

Amendment 1 Version 1 to CB 120509 – Tree Service Provider Modifications

Sponsor: Councilmember Strauss

Substitute Version

Effect: This proposed substitute version of Council Bill (CB) 120509 would make the following changes:

- Technical and clarifying amendments – e.g., adds the definition for normal pruning and maintenance from SMC 25.09.520; clarifies that hazardous tree removal and pruning are subject to the tree service provider requirements; removes references to pruning hazardous trees, which does not require a permit; and clarifies that tree service providers are responsible for preparing the hazardous tree risk assessment report and are not required to submit the permit application itself;
- Reportable work – adds “live” to references to branches and roots to exempt the removal of dead branches and roots from the definition;
- Notice timeframe – requires that tree service providers submit public notice information at least three business days in advance of reportable work and six business days in advance of tree removal. CB 120509 would require that the online notice for both reportable work and tree removal be at least three business days in advance;
- Notice posting – adds a requirement for tree service providers to post public notices at or near the work site while the work is underway and recommends (but does not require) that notices be left in place for five days after the work is completed, and adds accompanying recitals to explain this intent. CB 120509 would only require that public notices be posted online in advance of the work; and
- Business information – adds the option of displaying the business’ email address in lieu of a phone number on the tree service provider’s commercial vehicle and requires that business information be displayed on the rear of the vehicle only when the vehicle has a rear side.

Amend Council Bill 120509 as shown in the attached substitute version.

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and urban forestry; amending requirements for registered tree service providers; amending Sections 25.09.040, 25.11.020, 25.11.030, and 25.11.095 of the Seattle Municipal Code.

..body

WHEREAS, registered tree service providers will be required to post a public notice while they are conducting certain types of commercial tree work; and

WHEREAS, the public notice should remain posted for five days, but registered tree service providers will not be required to ensure that the notice stays posted during this time;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 25.09.040 of the Seattle Municipal Code, last amended by Ordinance 126685, is amended as follows:

25.09.040 Permits and approvals required

A. Prior to undertaking development or platting on a parcel containing an environmentally critical area or buffer, the applicant shall:

1. Submit an application:

a. For a permit that complies with the provisions of Section 25.09.330; or

b. Requesting approval for an exemption according to Section 25.09.045, relief from the prohibition of development according to Section 25.09.090, or a small project waiver demonstrating compliance with applicable provisions according to this Chapter 25.09;

and/or

1 c. Requesting modification of Section 25.09.330 submittal requirements;
2 and

3 2. Obtain a permit or the Director's approval of the application.

4 B. Prior to altering vegetation, trees, or other habitat protected by this Chapter 25.09 the
5 person responsible shall comply with the provisions of Section 25.09.070 and Section 25.11.095.

6 Section 2. Section 25.11.020 of the Seattle Municipal Code, last amended by Ordinance
7 126554, is amended as follows:

8 **25.11.020 Definitions**

9 "Commercial tree work" means any of the following actions conducted within the City of
10 Seattle in exchange for financial compensation: (~~major pruning as defined in Section~~
11 ~~15.02.046~~) reportable work; removal of (~~trees larger than~~) any tree 6 inches or greater DBH;
12 and the assessment of the health or hazard risk of trees larger than 6 inches DBH. Normal ~~and~~
13 ~~routine~~ pruning operations and maintenance that ~~do~~ does not meet the definition of (~~major~~
14 ~~pruning~~) reportable work ~~are~~ is not commercial tree work.

15 "Commercial vehicle" means (1) a "motor truck" or "truck" except a passenger car or (2)
16 a station wagon or van that has been permanently modified to carry no more than three seated
17 passengers. Such vehicles shall be properly licensed as a truck.

18 * * *

19 "Inner root zone" means an area encircling the base of a tree equal to one-half (~~(+2))~~)
20 the diameter of the drip line.

21 "Normal pruning and maintenance" means for trees, shrubs, and other woody plants
22 compliance with American National Standards Institute A300 pruning standards.

1 G. Removal of street trees as regulated by Title 15 (~~of the SMC~~); and

2 H. Additions to existing structures, shown as part of an issued building or grading permit
3 as provided in Sections 25.11.060, 25.11.070, and 25.11.080.

4 Section 4. Section 25.11.095 of the Seattle Municipal Code, added by Ordinance 126554,
5 is amended as follows:

6 **25.11.095 Tree service provider registration**

7 * * *

8 C. Tree service provider activities

9 1. ~~A~~ Unless it is an emergency action pursuant to Section 25.11.030, a registered
10 tree service provider shall comply with the following public notice requirements prior to
11 conducting commercial tree work that involves ~~((major pruning))~~ reportable work or removal of
12 ~~((trees larger than))~~ any tree 6 inches or greater DBH:

13 a. ~~((Provide the registered tree service provider's hiring entity with a
14 notice that the hiring entity must post in a safe location at or adjacent to the commercial tree
15 work site in a manner clearly visible from the public right of way at least three business days in
16 advance of the commercial tree work.))~~ Unless it is an emergency action pursuant to Section
17 25.11.030, the The registered tree service provider shall provide the Director with the following
18 information:

19 ~~((b. The notice shall:))~~

20 1) ~~((Include a))~~ A brief description of the commercial tree work the
21 registered tree service provider will be conducting ~~that exceeds normal and routine pruning
22 operations and maintenance or that involves removal of any ((trees)) tree 6 inches or greater~~

1 ~~((diameter at breast height)) DBH and that~~ identifies whether ~~said the~~ tree meets the City's
2 definition of exceptional;

3 2) ~~((Provide a copy of the))~~ The tree service provider's registration
4 number; and

5 3) ~~((Indicate whether a permit is required for the commercial tree~~
6 ~~work. If a permit is required, provide a copy of the permit))~~ The permit number, if a permit is
7 required. If no permit is required, the tree service provider shall indicate that no permit is
8 required.

9 b. The Director shall provide the public notice information required by
10 subsection 25.11.095.C.1.a to the public on a City web page at least three business days in
11 advance of ~~the commercial tree work~~ reportable work and at least six business days in advance of
12 removal of any tree 6 inches or greater DBH. By March 31, 2024, the web page shall provide the
13 information through an online mapping tool.

14 c. While a registered tree service provider is conducting commercial tree
15 work subject to public notice required by subsection 25.11.095.C.1.a, the tree service provider
16 shall post the public notice in a safe location at or adjacent to the commercial tree work site in a
17 manner clearly visible from the public right-of-way. The posted public notice should remain in
18 place for five days after the work has been completed.

19 2. A registered tree service provider is responsible for complying with best
20 practices applicable to the particular commercial tree work for which they are retained,
21 including:

1 a. Determination of the commercial tree work needed to justify removal or
2 pruning outside of the routine pruning operations and maintenance in order to meet the
3 objectives of the hiring entity; and

4 b. Maintaining adequate supervisory control over workers conducting
5 commercial tree work under their direct supervision.

6 3. If a registered tree service provider is proposing to remove ~~or conduct major~~
7 ~~pruning on~~ a tree based on it being a hazardous tree, the following requirements apply:

8 a. The registered tree service provider applying or preparing the report
9 required by subsection 25.11.095.C.3.b for the hazardous tree removal permit must either have
10 an employee or a person on retainer who is currently credentialed with an ISA Tree Risk
11 Assessment Qualification;

12 b. The registered tree service provider must submit documents as required
13 by the Director, including a brief report that summarizes the factors contributing to the tree's risk
14 rating. This report should include information on the overall health of the tree, the dimensions
15 and structure of the tree, and analysis of potential targets should it or major parts of it fall. When
16 deemed necessary by the Director, the report should also include analyses of tissue samples to
17 confirm disease or other issues concerning whether the tree poses a hazard to property or human
18 safety;

19 c. If the tree does not meet the City's definition of exceptional, the
20 registered tree service provider that ~~submits~~ prepares the report required by subsection
21 25.11.095.C.3.b for the hazardous tree removal permit application may also perform the removal
22 ~~or major pruning~~ of the tree; and

1 d. If the tree meets the City's definition of exceptional, the registered tree
2 service provider or hiring entity shall engage another registered tree service provider to
3 independently assess the tree and ~~submit the application for its removal~~ prepare the report
4 required by subsection 25.11.095.C.3.b. The registered tree service provider that ~~submits the~~
5 ~~application~~ independently assesses the tree and prepares the report must be different from the
6 registered tree service provider that will perform the removal ~~or major pruning~~ of the tree.

7 4. Commercial vehicles used by the registered tree service provider shall (1)
8 clearly display the tree service provider's City-issued registration number and (2) have the name
9 of the business to which the vehicle is registered and the business's phone number or email
10 address permanently displayed on ~~both~~ the left, right, and rear (where applicable) sides in letters
11 no less than 2 inches in height.

1 Section 5. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the _____ day of _____, 2023,
5 and signed by me in open session in authentication of its passage this ____ day of
6 _____, 2023.

7 _____
8 President _____ of the City Council

9 Approved / returned unsigned / vetoed this ____ day of _____, 2023.

10 _____
11 Bruce A. Harrell, Mayor

12 Filed by me this _____ day of _____, 2023.

13 _____
14 Elizabeth M. Adkisson, Interim City Clerk

15 (Seal)