, and 620 permits issued in 2011 that included all tree pruning, planting, and removal activities.

The other change is the elimination of Use Code 43. Impacts to mobility associated with the work that may be permitted under 1A, 1B, or 1C will be required to obtain the necessary permits to block mobility and coordinate the use of the public place. These mobility impact permits will be assessed the appropriate fee as already established in the current Street Use Permit fee schedule.

b) What is the financial cost of not implementing the legislation?

The financial costs of not implementing include increased costs City-wide associated with storm water mitigation; health impacts due to the lost opportunity for cleaner air; and street level cooling during the summer months.

c) Does this legislation affect any departments besides the originating department?

No.

d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?

None.

e) Is a public hearing required for this legislation?

The SEPA Determination of Non Significance was posted on January 5th and 12th 2012 with no appeals filed with the Hearing Examiner and one set of comments.

f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

The SEPA Determination of Non Significance was posted on January 5th and 12th 2012 with no appeals filed with the Hearing Examiner and one set of comments.

g) Does this legislation affect a piece of property?

No.

h) Other Issues:

Schedule of public meetings:

Date	Location or group	Attendees
12/12/11	High Point Community Center – public meeting	6
12/14/11	Van Asselt Community Center– public meeting	0
12/15/11	Miller Community Center - public meeting	8
1/4/12	SouthWest Community Council– community associations	15
1/9/12	Meadowbrook Community Center – public meeting	10
1/11/12	Ballard Community Center – public meeting	9
1/11/12	Ballard District Council presentation – community associations	40



1/24/12	North Seattle Industrial Association	20-25
2/1/12	Feet First Board meeting	8
2/1/12	North District Council – community associations	32
2/6/12	Mt. Baker Community Club	31
2/21/12	Magnolia Community Club	12
4/11/2012	Pedestrian Planning Board	20

List attachments to the fiscal note below:

None





City of Seattle
Office of the Mayor

August 21, 2012

Honorable Sally J. Clark
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Clark:

I am pleased to transmit the attached proposed Council Bill amending Title 15 of the Seattle Municipal Code (SMC) in order to more effectively manage trees and other vegetation in the City's public places. The policy goals for the proposed legislation are to prioritize tree preservation; add tree care standards for pruning and maintenance work done on street trees; clarify maintenance responsibilities and to establish penalties for work performed on street trees that is not permitted or is out of compliance. The proposed legislation also adds new permits to the Seattle Department of Transportation Street Use permit fee schedule. This legislation will enable the Seattle Department of Transportation to promote and protect public health and safety, and to preserve and protect the health of trees by providing standards for and supervision of planting, pruning, removal, and maintenance of trees, shrubs, and other plants in the public right-of-way.

The existing Chapter 15.42, relating to the regulations of street trees, has not been updated since it was originally adopted in 1962. Satellite images between 1972 and 2009 have shown a substantial reduction in heavy tree canopy citywide--from 30% to 23%. The goals of the legislation are reflected in the 2007 Urban Forest Management Plan which recommends strengthening the current SMC as one of a number of strategies to preserve and better manage street trees. In addition, the 2009 Seattle Comprehensive Plan defines the City's policy to protect and retain trees to enhance the urban characteristics and to reduce the effects of urban pollution; and the Pedestrian Master Plan aligns the goals of tree preservation and improved walkability in our communities.

The Seattle Department of Transportation (SDOT) sent out announcements to 2,100 business owners and met with community councils, business groups, and citizen boards to answer questions regarding the proposal. The proposed Council Bill reflects concerns expressed by the community about the impacts to small businesses. The Urban Forestry Commission has reviewed and expressed support for the proposed legislation and the steps it lays out to strengthen the City's current street tree regulations.

Thank you for your consideration of this legislation. Should you have questions, please contact Urban Forestry manager, Roy Francis, at 233-7829.

Sincerely,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor
Office of the Mayor
600 Fourth Avenue, 7th Floor
PO Box 94749
Seattle, WA 98124-4749

Tel (206) 684-4000
Fax (206) 684-5360
TDD (206) 615-0476
mike.mcgin@seattle.gov

