



Legislation Details (With Text)

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In control: City Clerk

On agenda: 2/28/2023
Final Action: 3/2/2023 **Ord. No.** Ord 126777

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.

Sponsors: Dan Strauss

Indexes:

Attachments: 1. Summary and Fiscal Note, 2. Amendment 1 - Substitute, 3. Amendment 2, 4. Signed Ordinance 126777, 5. Affidavit of Publication

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------------|---------------------------------|--------|
| 3/2/2023 | 2 | City Clerk | attested by City Clerk | |
| 3/2/2023 | 2 | Mayor | returned | |
| 3/2/2023 | 2 | Mayor | Signed | |
| 3/2/2023 | 2 | City Clerk | submitted for Mayor's signature | |
| 2/28/2023 | 2 | City Council | passed | Pass |
| 2/22/2023 | 1 | Land Use Committee | pass as amended | Pass |
| 2/8/2023 | 1 | Land Use Committee | discussed | |
| 2/7/2023 | 1 | City Council | referred | |
| 2/2/2023 | 1 | Council President's Office | sent for review | |
| 2/1/2023 | 1 | City Clerk | sent for review | |

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

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.

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

c. Requesting modification of Section 25.09.330 submittal requirements; and

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

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

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

25.11.020 Definitions

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

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

* * *

"Inner root zone" means an area encircling the base of a tree equal to one-half $((\frac{1}{2}))$ the diameter of the drip line.

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

“Reportable work” means removal of live branches 2 inches in diameter or greater; pruning or removal of live roots 2 inches in diameter or greater; or removal of live branches constituting 15 percent or more of a tree's foliage-bearing area.

* * *

Section 3. Section 25.11.030 of the Seattle Municipal Code, last amended by Ordinance 125292, is amended as follows:

25.11.030 Exemptions

The following activities are exempt from the provisions of this ~~((chapter))~~ Chapter 25.11:

- A. Normal ~~((and routine))~~ pruning ~~((operations))~~ and maintenance;
- B. Abatement of hazardous tree or tree part as approved by the Director, except that commercial tree work on a hazardous tree must comply with the requirements of Section 25.11.095;
- C. Emergency activities necessary to remedy an immediate threat to public health, safety, or welfare;
- D. Tree removal undertaken as part of tree and vegetation management and revegetation of public parkland and open spaces by responsible public agencies or departments;
- E. Tree removal approved as part of an Environmentally Critical Area tree and vegetation plan as provided in Section 25.09.070, except that commercial tree work in an Environmentally Critical Area must

comply with the requirements of Section 25.11.095;

F. Tree removal shown as part of an issued building or grading permit as provided in Sections 25.11.060, 25.11.070, and 25.11.080, except that commercial tree work must comply with the requirements of Section 25.11.095;

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

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

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

25.11.095 Tree service provider registration

* * *

C. Tree service provider activities

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

a. ~~((Provide the registered tree service provider's hiring entity with a notice that the hiring entity must post in a safe location at or adjacent to the commercial tree work site in a manner clearly visible from the public right-of-way at least three business days in advance of the commercial tree work.))~~ The registered tree service provider shall provide the Director with the following information:

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

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

~~((said))~~ the tree meets the City's definition of exceptional;

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

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

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

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

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

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

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

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

a. The registered tree service provider applying or preparing the report required by subsection 25.11.095.C.3.b for the hazardous tree removal permit must either have an employee or a person on

retainer who is currently credentialed with an ISA Tree Risk Assessment Qualification;

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

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

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

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

Section 5. 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 _____, 2023, and signed by
me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

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

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Elizabeth M. Adkisson, Interim City Clerk

(Seal)