

ORDINANCE _____

1
2 AN ORDINANCE relating to tree and vegetation management in public places; adding a new
3 Chapter 15.43 to Subtitle I of Title 15 of the Seattle Municipal Code to provide for the
4 regulation of planting, maintenance, and removal of trees and shrubs in all public places;
5 amending Sections 15.02.042, 15.02.044, 15.02.046, 15.04.012, 15.18.010, 15.90.018;
6 amending the current Seattle Department of Transportation Street Use fee schedule by
7 adding new tree-related Street Use permit codes; and repealing Chapter 15.42 of the
8 Seattle Municipal Code.

9 WHEREAS, Seattle’s urban forests are part of a larger ecological system that spans from
10 mountains to sound, and are integral to our regions quality of life; and

11 WHEREAS, the City of Seattle recognizes that the health of our City is reflected in the health of
12 the Urban Forest; and

13 WHEREAS, the City of Seattle is committed to maintaining a sustainable urban forest through
14 tree planting, preservation, and conservation within our parks, along our streets, and in
15 our yards and gardens; and

16 WHEREAS, the City of Seattle and its citizens value trees in our parks, greenbelts and
17 neighborhoods because of the environmental, economic, and aesthetic values they add to
18 our community, as well as their important contribution to the purity of our air and water;
19 and

20 WHEREAS, the Seattle Climate Action Plan included the goal to increase Seattle’s tree canopy
21 over the next 30 years and address the importance of trees, which is consistent with the
22 City’s vision for the urban tree canopy goals, and;

23 WHEREAS, the Mayor issued Executive Order 03-05 directing each City department whose
24 policies or infrastructure interacts with trees in the public place to develop policies and
25 procedures in support of the City’s Urban Forestry Management Plan, including
26 replacing every tree removed from City property with two new trees, and;

27 WHEREAS, appropriate planning, planting, and maintenance of street trees provide City
28 residents and visitors with economic, social, environmental and aesthetic benefits, as well
as contributes to the public health, welfare and safety; and

WHEREAS, an urban forest benefits increase with tree numbers and size, and therefore mature
trees have a high value and should be preserved; and

1 WHEREAS, trees in the public place are valuable components of transportation infrastructure;
2 improving air quality and public health by absorbing gaseous pollutants, intercepting
3 dust, ash, and smoke; reducing levels of atmospheric carbon that lead to climate change
4 and releasing oxygen through photosynthesis; NOW, THEREFORE,

5 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

6 Section 1. **Purpose** The City of Seattle recognizes that trees planted and growing in public
7 places are an important part of the urban forest, the health of which provides a substantial
8 contribution to the quality of life in Seattle. The preservation, retention, protection, and planting of
9 trees and shrubs reduces the impacts of storm water runoff and helps to replenish ground water
10 supply; aids in reducing air and noise pollution and energy consumption; sequesters global warming
11 pollution; maintains and increases property values; provides habitat for wildlife; and enhances the
12 aesthetic environment. The purpose of this ordinance is to promote and protect the public health,
13 safety, and welfare by providing standards for and regulating the planting, pruning, removal, and
14 maintenance of trees, shrubs, and other plants in public places; promote tree health and aesthetics;
15 foster species diversity; preserve and increase the tree canopy, and protect residents from damage
16 caused by improper planting, maintenance, or removal of trees and shrubs.
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18 Section 2. Section 15.02.042 of the Seattle Municipal Code as last amended by Ordinance
19 123659, is amended, as follows:
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21 **15.02.042 Definitions A through C((:))**
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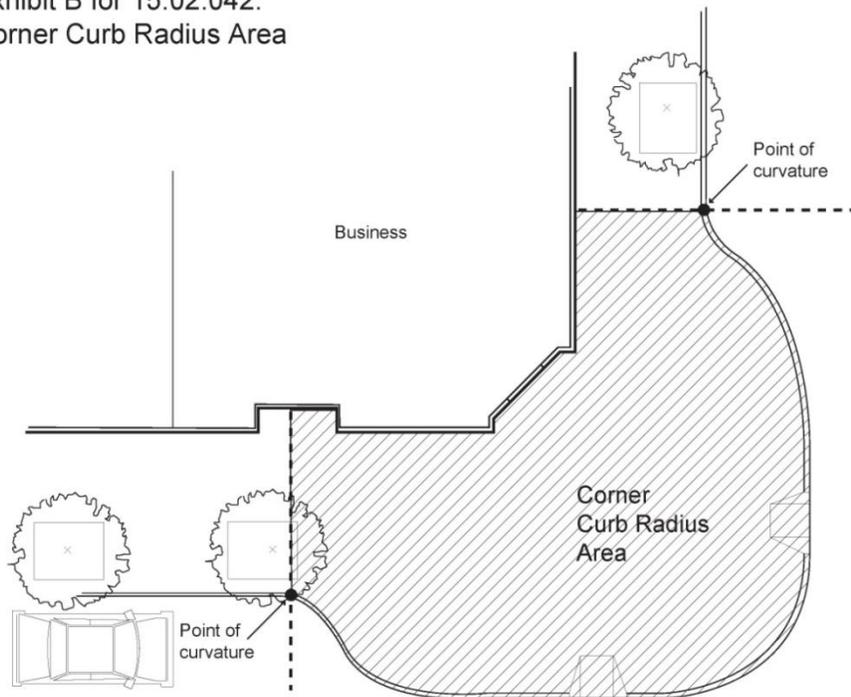
23 * * *

24 H. “Canopy” means a protective covering located at an entrance to a building.
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I. "Corner-curb-radius area" means the area that includes the intersection of two sidewalks bounded by the adjoining corner or curb bulb and curb ramps (Exhibit B for 15.02.042: Corner-curb-radius area). If the start of the point of curvature for the curb bulb or curb radius occurs beyond the sidewalk intersections, the area shall be extended to the point of

Exhibit B for 15.02.042:
Corner Curb Radius Area



curvature for the curb bulb or curb radius.

1 Section 3. Section 15.02.044 of the Seattle Municipal Code last amended by Ordinance
2 123659, is amended as follows:

3 **15.02.044 Definitions D through M**
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5 * * *

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7 E. “Hazardous tree” means any tree or tree part that poses a high risk of damage to
8 persons or property located in the public place, as determined by the Director according to the
9 tree risk evaluation standards established by the International Society of Arboriculture.
10

11 F. “Heritage tree” means a tree, or group of trees, given special designation by the
12 Heritage Tree Program, co-sponsored by Plant Amnesty and Seattle Department of
13 Transportation. Heritage tree classifications shall be maintained in the Street Tree Manual.
14

15 ~~((D))~~ G. “Marquee” means an approximately horizontal, rigid, nonretractable,
16 noncollapsible structure, projecting from and supported by a building.
17

18 ~~((E))~~ H. “Marquee sign” means a sign placed on, constructed in, or attached to a marquee.
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20 ~~((G))~~ I. “Mobile-food vending” means to sell, offer for sale, solicit orders, display, or
21 otherwise peddle; food that is exempt from acquiring a food-establishment permit under Title 5
22 of the King County Board of Health; to the public from a public place; as authorized or
23 prohibited in Sections 15.17.010, or 15.17.130.
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1 Section 4. Section 15.02.046 of the Seattle Municipal Code, last amended by Ordinance
2 123659, is amended as follows:

3 **15.02.046 Definitions N through Z**

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5 ***

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7 F. “Pruning, major” means removal of branches 2 inches in diameter or greater; removal
8 of roots 2 inches in diameter or greater; or removal of branches constituting more than 15 percent
9 of a tree’s foliage-bearing area. Removal of water sprouts, suckers, twigs, or branches less than
10 2 inches in diameter, that constitutes less than 15 percent of the tree’s foliage-bearing area; or
11 removal of small dead wood, broken branches or stubs does not constitute major pruning.

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13
14 ~~(F)~~G. “Public place” means and includes streets, avenues, ways, boulevards, drives,
15 places, alleys, sidewalks, and planting strips, squares, triangles, plazas, and right-of-way for
16 public use and the space above or beneath its surface, whether or not opened or improved.

17
18 ~~(G)~~H. “Publisher” means the owner or distributor of a newspaper or other publication
19 distributed through a newsstand.

20
21 ~~(H)~~I. “RCW” is an abbreviation for Revised Code of Washington.

22
23 J. “Severe crown reduction” means the reduction of the overall size of the tree and
24 altering the tree’s natural structure by cutting back to lateral limbs less than 1/3 of the diameter
25 of the limb that is cut.

1 ~~((F))~~K. "Shoreline street ends" means the land portions of street segments that provide or
2 could provide if improved, the public with visual or physical access to a body of water and its
3 shoreline that are listed on Exhibit A to Resolution 29370 that adopted policies guiding the
4 development of public access improvements to shoreline street ends.

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6 ~~((J))~~L. "Sidewalk cafe" means a portion of the public place in which tables and chairs
7 are placed for the use of patrons consuming food or beverages, including alcoholic beverages
8 that is operated by a food service business located on abutting property.

9
10 ~~((K))~~M. "Sign" means any medium, including its structure and component parts, that is
11 used or intended to be used out of doors to attract attention to the subject matter for advertising,
12 identification or informative purposes.

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14 ~~((L))~~N. "SMC" is an abbreviation for Seattle Municipal Code.

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16 O. "Street tree" means any tree planted or growing within a public place.

17
18 P. "Street Tree Inventory" means a database or list of trees growing in public places, that
19 includes attributes such as species, size, tree condition, location, and maintenance responsibility,
20 as maintained by the Director.

21
22 Q. "Street Tree Manual" means the Department of Transportation's Tree Standards
23 Manual for planting, pruning, maintenance and protection of trees in public places, as adopted by
24 Director's Rule.

1 ((M))R. “Superintendent“ or ”Superintendent of Parks and Recreation“ means the City
2 Superintendent of Parks and Recreation and his or her authorized representatives.

3
4 S. “Topping” means the severe cutting back of limbs to stubs within the tree’s crown, to
5 such a degree as to remove the tree’s normal canopy and disfigure the tree;

6
7 T. “Tree service provider” means any individual or business entity that engages in the
8 business of pruning, removing or otherwise treating trees for monetary or other compensation.

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10 ((N))U. “Vend or vending” means to sell, offer for sale, solicit orders, display, rent, lease,
11 or otherwise peddle any good, ticket, thing, or service of any kind; to the public from a public
12 place; as authorized or prohibited in Chapters 15.14 or 15.17.

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14 ((O))V. “Vending cart” means a movable cart that is used to serve, vend, or provide food,
15 nonalcoholic beverages, or flowers.

16
17 Section 5. Section 15.04.012 of the Seattle Municipal Code, last amended by Ordinance
18 117569, is amended as follows:

19
20 **15.04.012 Nuisances((-))**

21 Any structure built, excavation made, ~~((and/))~~ or material placed in or on any public place by
22 anyone without ~~((a permit therefor first))~~ having ~~((been))~~ first obtained((-)) a Street Use permit, as
23 provided in ~~((this title may be deemed))~~ Title 15, is declared a public nuisance. The Director may
24 declare that a street tree ~~((by the authorizing official))~~ is a public nuisance if it impacts the safe
25 operations of the transportation system including but not limited to: impeding signs and signals, or
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1 by harboring a contagious disease or an insect infestation that threatens the health of other trees or
2 vegetation. In the discretion of the authorizing official identified in Sections 15.04.015, and
3 15.43.040, ((such)) nuisances may be abated with or without ((the))action((of)) at law((, and/or
4 such)); or other equivalent proceedings may be taken as are authorized by law and the ordinances of
5 the City for the prevention, abatement, and punishment of nuisances.

6
7 Section 6. Chapter 15.18.010 of the Seattle Municipal Code, last amended by Ordinance
8 121276, is amended as follows:

9
10 **15.18.010 Duty to maintain -- Notice of hazardous condition -- Barricading((:))**

11
12 A. The owner of a structure or trees on property ((adjoining)) abutting a public place has an
13 obligation to maintain it so that it does not create a hazard to the public using the public place; and,
14 if a hazard to the public should develop, to promptly place barricades in the public place to warn the
15 public of the danger and discourage entry into the area of risk. Upon discovering the hazard, the
16 owner shall immediately inform the Director of Planning and Development, and, as to park drives
17 and boulevards, the Superintendent of Parks and Recreation, and as to other public places, the
18 Director of Transportation.

19
20
21 Section 7. Chapter 15.42 of the Seattle Municipal Code as last amended by Ordinance
22 123361, and currently reads as follows, is repealed:

23
24 ~~((15.42 — PLANTING TREES AND SHRUBS~~

25
26 ~~15.42.010 — General provisions — Trees.~~

1 ~~No one shall plant in any public place any maple, Lombardy poplar, cottonwood or gum, or~~
2 ~~any other tree which breeds disease dangerous to other trees or to the public health. No one shall~~
3 ~~allow to remain in any public place any tree trunk, limb, branch, fruit or foliage which is in such~~
4 ~~condition as to be hazardous to the public, and any such trees now existing in any such planting~~
5 ~~(parking) strip or abutting street area may be removed in the manner provided in this subtitle for the~~
6 ~~revocation of permits and removal of obstructions.~~

7
8 ~~15.42.015 — Tree root damage — Liability.~~

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

13
14 ~~15.42.020 — Overhanging trees and shrubs.~~

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

19
20 ~~15.42.030 — Contact with telephone and electric wires,~~

21 ~~No trees shall be allowed to come in contact with telephone, telegraph, electric or power~~
22 ~~wires of public service companies or of the City where such wires are twenty five feet (25') or more~~
23 ~~above the level of the public place over which they pass. When the Director of Transportation finds~~
24 ~~that such trees are coming in contact with such wires of public service companies or of the City,~~
25 ~~said Director may order the trees trimmed, and if not so trimmed within ten (10) days after service~~
26

1 of written notice upon the owner of such trees, or the posting of written notice thereof upon the
2 premises, the Director of Transportation may issue a permit to the owner(s) of the wires, authorizing
3 them to trim such trees at their own expense. If the work is done by the owner(s) of the wires, the
4 Director of Transportation or his/her representative may accompany such owner(s) or the contractor
5 thereof and have charge of the work, and the cost of supervising such trimming shall be borne by
6 the owner(s) of the wires.

7
8 ~~15.42.040 — Obstruction of intersection prohibited.~~

9
10 No trees, shrubs or flowers over two feet (2') in height shall be planted or maintained in
11 that portion of any planting (parking) strip lying within thirty feet (30') of the intersection of the
12 planting (parking) strip with the curblineline of any intersecting street.

13
14 ~~15.42.050 — Conformance to Street Tree Planting Standards.~~

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

18
19 ~~15.42.060 Removal of hazards.~~

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

22
23 Section 8. A new Chapter 15.43 of the Seattle Municipal Code, is added as follows:

24 **Chapter 15.43 TREE AND VEGETATION MANAGEMENT IN PUBLIC PLACES**

25
26 **15.43.010 Authorizing official**

1 The Director of Transportation is responsible for regulating the planting, maintenance,
2 and removal of trees and other vegetation in all public places under the jurisdiction of the
3 Department of Transportation. The Director is authorized to enforce the regulations as provided
4 for in Chapter 15.43 and to promulgate rules, regulations, policies, and standards to govern the
5 planting, pruning, maintenance, removal, protection, fertilization, cabling and bracing of street
6 trees and other vegetation. The Director shall maintain a list of tree species and varieties that
7 may be planted in public places. Chapter 15.43 does not regulate trees and vegetation located on
8 City property or public places under the jurisdiction of the Seattle Parks and Recreation
9 Department or the Department of Finance and Administrative Services.

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12 **15.43.020 Tree preservation and protection**

13
14 No person shall destroy, kill, injure, mutilate, or deface a street tree or vegetation by any
15 means, including but not limited to the following:

16
17 A. Causing or encouraging setting fire underneath, or within 5 feet of the dripline of a
18 street tree or within 5 feet of other vegetation;

19
20 B. Applying any toxic chemicals to a street tree or to the ground within the dripline of a
21 street tree;

22
23 C. Attaching any rope, wire, nails, advertisements, posters, or other objects to any street
24 tree, except for:

- 25
26 1. Supports for young or broken trees;

1 2. Official City placards affixed in a manner that is not injurious to trees; and

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

5
6 D. Using climbing spurs on a street tree;

7
8 E. Causing the topping or severe crown reduction of a street tree, except in the course of
9 tree removal pursuant to a Street Use permit approved by the Director;; and

10
11 F. Depositing, placing, or storing stones, bricks, concrete, asphalt, fill soil, plastic
12 sheeting, construction materials, or other materials within the dripline of a tree in a public place;
13 that may impede the free flow of water, air, or fertilizer to the roots of any street tree or other
14 vegetation in the public place.

15
16 **15.43.030 Street Use permits required**

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18 No person shall plant, remove, or perform major pruning on any street tree without first
19 obtaining a Street Use permit from the Department of Transportation. A Street Use permit is also
20 required for any work occurring within the dripline or designated tree protection zone of a Heritage
21 Tree. The permittee is responsible for all expenses related to the planting, pruning, and removal of
22 street trees. Minor pruning of street trees that are maintained by the Department of Transportation
23 in the Street Tree Inventory requires a Street Use permit. Minor pruning of all other street trees by
24 abutting property owners does not require a permit.
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1 A. Street Use permit applications for work on street trees

2 1. Applications for Street Use permits shall be filed with the Director on forms
3 provided by the City, pursuant to Chapter 15.04.020. No work shall start until the Street Use permit
4 has been issued. Permit applications shall be reviewed for the following uses:
5

6 a. Planting. An application to plant trees or shrubs shall be accompanied by
7 a planting plan illustrating the number of trees or shrubs to be planted, their species and variety, and
8 their location in the planting strip or other part of the public place, and any other information the
9 Director may require. The planting plan shall include the following:
10

11 1) The public place including pavement, gutter, curb planting strip
12 and sidewalk areas;
13

14 2) The location, species, and variety of each tree and shrub proposed
15 to be planted and those already existing within the boundaries of the public place; and
16

17 3) The distance between the proposed or existing trees or shrubs in
18 any direction.
19

20 b. Major Pruning An application for major pruning, including root pruning,
21 of trees shall state the number, species, size, age, and condition of the tree or trees to be pruned; the
22 scope of pruning; and any other information the Director may require.
23

24 c. Removal A Street Use permit application for tree removal shall clearly
25 state the reasons that the tree removal is necessary and shall be accompanied by a removal plan
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1 illustrating the number of trees to be removed; the species, trunk diameter, and variety; the
2 location in the planting strip or other part of the public place; the method of removal; and any
3 other information the Director may require.

4
5 B. Street Use Permit approval considerations

6
7 1. The Director may approve, approve with conditions, or deny the Street Use
8 permit application.

9 2. All proposed plans shall comply with the Street Tree Manual. Other factors
10 considered in evaluating an application for a Street Use permit include but are not limited to the
11 following:

12 a. Planting. Only tree species identified in the Department of
13 Transportation’s approved tree list or approved by the Director may be planted in any public place.
14 The Director may consider the location of existing infrastructure and public safety concerns
15 including, but not limited to the location of utilities, visibility, and the health of other trees in the
16 vicinity, when reviewing a Street Use planting permit application for approval.

17
18 b. Major pruning All major pruning shall comply with American National
19 Standards Institute (ANSI) A-300 standards and best management practices as outlined in the Street
20 Tree Manual.

21
22 c. Removal The City’s policy is to retain and preserve trees whenever
23 possible. Accordingly, street tree removal may not be permitted unless the tree has been
24 designated a hazardous tree by the Director. The Director may consider public safety,
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1 development and environmental conditions when deciding whether to permit removal.

2 Removed trees shall be replanted or replaced if the site conditions allow. The stump and roots of
3 trees shall be removed to a point at least 1 foot below the top of the adjacent curb or proposed curb
4 grade, or lower if a replacement tree is proposed for the same location as the proposed tree removal.

5 3. The Director may deny issuance of a Street Use permit if the tree service
6 provider named in the application does not have a current tree service provider registration.

7
8 C. Posting and Public Comment. Any person applying for a Street Use permit to remove a
9 street tree shall post a notice of application at the site notifying the public of the proposed tree
10 removal application and providing an opportunity for public comment. The notice of Street Use
11 permit application shall be on a form provided by the City and be posted in a location clearly visible
12 from the adjacent public place for a period of at least 14 calendar days. The Director may exempt an
13 applicant from posting requirements if a street tree poses an imminent danger to the public's health
14 or safety.
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16
17 D. All planting, pruning, treatment, and removal of street trees shall be performed as
18 authorized by the conditions of the Street Use permit.
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20 E. Pruning by utilities and communications providers. The Director may issue Street Use
21 permits to utility and communication providers to prune and maintain trees in order to protect the
22 wires, cables, and other facilities owned by the utilities and telecommunication providers.
23 Except in cases of imminent danger to the public health or safety, all pruning shall be done in
24 accordance with Chapter 15.43 and the Street Tree Manual. The Director may require a
25 Department of Transportation representative be present to monitor the pruning. The permittee
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1 shall inform the abutting property owners and tenants by posting doorknob notices or other
2 means as approved by the Director at least 3 weeks before starting tree work. The permittee is
3 responsible for all expenses related to the pruning, permitting, monitoring and inspections.

4
5 F. Fees The fees for Street Use permits shall be authorized by the Department of
6 Transportation’s Street Use Fee Schedule according to Section 15.04.074.

7
8 **15.43.040 Maintenance of trees**

9
10 A. Abutting property owners are responsible for the following:

11 1. Maintaining street trees and other vegetation in abutting public places , in
12 accordance with the standards in the Street Tree Manual, except for those trees designated for
13 Department of Transportation maintenance in the Street Tree Inventory.

14
15 2. Pruning street trees so that the trees do not obstruct: street lights; traffic signs or
16 signals; and views of streets or intersections. The minimum height clearance requirements are 8
17 feet above the surface of the sidewalk and 14 feet above the surface of the street.

18
19 3. Removing or relocating improperly planted street trees when requested by the
20 Director. If the abutting property owner fails to perform the requested tree work, the Director may
21 perform the work at the abutting property owner’s expense.

22
23 4. Ensuring that trees on private property do not encroach upon any public places
24 that the trees do not obstruct: street lights; violates the minimum height clearance requirements;
25 views of traffic signs or signals; and views of any street or intersection. The minimum height

1 clearance requirements are 8 feet above the surface of the sidewalk and 14 feet above the surface
2 of the street.

3 5. Abating nuisance trees. Any tree identified by the Director as being hazardous,
4 or having a contagious disease or insect infestation that threatens the health of other trees or
5 vegetation is declared a nuisance. Abutting property owners are responsible for abating nuisance
6 trees by removing or applying an appropriate treatment to the affected tree or by pruning any
7 hazardous or nuisance tree in a manner that abates the threat to the public.
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9
10 B. The Director may order an abutting property owner to properly maintain and prune trees
11 and vegetation in a public place; relocate or remove improperly planted trees; prune trees on private
12 property that are encroaching on a public place; and abate nuisance trees. If the abutting owner fails
13 to perform the requested tree work, the Director may perform the tree work at the abutting property
14 owner's expense. The abutting property owner is liable to the City for the costs of the maintenance
15 or removal of the trees and an administrative charge equal to 15 percent of the amounts expended.
16

17 C. Any person or entity who owns or is responsible for the maintenance of any tree is liable
18 for any damage done by the tree roots to the public sewers, storm drains, sidewalks, or pavement.
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20 **15.43.050 Tree service provider requirements**
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22 A. All tree service providers engaged in the business of pruning, removing or otherwise
23 treating street trees shall be registered with the Department of Transportation with a tree service
24 provider registration and shall obtain all necessary Street Use permits according to Chapter 15.04.
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1 Tree service provider registration shall be renewed annually. Tree service providers shall comply
2 with the registration requirements according to the Street Tree Manual.

3 B. The Director may deny the tree service provider registration to any applicant who
4 fails to submit a complete application or misrepresents information in the application. The applicant
5 shall be provided written notification of tree service provider registration denial or revocation. The
6 Director may suspend or revoke the tree service provider registration or Street Use permit for failure
7 of the registrant or permittee to comply with any of the provisions of Section 15.43.050 by sending
8 written notification of the suspension or revocation decision by first-class mail to the registrant or
9 permittee. Failure to maintain the required Commercial General Liability insurance coverage is
10 grounds for Street Use permit and tree service provider registration revocation.
11

12 C. Each registrant shall be issued a tree service provider registration number and a tree
13 service provider registration card that may be renewed annually by filing a renewal application.
14

15 D. Any, major pruning, removal, or treatment of trees by a tree service provider shall be
16 supervised at the site by an International Society of Arboriculture (ISA certified arborist or an ISA
17 certified tree worker and shall comply with the standards provided for in Chapter 15.43, the Street
18 Tree Manual, and rules governing trees in public places.
19

20 E. Tree service providers shall have their current tree service provider registration card and
21 any applicable Street Use permits at the work site whenever planting, pruning, removing or treating
22 any street tree and shall provide those documents to Department of Transportation, other City
23 representatives, or the public when requested. A stop work order and applicable penalties shall be
24 issued to any tree service provider that is performing tree work in a public place without a current
25 tree service provider registration card or without applicable Street Use permits.
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1 E. The Director may suspend or revoke the tree service provider registration or Street Use
2 permit for failure of the registrant or permittee to comply with any of the provisions of this Section
3 15.43.050 or for failure to maintain all the registration requirements as provided in the Street Tree
4 Manual. Written notification of the suspension or revocation decision shall be sent by first-class
5 mail to the registrant or permittee.
6

7 F. Section 15.43.050 does not prevent property owners from pruning street trees abutting
8 their property in a manner consistent with Chapter 15.43 and the Street Tree Manual standards, or
9 successor rules.
10

11 **15.43.060 Director’s review**
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13 A person aggrieved by the approval or denial of or conditions imposed on a Street Use permit, or
14 the approval or denial of a tree service provider registration may timely request the Director
15 review the decision by filing a written request for review within ten business days of the date of
16 the decision, pursuant to SMC section 15.04.112.
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18 Section 8. Subsection A of Section 15.90.018 of the Seattle Municipal Code, last amended
19 by Ordinance 121925, is amended as follows:
20

21 **15.90.018 Civil penalty.**
22

23 A. In addition to any other sanction or remedial procedure ~~((which))~~ that may be
24 available, any person or entity violating or failing to comply with any of the provisions of Title
25 15 shall be subject to a cumulative penalty of up to ~~((Five Hundred Dollars €))~~ \$500~~((-.00))~~ per day
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for each violation from the date the violation occurs or begins until compliance is achieved. 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 requiring that the tree be removed, shall 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’. 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.

* * * *

Section 9. SDOT Street Use Permits. SDOT ‘s Fee Schedule , Attachment A to Ordinance No.123477, as amended by Ordinances 123600, 123611, 123659, and 123485 as amended by Ordinance 123585, is further amended as follows:

Attachment A: Seattle Department of Transportation Street Use Permit Fee Schedule

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			

Activities that have value to the general citizenry				
	other plantings))			
<u>1B</u>	<u>Tree planting</u>			
<u>1C</u>	<u>Tree removal</u>			

Section 10 . 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 _____, 2011, and signed by me in open session in authentication of its passage this ____ day of _____, 2011.

 President _____ of the City Council

Approved by me this ____ day of _____, 2011.

 Michael McGinn, Mayor

Filed by me this ____ day of _____, 2011.

 Monica Martinez Simmons, City Clerk

(Seal)