CITY OF SEATTLE

ORDINANCE ________________
COUNCIL BILL ________________

..title

AN ORDINANCE relating to land use and tree protection regulations; amending Sections, 22.900C.010 and 23.44.008 and repealing and replacing Chapter 25.11.

..body

WHEREAS, A healthy urban forest growing on public and private land promotes a clean, healthy, resilient, and safe environment in the places where people live, learn, work, and play, and reinforces Seattle’s identity and legacy as a forested, livable city; and

WHEREAS, The Equity and Environment Initiative is a call to action for the City to develop more inclusive environmental programs, including place-based and culturally-based strategies, to not only increase the canopy cover but also more equitably distribute the benefits that trees bring; and

WHEREAS, The City values the important services the urban forest provides to all in Seattle including but not limited to increasing resiliency to climate change, mitigating stormwater runoff, enhancing public health, cooling riparian corridors, improving our shoreline and other wildlife habitat, enhancing beauty and culture; and

WHEREAS, the City seeks to balance their stated goals of protecting, maintaining and enhancing the urban forest as stated in the Seattle Urban Forest Management Plan while supporting future growth and density as provided in the City’s Comprehensive Plan and by other City actions taken in support of the Growth Management Act; NOW,

THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

***
Section 1. Section 22.900C.010 of the Seattle Municipal Code, which section was last amended by Ordinance 125451, is amended as follows:

**22.900C.010 Land use fees**

***

### Table C-1 for 22.900C.010—LAND USE FEES

<table>
<thead>
<tr>
<th>A. MASTER USE PERMIT, ENVIRONMENTAL CRITICAL AREAS, CITY COUNCIL, and HEARING EXAMINER APPROVALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hours worked beyond those covered by minimum will be charged the Land Use hourly rate, unless otherwise noted, and are payable at time of invoice.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of Land Use Review</th>
<th>Minimum Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>General—first 10 hours of review</td>
<td>Land Use Hourly × 10</td>
</tr>
<tr>
<td>Low-Income Housing—first 24 hours of review</td>
<td>Land Use Hourly × 10</td>
</tr>
</tbody>
</table>

1. Administrative conditional uses (ACUs)

ACUs for community centers, child care centers, adult care centers, private schools, religious facilities, and public and private libraries in single-family and multi-family zones shall be charged a minimum fee of $1,840 for the first 20 hours. Additional hours shall be charged at the rate of $324 an hour. This exception applies if the application is for an ACU only, or an ACU combined with a variance application.

2. Design Review

The minimum fee for Administrative Design Review, Master Planned Community Design Review and Streamlined Design Review is $3,240. The minimum fee for full Design Review is $6,480, which covers the first 20 hours of review. Refer to subsection 15 of this Table C-1 for 22.900C.010 for fees related to Design Review for Tree Protection.

3. Environmental reviews (SEPA), including projects with more than one addressed site.

4. Environmentally critical areas (ECA)

   a. Environmentally Critical Areas variance

   b. ECA Exception
**c. Environmentally Critical Areas Administrative Conditional Use**

5. Shoreline permits
   a. Substantial development permits
   b. Variances and conditional uses

6. Short subdivisions; refer to subsection 10 of Table D-2 for additional fees that may apply to this permit type

7. Special exceptions

8. Variances

Variances for community centers, child care centers, adult care centers, private schools, religious facilities, and public and private libraries in single-family and multi-family zones shall be charged a minimum fee of $1,840 for the first 20 hours. Additional hours shall be charged at the rate of $324 an hour. This exception applies if the application is for a variance only, or a variance combined only with an ACU application.

9. Type II land use approvals such as, but not limited to, planned community/residential development, major phased developments and other Type II approvals that are not categorized otherwise in this Table C-1.

10. The minimum fee for Council conditional uses, Rezones, Public Projects, and all other Type IV and Type V land use approvals shall be $6,480, which covers the first 20 hours of review.

11. Full subdivisions; refer to subsection 10 of Table D-2 for additional fees that may apply to this permit type

12. Reserved

13. Reserved

**B. MISCELLANEOUS HOURLY LAND USE REVIEWS, RESEARCH, AND OTHER SERVICES**

Hours worked beyond those covered by minimum will be charged the Land Use hourly rate, unless otherwise noted, and payable at time of invoice.
<table>
<thead>
<tr>
<th>Type of Land Use Review</th>
<th>Minimum Land Use Review Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>14. Concurrency</td>
<td>Reserved</td>
</tr>
<tr>
<td>15. Design Review for Tree Protection&lt;sup&gt;5&lt;/sup&gt;</td>
<td></td>
</tr>
<tr>
<td>a. Design review required by Section 25.11.070 or Section 25.11.080 to protect exceptional tree if no other land use reviews are required</td>
<td>Land Use Hourly × 10</td>
</tr>
<tr>
<td>b. Design review elected by applicant for tree protection</td>
<td>Land Use Hourly × 10</td>
</tr>
<tr>
<td>16. Other Environmentally Critical Area (ECA) Review, inspection, and site visit under Chapter 25.09 or Chapter 23.60A, including but not limited to:</td>
<td></td>
</tr>
<tr>
<td>a. ECA review for Wetlands, Fish, &amp; Wildlife Habitat Conservation Areas on land use or construction permits shall be charged on an hourly basis</td>
<td></td>
</tr>
<tr>
<td>b. Review to determine Environmentally Critical Area exemption for Wetlands and Riparian Corridor and Shoreline ECAs shall be charged on an hourly basis</td>
<td></td>
</tr>
<tr>
<td>c. Other miscellaneous ECA reviews, inspections, or site visits as required by code or as a condition of approval shall be charged on an hourly basis</td>
<td></td>
</tr>
<tr>
<td>17. Early design guidance</td>
<td>Land Use Hourly × 10</td>
</tr>
<tr>
<td>18. Establishing use for the record: Refer to subsection 9 of Table D-2 for 22.900D.010 for additional fees that may apply to this permit type</td>
<td>Land Use Hourly × 2</td>
</tr>
<tr>
<td>19. Extensions of Type IV Council Land Use Decisions</td>
<td>Land Use Hourly × 2</td>
</tr>
<tr>
<td>20. Land Use Code Interpretations&lt;sup&gt;6&lt;/sup&gt;</td>
<td>Land Use Hourly × 10</td>
</tr>
<tr>
<td>21. Letters for detailed zoning analysis or permit research</td>
<td>Land Use Hourly × 4</td>
</tr>
<tr>
<td></td>
<td>Description</td>
</tr>
<tr>
<td>---</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>22</td>
<td>Lot Boundary Adjustment, Temporary Use &gt; 4 weeks; refer to subsection 10 of</td>
</tr>
<tr>
<td></td>
<td>Table D-2 for 22.900D.010 for additional fees that may apply to this permit</td>
</tr>
<tr>
<td></td>
<td>type</td>
</tr>
<tr>
<td>23</td>
<td>Major Institution - review of annual plan</td>
</tr>
<tr>
<td>24</td>
<td>Major phased development permit - minor amendment</td>
</tr>
<tr>
<td>25</td>
<td>Neighborhood planning</td>
</tr>
<tr>
<td>26</td>
<td>Noise survey review and variance</td>
</tr>
<tr>
<td>27</td>
<td>Open space remainder lots and surplus state property</td>
</tr>
<tr>
<td>28</td>
<td>Pre-application conference</td>
</tr>
<tr>
<td>29</td>
<td>Property Use and Development Agreement (PUDA) - minor amendment</td>
</tr>
<tr>
<td>30</td>
<td>Public benefit feature review</td>
</tr>
<tr>
<td>31</td>
<td>Renewals</td>
</tr>
<tr>
<td>32</td>
<td>Revisions other than shoreline revisions</td>
</tr>
<tr>
<td>33</td>
<td>School use and school development advisory committee reviews</td>
</tr>
<tr>
<td>34</td>
<td>Shoreline exemptions</td>
</tr>
<tr>
<td>35</td>
<td>Shoreline permit revisions not due to required conditions</td>
</tr>
<tr>
<td>36</td>
<td>Special accommodation</td>
</tr>
<tr>
<td>37</td>
<td>Structural building overhangs and areaways as a separate component</td>
</tr>
<tr>
<td>38</td>
<td>Tree and Vegetation Restoration Review in ECA above minimum threshold</td>
</tr>
<tr>
<td></td>
<td>where SEPA is not required other than for the restoration (subsection 25.09.070.E.1.b)</td>
</tr>
<tr>
<td>39</td>
<td>Street Improvement Exceptions on a Land Use permit</td>
</tr>
<tr>
<td>40</td>
<td>Hazardous Tree Removal</td>
</tr>
</tbody>
</table>
### C. NON-HOURLY LAND USE FEES

<table>
<thead>
<tr>
<th>Type of Land Use Review</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>41. Curb cuts as a separate component</td>
<td></td>
</tr>
<tr>
<td>a. Single-family residential</td>
<td>$88.35 each</td>
</tr>
<tr>
<td>b. Other than single-family residential</td>
<td>$174.70 each</td>
</tr>
<tr>
<td>42. File Management</td>
<td>SDCI Base Fee × 1</td>
</tr>
<tr>
<td>a. Placing projects on hold at applicant request</td>
<td></td>
</tr>
<tr>
<td>b. Splitting or combining projects</td>
<td></td>
</tr>
<tr>
<td>43. Intake appointments for land use reviews; fee is charged for each occurrence</td>
<td>SDCI Base Fee × 1</td>
</tr>
<tr>
<td>44. Notice. All notice is charged based upon type for each occurrence.</td>
<td></td>
</tr>
<tr>
<td>a. Land use information bulletin (GMR notice)</td>
<td>SDCI Base Fee × 1</td>
</tr>
<tr>
<td>b. Posting large sign or placards</td>
<td>$133.60</td>
</tr>
<tr>
<td>c. Mailed notice</td>
<td>SDCI Base Fee per 500 pieces of mail or portions thereof</td>
</tr>
<tr>
<td>d. DJC decision publication</td>
<td>$209.60</td>
</tr>
<tr>
<td>e. Neighborhood newspaper publication</td>
<td>Rate charged by newspaper</td>
</tr>
<tr>
<td>f. Public meeting room rental</td>
<td>$134.60</td>
</tr>
<tr>
<td>45. Rebuild Letters</td>
<td></td>
</tr>
<tr>
<td>a. With Research</td>
<td>SDCI Base Fee × 1</td>
</tr>
<tr>
<td>b. Without Research</td>
<td>$45.20</td>
</tr>
<tr>
<td>46. Records research by the Public Resource Center</td>
<td>SDCI Base Fee × 1</td>
</tr>
<tr>
<td>47. Recording Fees, for LBA, Short Subdivision</td>
<td>Rate charged by King County</td>
</tr>
<tr>
<td>48. Shoreline Extensions</td>
<td>SDCI Base Fee × 1</td>
</tr>
</tbody>
</table>
49. Tree permit review outside ECA

<table>
<thead>
<tr>
<th>Minor tree removal permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>$XXX</td>
</tr>
<tr>
<td>Major tree removal permit</td>
</tr>
<tr>
<td>$XXX</td>
</tr>
</tbody>
</table>

Footnotes to Table C-1 for 22.900C.010:

1 For purposes of these land use fees, low-income housing is housing that both (1) satisfies the definition of "housing, low income" in Section 23.84A.016; and (2) where at least 50 percent of the total gross floor area of each structure on the site is committed to low-income housing use for at least 20 years.

2 The single variance fee shall be applicable whether the project requires one or multiple variances.

3 Includes short subdivisions in environmentally critical areas.

4 Includes unit-lot subdivisions and full subdivisions in environmentally critical areas.

5 This fee applies if design review is initiated only for tree protection and the application has no other review under Items 1—14.

6 The fees for interpretations of Chapters 25.12, 25.16, 25.20, 25.21, 25.22, 25.24, and 25.30 shall be collected by the Director of the Department of Neighborhoods.

7 The pre-application conference fee covers a one-hour conference and one hour of research and/or follow-up review time that normally occurs, for a total of two hours. Additional pre-application review time will be charged at the Land Use hourly rate. See also subsection 22.900C.010.E.

8 Additional notice may be given in circumstances including but not limited to the following: reinstallation of environmental review signs; reposting of the land use review or environmental signs; new component reviews added subsequent to the original notice; revised decisions; and changes to the scope of the project.

9 Recording fees will be charged the current rate as established and charged by King County at the time of document recording.
Section 2. Section 23.48.008 of the Seattle Municipal Code, last amended by Ordinance 124105, is amended as follows:

23.44.008 Development standards for uses permitted outright

A. The development standards set out in this subchapter apply to principal and accessory uses permitted outright in single-family zones.

B. All structures or uses shall be built or established on a lot or lots.

C. Floating homes are subject to the provisions of Chapter 23.60A, Shoreline District, and are also subject to the parking provisions of this Section 23.44.008.

D. An exception from one specific standard does not relieve the applicant from compliance with any other standard.

E. Methods for measurements are provided in Chapter 23.86. Standards for parking access and design are provided in Chapter 23.54.

F. Except for a detached accessory dwelling unit, any structure occupied by a permitted use other than single-family residential use may be converted to single-family residential use even if the structure does not conform to the development standards for single-family structures. Expansions of converted nonconforming structures are regulated by Section 23.42.108.

Conversion of structures occupied by nonconforming uses are regulated by Sections 23.42.108 and 23.42.110.

G. Development standards governing lots containing an environmentally critical area or buffer may be modified according to the provisions of Chapter 25.09.

H. Exterior lighting shall be shielded and directed away from residentially zoned lots. The Director may require that the intensity of illumination be limited and that the location of the lighting be changed.
1. Trees are required when single-family dwelling units are constructed. The minimum number of caliper inches of tree required per lot may be met by using either the tree preservation option or tree planting option described in subsections 23.44.008.I.1.a. or I.1.b., or by a combination of preservation and planting. This requirement may be met by planting or preserving street trees in the public right-of-way. Submerged land shall not be included in calculating lot area for purposes of either the tree preservation option or tree planting option.

a. Tree Preservation Option. For lots over 3,000 square feet, at least 2 caliper inches of existing tree per 1,000 square feet of lot area must be preserved. On lots that are 3,000 square feet or smaller, at least 3 caliper inches of existing tree must be preserved per lot. When this option is used, a tree preservation plan is required.

b. Tree Planting Option. For lots over 3,000 square feet, at least 2 caliper inches of tree per 1,000 square feet of lot area must be planted. On lots that are 3,000 square feet or smaller, at least 3 caliper inches of tree must be planted per lot.

2. Tree Measurements. Trees planted to meet the requirements in subsection 23.44.008.I.1 shall be at least 1.5 inches in diameter. The diameter of new trees shall be measured (in caliper inches) 6 inches above the ground. Existing trees shall be measured 4.5 feet above the ground. When an existing tree is 3 to 10 inches in diameter, each 1 inch counts as 1 inch toward meeting the tree requirements in subsection 23.44.008.I.1. When an existing tree is more than 10 inches in diameter, each 1 inch of the tree that is over 10 inches shall count as 3 inches toward meeting the tree requirement.

3. Tree Preservation Plans. If the tree preservation option is chosen, a tree preservation plan must be submitted and approved. Tree preservation plans shall provide for protection of trees during construction according to standards promulgated by the Director.)

***

Section 3. Chapter 25.11 of the Seattle Municipal Code, last amended by Ordinance 125603, is repealed as shown in Exhibit A.
Section 4. A new Chapter 25.11, Tree Protection, is added to Title 25 of the Seattle Municipal Code, as follows:

**25.11.010 Purpose and intent**

It is the purpose and intent of this chapter to avoid the removal of trees, to protect trees from impacts of development, and to mitigate the removal of trees consistent with the purpose of protecting and enhancing the health, safety, environment, and general welfare of the people of the city of Seattle and to help meet the City of Seattle’s canopy cover goals as established in the City’s Comprehensive Plan and Urban Forest Management Plan because trees provide substantial economic, social, and environmental benefits including enhanced public health, stormwater retention, wildlife habitat, pollution reduction, climate change mitigation, erosion control, shading, wind protection, and aesthetic beauty.

**25.11.020 Definitions**

“Critical root zone” (CRZ) means the area of soil extending from the tree trunk where roots required for future tree health and survival are located. This area is defined as a circle with a minimum radius of 12 inches for every inch in trunk diameter at DSH.

"CRZ" see "Critical root zone".

"Director" means the Director of the Seattle Department of Construction and Inspections (SDCI).

"Drip line" means an area encircling the base of a tree, the minimum extent of which is delineated by a vertical line extending from the outer limit of a tree's branch tips down to the ground.

“DSH” means diameter of a tree at standard height - 54 inches above ground.

“Fee-in-lieu” – a fee paid into the Tree Replacement and Canopy Maintenance Fund to replace tree canopy lost on site and not replaced on site or off site either during development or on private property

"Feeder root zone" means an area encircling the base of a tree equal to twice the diameter of the drip line.
"Hazardous tree" means any tree or tree part that poses a high risk of damage to persons or property, and that is designated as such by the Director according to the tree hazard evaluation standards established by the International Society of Arboriculture.

"Healthy tree" means a tree that is not a high risk or an extreme high risk according to ISA standards.

"Inner critical root zone" (ICRZ) means an area encircling the base of a tree equal to one-half (½) the diameter of the drip line.

"ICRZ" see "Inner critical root zone".

“Major tree removal” means tree removal that does not cause a site to fall below the canopy cover requirements listed in Table C of Section 25.11.050 and no mitigation is required.

“Minor tree removal” means tree removal that causes a site to fall below the canopy cover requirements listed in Table C of Section 25.11.050 and mitigation is required.


“Seattle Urban Forestry Management Plan” – Plan adopted every 5 years to guide protection and enhancement of Seattle’s urban forest

“Significant tree” – any tree on a property that is over six inches or more in diameter at DSH.

"Topping" means the cutting back of limbs to stubs within the tree's crown, to such a degree as to remove the normal canopy and disfigure the tree; or the cutting back of limbs or branches to lateral branches that are less than one-half (½) of the diameter of the limb or branch that is cut.

“Tree” - woody vegetation which is 6 inches or greater diameter at standard height (DSH), measured 4.5 feet above the ground mid-slope. Multi-stem trees like vine maple use the following formula to determine their DSH = square root of the sum of each stem DSH squared. A Tree does not include any species which appears on the King County Noxious Weeds or Weeds of Concern list. A Tree may be alive or dead.
“Tree canopy cover” means the layer of leaves, branches, and stems of trees that cover the ground when viewed from above.

“Tree protection area” – area denoted on site plan for protection of significant trees during development

"Tree removal" means removal of a tree(s) or vegetation, through either direct or indirect actions including, but not limited to, clearing, topping or cutting, causing irreversible damage to roots or trunks; poisoning; destroying the structural integrity; and/or any filling, excavation, grading, or trenching in the dripline area of a tree which has the potential to cause irreversible damage to the tree, or relocation of an existing tree to a new planting location.

25.11.030 Approval required

Approval Required. Except as provided in Section 25.11.060 any person, or business/company/contractor/firm/corporation who desires to cut down or remove any significant tree or who desires to conduct development on a site that will result in the removal of any significant tree, must first obtain approval as required in this chapter. Approval may take the form of a tree removal permit or it may be included with another SDCI approval.

25.11.040 Calculations – rounding and measurements

A. When calculations result in a fraction, the fraction shall be rounded to the nearest whole number as follows:
   1. Fractions of 0.50 or above shall be rounded up; and
   2. Fractions below 0.50 shall be rounded down.

B. Diameter at Standard Height (DSH) of a tree is measured at 4.5 feet above the ground.

25.11.050 Application Requirements

A. Minor tree removal permit applications shall include the completed permit application supplemented by a general site plan showing:
   1. The name, address, email, and phone number of the applicant and owner of the property;
   2. Nearby structures and streets;
3. Location(s) of tree(s) to be removed;
4. Locations of other significant trees on site that are to be preserved;
5. Locations of critical areas or buffers;
6. As required, a tree replacement plan meeting the standards of Section 25.11.XXX; and
7. Authorization for SDCI’s arborist to access the site to evaluate the viability of tree replacement plan.

B. Major tree removal permit applications shall include the following:
1. A site map (to scale) with a north arrow depicting accurate location of site features including buildings, driveways, environmentally critical areas and buffers, forest stands or open-grown single or clusters of significant trees; the CRZ of the stand, cluster, or individual tree, along with any off-site trees that may be impacted by tree removal, excavation, grading, or other development activity proposed; and
2. A tree inventory and assessment report prepared by a qualified arborist that includes:
   a. Location and species of trees to be removed;
   b. Location and species of trees to be protected including the protection of the CRZ;
   c. Location of trees adjacent to the proposed construction or trees that could be impacted by the proposed development activity;
   d. Location of tree protection fence located to protect trees to be preserved;
   e. Timeline for tree protection activities and list of protection measures and conditions to be taken during all development activities to ensure code compliance during development activities; and
3. A report including:
   a. Identified tree species and DSH for each significant tree;
b. Condition/health of tree and ISA risk level;
c. Existing and proposed canopy coverage;
d. Design of a land use proposal that prioritizes preserving:
   i. Healthy significant trees that are adjacent to other significant
trees on site that will be preserved;
   ii. Healthy significant trees that are adjacent to other significant
trees off-site located in environmentally critical areas;
   iii. Healthy significant trees that are adjacent to other significant
trees off-site that will be preserved;

C. Application Posting Requirements – Notice of Application. Notice of application for
all permits identified above shall be posted on site, in a place where it can be read from the
nearest public street. If the property is located on a private street, notices shall be posted on site,
in a place where it can be read from the private street, as well in a place where it can be read
from the nearest public street.

1. For minor tree removal permits, the notice of application shall be posted for a
minimum of two full business days prior to permit decision and shall remain posted until a
decision is issued.

2. For major tree removal permits, the notice of application shall be posted for a
minimum of 14 full calendar days prior to permit decision and shall remain posted until a
decision is issued.

3. When the number of trees proposed for removal increases after the notice of
application has been posted or the permit has been approved, all tree removal activity must stop
and the applicable notice of application procedure shall be repeated in full for the revised
application.

25.11.060 Exemptions

The following actions are exempt from obtaining approval as required in this chapter:
A. Emergency activities necessary to remedy an immediate threat to people, structures, or public health or safety as defined in Section 25.11.070;

B. Tree removal undertaken as part of tree and vegetation management and revegetation of public parkland and open spaces by responsible public agencies or departments;

C. Tree removal approved as part of an Environmentally Critical Area revegetation plan as provided in Section 25.09.070;

D. Removal of street trees as regulated by Title 15 of the SMC;

E. Tree maintenance and removal conducted by Seattle City Light to maintain power lines; and

E. Normal and routine pruning operations and maintenance using the ANSI A300 standards and ISA best management practices for proper pruning.

25.11.070 Emergency actions

Emergency actions necessary to remedy an immediate threat to people, structures, or public health or safety may be undertaken without obtaining a permit or other SDCI approval if a tree has an extreme risk rating using the International Society of Arborists Tree Risk Assessment Qualification (TRAQ) method (see Section 25.11.160). Any person or business/company/contractor/firm/corporation undertaking such an action shall take the following actions:

A. Notify the administrator within one business day following commencement of the emergency action;

B. Complete the applicable tree removal application under Section 25.11.050 within one week of the emergency action and post the application in accord with subsection 25.11.050.C;

C. Tree replacement shall be required in accordance with Section 25.11.XX.

25.11.080 Requirements for tree services and others doing land clearing and tree removal

A. To assure compliance with the standards and requirements of this chapter, any person or business/company/contractor/firm/corporation involved in tree maintenance, tree removal, development activity, or land clearing operations in the city of Seattle shall be required to sign
and submit to SDCI on a form approved by SDCI, a statement acknowledging the City’s tree regulations and the required permitting for tree removal.

B. Any person or business/company/contractor/firm/corporation involved in tree maintenance, tree removal, development activity, or land clearing operations who do not provide the above statement shall be prohibited from performing tree maintenance, tree removal or land clearing services in the city of Seattle, shall be in violation of this Chapter 25.11 and may be prosecuted under Section 25.11.180, or as otherwise provided by law.

25.11.090 Tree species requirements

A. A list of suitable tree species consisting of coniferous and deciduous trees is set forth in the document entitled “City of Seattle List of Suitable Tree Species,” are eligible for credits in this chapter.

B. The Director shall establish and may modify the list consistent with the following criteria:
   1. The designation of coniferous trees should include all species excluding tree species known to have invasive root structures and to be fast growing such as Leyland cypress and should also exclude trees planted, clipped or sheared to be used as a hedge;
   2. The designation of deciduous trees should include those suitable to United States Department of Agriculture Plant Hardiness Zones 8 and 9, excluding those trees with crown diameter of 10 feet or less at maturity;

25.11.100 Tree removal prohibited

Tree removal permits shall not be granted for the following:

A. Tree removal likely to cause injury or damage. Removal of significant trees is prohibited if the removal is substantially likely to cause injury or damage to persons or property, as determined by the SDCI qualified arborist.

B. Five-year major development activity restriction. Removal of a healthy significant tree(s) is prohibited on properties that have undergone development activity within the last five years and for which no new development activity is proposed.
25.11.10 Tree permit approval criteria and conditions

The criteria by which minor tree permits and major tree permits are approved, conditioned, or denied.

A. The tree canopy coverage goal for the lot sizes and land use types is set forth in Table A for this Section 25.11.10.

Table A for Section 25.11.10: Canopy Coverage Goal

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Canopy coverage requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family lots</td>
<td>33%</td>
</tr>
<tr>
<td>Multifamily</td>
<td>20%</td>
</tr>
<tr>
<td>Commercial/Mixed Use</td>
<td>15%</td>
</tr>
<tr>
<td>Downtown</td>
<td>12%</td>
</tr>
<tr>
<td>Industrial</td>
<td>10%</td>
</tr>
<tr>
<td>Institutional</td>
<td>20%</td>
</tr>
<tr>
<td>Rights-of-Way</td>
<td>24%</td>
</tr>
</tbody>
</table>

B. A lot’s canopy coverage shall be calculated using the latest canopy cover assessment approved by the City and made available by SDCI.

C. Minor Tree Permits. A minor tree permit shall be granted if the resulting canopy cover at the site is equal to or greater than the canopy coverage requirements in Table A for Section 25.11.10.

D. Major Tree Permits. A major tree permit shall be granted if the application satisfies or approval is conditioned to satisfy the following:

1. When the proposed tree removal is not associated with development activity, trees may be removed if a tree replacement plan is approved maintains the canopy coverage at or above the applicable canopy coverage goal through on-site planting.
2. When the proposed tree removal is associated development activity, the trees may be removed if a tree replacement plan is approved that, at a minimum, brings canopy coverage to the applicable canopy coverage goal through on-site planting for single family land use as provided in Section 25.11.140 or through on-site planting, off-site planting or through the fee-in-lieu program for the land use types other than single family land as provided in Section 25.11.140;

3. Development proposals associated with a tree permit shall:
   a. Consider tree protection opportunities in the design and location of building footprints, parking areas, roadways, utility corridors and other structures
   b. Incorporate trees as a site amenity and to reflect a strong emphasis on tree protection.
   c. Demonstrate the following factors for retention as applicable and to the most reasonable extent practicable:
      i. Existing healthy significant trees in groups of two or more trees;
      ii. Existing healthy native trees with a DSH of 8 inches or greater;
      iii. Significant trees that are adjacent to environmentally critical areas (ECA) or ECA buffers;
      iv. Significant trees that are adjacent to healthy significant trees off-site;
      vi. Significant trees within required yard setbacks; and
      vii. Trees next to parks or other open space areas.
   d. Provide grading plans that accommodate existing significant trees and avoid alteration to grades around existing significant trees.

4. Conditions necessary to safeguard significant trees identified for protection.

5. A notice on title, in the form required by SMC (need correct citation) shall be recorded by the applicant disclosing the permit and associated tree retention conditions as required by this Chapter 25.11. A notice on title is required for all major permits associated with
development activity, and for major permits which would cause the property’s canopy coverage to fall below the canopy coverage goal.

6. Conditions required by SDCI’s arborist to safeguard protected trees throughout the development process.

7. Conditions that require sidewalks, structures, utilities, and roadways to be set back at least five feet from the CRZ, except where such structure is cantilevered or otherwise raised above the ground’s surface so as not to disrupt the tree’s roots, and the proposed construction is not likely to result in conflicts between the tree and the sidewalk, driveway, structure, or utility that would necessitate the tree’s removal during its normal lifespan.

8. Conditions to allow trenching, construction, or an alteration of grades between the five-foot setback from the CRZ and the ICRZ of a protected tree; provided, that the tree protection plan approved by the SDCI’s arborist demonstrates that the proposed activity will not adversely affect the long-term viability of the tree.

G. Notice of Decision. Tree removal may commence immediately upon posting of an approved tree permit on the subject site in the same manner described in subsection 25.11.050.C.

H. Appeals. Appeals of tree permit decisions shall be processed under Chapter (need correct citation) as appeals of ministerial administrative decisions.

I. A minor amendment to an approved tree removal permit or other SDCI approval that does not increase the number of trees to be removed or increase impacts on trees to be protected may be made with written approval of SDCI’s arborist. A major amendment to an approved tree removal permit or other SDCI approval that amends the number of trees to be removed or increases impacts on trees to be protected must be noticed pursuant to this section prior to written approval of the major amendment by SDCI’s arborist.

J. Tree removal permits expire six months (180 days) after the permit issue date. SDCI's, arborist can grant one extension of up to six months when the applicant provides a written request prior to expiration that includes a reasonable justification for the extension, such as a
financial hardship, hardship in obtaining replacement trees, or weather-related factors that prevent the applicant from completing the requirements of the permit.

25.11.120 Tree performance standards

The drafting of this section is still in progress.

25.11.130 Development standard reductions for tree preservation

A. If the Director determines that a significant tree is located on the lot of a proposed development, the Director may adjust development standards as follows:

1. Permitted height. For a principal structure with a base height limit of 40 feet that is subject to the pitched roof provisions of subsection 23.45.514.D, the Director may permit the ridge of a pitched roof with a minimum slope of 6:12 to extend up to a height of 50 feet if the increase is needed to accommodate, on an additional story, the amount of floor area lost by avoiding development within the tree protection area and the amount of floor area on the additional story is limited to the amount of floor area lost by avoiding development within the tree protection area.

2. Parking reduction. A reduction in the parking quantity required by Section 23.54.015 and the standards of Section 23.54.030 may be permitted in order to protect an exceptional tree if the reduction would result in a project that would avoid the tree protection area.

3. Front, rear, and side setbacks may reduced to the minimum necessary to protect a significant tree and by no more than X% for front setbacks, X% for rear setbacks, and X% for side setbacks.

25.11.140 Major institutions

If the Director determines that a significant tree is located within a Major Institution Overlay zone, and the tree is not proposed to be retained, the Director may allow removal of significant trees if:

A. The proposed development is for a major institution use identified in an adopted Major Institution Master Plan; and
B. The location of a significant tree(s) is such that planned future physical development identified in an adopted Major Institution Master Plan cannot be sited while avoiding the tree protection area; and

C. Mitigation for significant trees is provided pursuant to Section 25.11.xxx for trees that are removed in association with development and the canopy cover at the Major institution does not fall below the canopy cover requirement in Table A for Section 25.11.110

25.11.150 Off-site and in-lieu tree planting

A. Where this chapter authorizes off-site tree or in-lieu tree plantings, an owner may use the provisions of this Section 25.11.150 to satisfy on site tree planting requirements.

B. An owner may plant required trees at on off-site location provided all of the following are satisfied:

1. The off-site location is within the boundaries of the city including:

   a. Private property with the written consent of the owner of the off-site location;

   b. City property with the written approval of the director;

   c. Other public property with the written consent of the entity with jurisdiction over the off-site location;

2. Existing trees at the off-site location shall not be included as satisfying tree planting requirements;

3. Trees planted off-site shall not be counted as an existing tree on the property where the off-site tree is located;

4. Trees planted off-site shall meet development standards including:

   a. Having a minimum caliper of two inches or, if the tree is coniferous, having a minimum height of six feet at the time of final inspection by the City;

   b. Having at least one tree of the same plant division (coniferous or deciduous) as the significant tree that is to be removed;
c. The owner of the off-site property shall take necessary measures to make certain that the trees planted to satisfy the requirements of this chapter remain healthy for at least five years after inspection by the City, and the owner shall be responsible for replacing any subject trees that do not remain healthy for the five years after inspection by the City.

D. In-lieu of required tree planting, an owner may contribute to the SDCI tree fund provided the following are satisfied:

1. When the contribution is for replacing an existing significant tree, payment is at a rate of:

   a. Two hundred dollars per DSH inch of the significant tree where the tree removed has less than a 20-inch diameter breast height size;
   
   b. Two hundred fifty dollars per DSH inch of the significant tree where the tree removed has at least a 20-inch DSH, but less than 36-inch DSH size;
   
   c. Four hundred dollars per DSH inch of the significant tree where the tree removed has at least a 36-inch DSH or larger size;

2. When the contribution is for required tree plantings used to satisfy the pre-existing tree unit gap determined in Section 25.11.110.D.1, payment shall be at a rate of $2,500 per required tree not planted.

E. An owner may select to apply a combination of planting trees on-site, off-site and/or contributing to the SDCI tree fund provided:

1. The combination is consistent with the provisions of this Chapter 25.11; and

2. The combination results shall be equivalent to or greater than the minimum requirements for on-site plantings.

F. The Director may establish additional administrative rules as necessary relating to the care and maintenance of off-site trees and tree planted using the in-lieu fees.
25.11.160 Hazard tree risk assessment.

A. Hazard trees are trees assessed by an arborist as having a high to extreme risk rating using the International Society of Arborists Tree Risk Assessment Qualification (TRAQ) method in its most current form.

B. Steps in the TRAQ method in developing a tree risk rating include the following:

1. Identify possible targets and estimate occupancy rate;

2. Inspect tree and identify tree parts that could fail and strike targets (referred to as failure mode);

3. For each significant failure mode identified:
   a. The likelihood of failure is assessed;
   b. The likelihood of a tree part impacting a target is assessed;
   c. The likelihood of a tree failure impacting a target is assessed;
   d. Consequences of failure are estimated;
   e. The risk is designated pursuant to the matrix in Table A for Section 25.11.150;
   f. Possible mitigation treatments to reduce the risk are identified;
   g. The risk is again designated pursuant to the matrix in Table A for Section 25.11.150 after mitigation treatment is completed.

4. When assessing the risk of a tree, the city arborist shall evaluate the tree based on existing conditions and shall exclude possible impacts caused by new development, any land alteration activity, or other similar such activities that might otherwise unnaturally cause the risk rating to increase.

C. The following table is from the International Society of Arborists TRAQ method and denotes the risk rating matrix used to assess levels of tree risk as a combination of likelihood of a tree failing and impacting a specified target, and the severity of the associated consequences should the tree or any part of the tree fail:
Table A for Section 25.11.150 Tree Risk Rating Matrix

<table>
<thead>
<tr>
<th>Likelihood of Failure or Impact</th>
<th>Consequences</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Negligible</td>
</tr>
<tr>
<td>Very Likely</td>
<td>Low Risk</td>
</tr>
<tr>
<td>Likely</td>
<td>Low Risk</td>
</tr>
<tr>
<td>Somewhat likely</td>
<td>Low Risk</td>
</tr>
<tr>
<td>Unlikely</td>
<td>Low Risk</td>
</tr>
</tbody>
</table>

1. The consequences listed in Table A for Section 25.11.150 have meanings as follows:

   a. Extreme Risk. This category applies to trees in which failure is “imminent” and there is a high likelihood of impacting a target, and the consequences of the failure are “severe.”

   b. High Risk. This category applies to situations in which consequences are significant and likelihood is “very likely” or “likely,” or when consequences are “severe” and likelihood is “likely.”

   c. Moderate Risk. This category applies to trees in which consequences are “minor” and likelihood is “very likely” or “likely” or when likelihood is “somewhat likely” and the consequences are “significant” or “severe.”

   d. Low Risk. This category applies to trees in which consequences are “negligible” and likelihood is “unlikely”; or when consequences are “minor” and likelihood is “somewhat likely.”

2. Definitions of TRAQ method terminology that are not set forth in this Chapter 25.11 or Section 23.84A. can be found in the article “Qualitative Tree Risk Assessment” by E. Thomas Smiley, Nelda Matheny, and Sharon Lilly on file at SDCI.
3. Potential targets are permanent structures or an area of moderate to high use. Where a target does not exist, applicants should consider routine pruning and maintenance to mitigate hazards.

D. Where a tree is found to have a high or extreme risk, the city arborist may authorize hazard pruning to mitigate the risk rather than removing the entire tree.

E. If the city arborist assesses a tree to have a high or extreme risk and mitigation of the risk through pruning or moving of potential targets is not feasible, the city arborist shall designate the tree a hazard tree.

25.11.150 Tree replacement.

The following apply to tree replacement required under the chapter:

A. All applicants or their successors in interest are required to maintain replacement trees until they are independently viable. Replacement trees that die prior to meeting the definition of significant tree must be replaced by a tree that meets the criteria of this section and any canopy coverage requirements that the expired tree was intended to provide. Changes to the approved tree replacement plan may only be made with approval of SDCI’s arborist.

B. Replacement tree species should be selected from the approved City of Seattle Tree List. Selection of a species not on the list shall require approval by the SDCI’s arborist. Invasive trees, as defined by this Chapter 25.11, shall not be used as replacement trees.

C. All replacement trees shall meet the minimum standards for size and quality according to the current edition of the ANSI Z60.1 standard for nursery stock.

D. Major Tree Permits.

1. For lots on which development activity is proposed, that are legally nonconforming with respect to the lot coverage and lot area requirements (XXX) and are below the canopy coverage goal prior to tree removal, off-site replanting may be approved for any portion of the required canopy coverage that the SDCI’s arborist finds would be infeasible to locate on-site. Conditions of the permit shall be recorded in the form of a notice on title as described in (XXX) for the property on which off-site trees are planted.
2. For tree removals that cause a property’s canopy coverage to drop below the canopy coverage required in Table A for Section 25.11.120, and for tree removals associated with development activity, the SDCI’s arborist shall undertake annual site visits at the expense of the applicant and submit annual progress reports to the administrator for five years following tree permit issuance. Changes to the approved replanting plan may only be made with approval of the Director and SDCI’s arborist.

3. Subdivisions or short subdivisions approval shall condition final approval with placement on the face of the subdivision or short subdivision plat a note stating the trees to be protected on site, and the minimum tree canopy that must be achieved and maintained on each lot.

25.11.160 Tree maintenance.

A. All protected trees and required replacement trees, so designated on an approved permit and replanting plan, shall be maintained in healthy condition by the property owner unless otherwise approved by the City in a subsequent permit. If the canopy coverage falls below the approved coverage granted by latest tree removal permit, the property owner will be required to plant replacement trees to achieve the approved canopy requirements.

B. Pruning.

1. Significant and protected trees, as defined in this chapter, shall not be topped.

2. Pruning and maintenance of protected trees shall be consistent with the ANSI A300 standards and ISA best management practices for proper pruning.

25.11.170 Tree, vegetation, and soil protection

During construction. Prior to initiating tree removal on the site, soils, vegetated areas, and individual trees to be preserved shall be protected from potentially damaging activities pursuant to the following standards.

A. Placing Materials Near Trees. No person or business/company/contractor/firm/corporation may conduct any activity within the protected area of any tree designated to remain, including, but not limited to, parking equipment, placing
solvents, storing building material and soil deposits, dumping concrete washout and locating
burn holes.

1. During construction, no person or
business/company/contractor/firm/corporation shall attach any object to any tree designated for
protection.

B. Protective Barrier. Before development, land clearing, filling or any land alteration for
which a Tree Removal Permit is required, the applicant:

1. Shall erect and maintain readily visible protective tree fencing along the outer
dge and completely surrounding the protected area of all protected trees or groups of trees that
are to remain undisturbed. Fences shall be constructed of chain link and at least four feet high,
unless other type of fencing is authorized by the planning official.

2. Shall prohibit excavation or compaction of earth or other potentially damaging
activities within the barriers.

3. Shall maintain the protective barriers in place until the planning official
authorizes their removal or a final certificate of occupancy is issued, whichever occurs first

4. Shall ensure that any landscaping done in the protected zone subsequent to the
removal of the barriers shall be accomplished with light machinery or hand labor. No turf or
lawn areas are to be installed within protected area.

5. In addition to the above, the Director may require the following:

a. Cover with mulch to a depth of at least six (6) inches or with plywood
or similar material the areas adjoining the critical root zone of a tree in order to protect roots
from damage caused by heavy equipment.

b. Minimize root damage by excavating a two (2) foot deep trench, at edge
of critical root zone, to cleanly sever the roots of trees to be retained.

c. Have corrective pruning performed on protected trees in order to avoid
damage from machinery or building activity.
d. Maintain trees throughout construction period by watering and fertilizing.

C. Grade.

1. The grade shall not be elevated or reduced within the critical root zone of trees to be preserved without the planning official’s authorization. The Director may allow coverage of up to one half of the area of the tree's critical root zone with light soils (no clay) to the minimum depth necessary to carry out grading or landscaping plans, if it will not imperil the survival of the tree. Aeration devices may be required to ensure the tree's survival.

2. If the grade adjacent to a preserved tree is raised such that it could slough or erode into the tree's critical root zone, it shall be permanently stabilized to prevent suffocation of the roots.

3. The applicant shall not install an impervious surface within the critical root zone of any tree to be retained without the authorization of the planning official. The planning official may require specific construction methods and/or use of aeration devices to ensure the tree's survival and to minimize the potential for root induced damage to the impervious surface.

4. To the greatest extent practical, utility trenches shall be located outside of the critical root zone of trees to be retained. The planning official may require that utilities be tunneled under the roots of trees to be retained if the planning official determines that trenching would significantly reduce the chances of the tree's survival.

5. Trees and other vegetation to be retained shall be protected from erosion and sedimentation. Clearing operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, shrubs, ground cover and stumps shall be maintained on the individual lots, where feasible. Where not feasible appropriate erosion control practices shall be implemented pursuant to Chapter (Stormwater Code).

D. Tree removal. Tree removal shall be done to avoid damage to trees designated for retention and shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, shrubs, ground cover and stumps shall be retained
where feasible. Where not feasible, appropriate erosion control practices shall be implemented pursuant to Chapter (Stormwater Code, Erosion Control).

E. Additional requirements. The Director may require additional tree protection measures which are consistent with accepted best management practices.

25.11.180 Enforcement and penalties

A. Authority. The Director shall have authority to enforce the provisions of this chapter, to issue permits, impose conditions, and establish administrative procedures and guidelines, conduct inspections, and prepare the forms necessary to carry out the purposes of this chapter.

B. It shall be a violation of this chapter for any person or business/company/contractor/firm/corporation to remove, clear or take any action detrimental to trees contrary to or in violation of any provision of this chapter. It shall be a violation of this chapter for any person or business/company/contractor/firm/corporation to knowingly aid and abet, counsel, encourage, hire, commend, induce or otherwise procure another to violate or fail to comply with this chapter.

C. Notice of Violation.

1. Issuance. The Director is authorized to issue a Notice of Violation to a responsible party, whenever the Director determines that a violation of this subtitle has occurred or is occurring. The Notice of Violation shall be considered an order of the Director.

2. Contents.

a. The Notice of Violation shall include the following information:

   i. A description of the violation and the action necessary to correct it;

   ii. The date of the notice; and

   iii. A deadline by which the action necessary to correct the violation must be completed.

b. A Notice of Violation may be amended at any time to correct clerical errors, add citations of authority, or modify required corrective action.
3. Service. The Director shall serve the notice upon a responsible party either by personal service or by first class mail to the party's last known address. If the address of the responsible party is unknown and cannot be found after a reasonable search, the notice may be served by posting a copy of the notice at a conspicuous place on the property. Alternatively, if the whereabouts of the responsible party is unknown and cannot be ascertained in the exercise of reasonable diligence, and the Director makes an affidavit to that effect, then service may be accomplished by publishing the notice once each week for two consecutive weeks in the City official newspaper.

4. Nothing in this subtitle shall be deemed to obligate or require the Director to issue a Notice of Violation or order prior to the initiation of enforcement action by the City Attorney's Office pursuant to SMC 22.808.030.E.

D. Stop-work Order. Whenever a continuing violation of this chapter will materially impair the Director's ability to secure compliance with this chapter, when the continuing violation threatens the health or safety of the public, or when the continuing violation threatens or harms the environment, the Director may issue a stop-work order specifying the violation and prohibiting any work or other activity at the site. The posting of the stop-work order on the site shall be deemed adequate notice of the stop-work order. A failure to comply with a stop-work order shall constitute a violation of this chapter.

E. Review by Director and Judicial Appeal.

1. A Notice of Violation, Director's order, or invoice issued pursuant to this subtitle shall be final and not subject to further appeal unless an aggrieved party requests in writing a review by the Director within ten days after service of the Notice of Violation, order or invoice. When the last day of the period so computed is a Saturday, Sunday or federal or City holiday, the period shall run until 5:00 p.m. on the next business day.

2. Following receipt of a request for review, the Director shall notify the requesting party, any persons served the Notice of Violation, order or invoice, and any person who has requested notice of the review, that the request for review has been received by the
Director. Additional information for consideration as part of the review shall be submitted to the Director no later than 15 days after the written request for a review is mailed.

3. The Director will review the basis for issuance of the Notice of Violation, order, or invoice and all information received by the deadline for submission of additional information for consideration as part of the review. The Director may request clarification of information received and a site visit. After the review is completed, the Director may:

a. Sustain the Notice of Violation, order or invoice; or
b. Withdraw the Notice of Violation, order or invoice; or
c. Continue the review to a date certain for receipt of additional information; or
d. Modify or amend the Notice of Violation, order, or invoice.

F. Order of the Director. Because civil actions to enforce Chapter 25.11 are brought in Seattle Municipal Court pursuant to Section 25.11.100.G, orders of the Director issued under this chapter are not subject to judicial review pursuant to Chapter 36.70C RCW.

G. Referral to City Attorney for Enforcement. If a responsible party fails to correct a violation or pay a penalty as required by a Notice of Violation, or fails to comply with a Director's order, the Director may refer the matter to the City Attorney's Office for civil or criminal enforcement action. Judicial enforcement of a violation of this subtitle shall be by de novo review in Municipal Court.

H. Filing Notice or Order. A Notice of Violation, voluntary compliance agreement or an order issued by the Director or court, may be filed with the King County Department of Records and Elections.

I. Change of Ownership. When a Notice of Violation, voluntary compliance agreement or an order issued by the Director or court has been filed with the King County Department of Records and Elections, a Notice of Violation or an order regarding the same violations need not be served upon a new owner of the property where the violation occurred. If no Notice of Violation or order is served upon the new owner, the Director may grant the new owner the same
number of days to comply as was given the previous owner. The compliance period for the new
owner shall begin on the date that the conveyance of title to the new owner is completed.

J. Civil Penalties.

1. Any person, or business/company/contractor/firm/corporation who is
responsible for the removal, topping, or other action detrimental to a tree in violation of this
chapter or any notice, decision or order issued by the Director pursuant to this chapter shall be
subject to a civil penalty in the amount of $1,500 per inch of diameter at standard height of tree
removed, topped or other action detrimental to a tree. If the tree has been removed and is no
longer on the property, such as a tree stump grinding and removal during non-business hours,
then the person, or business/company/contractor/firm/corporation who is responsible for the tree
removal shall be subject to a civil penalty in the amount of $45,000 per tree unless the violator
can prove otherwise. If the violation is found to have been willful or malicious, the amount of the
penalty may be trebled as punitive damages.

2. Any person who fails to comply with Section 25.11.100.D shall be subject to a
civil penalty in an amount not to exceed $500 a day.

3. The Director shall notify the City Attorney in writing of the name of any person
subject to the penalty and shall assist the City Attorney in collecting the penalty.

K. Restoration. In addition to any other remedies available, violators of this chapter shall
be responsible for restoring unlawfully damaged areas in conformance with a plan, approved by
the Director, which provides for:

1. Repair of any environmental and property damage, and restoration of the site;

2. Restored site condition that, to the greatest extent practicable, equals the site
condition that would have existed in the absence of the violation(s); and

3. Replacement of removed or damaged trees in compliance with the tree
replacement or payment in lieu standards specified in Section 25.11.057, except that the number
of replacement trees and corresponding payment in lieu for significant trees removed or damaged
shall be trebled.
L. Criminal Penalty.

1. Anyone violating or failing to comply with any order issued by the Director pursuant to this chapter shall, upon conviction thereof, be punished by a fine of not more than $1,000 or by imprisonment for not more than 90 days, or by both such fine and imprisonment. Each day's violation or failure to comply shall constitute a separate offense.

2. Anyone violating or failing to comply with any of the provisions of this chapter and who within the past five years has had a judgment against them pursuant to subsection B shall upon conviction thereof, be fined in a sum not to exceed $5,000 or by imprisonment for not more than 364 days, or by both such fine and imprisonment. Each day's violation or failure to comply shall constitute a separate offense.

Section 5. Section __, Section __, and Section __ of this ordinance shall take effect on Month, Day, 2019.

Section 6. 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 ______________________, 2018, and signed by me in open session in authentication of its passage this ____ day of ______________________, 2018.

________________________________________________________________________
President ____________ of the City Council

Approved by me this _______ day of ______________________, 2018.

________________________________________________________________________

Jenny A. Durkan, Mayor

Filed by me this _______ day of ______________________, 2018.

________________________________________________________________________
Monica Martinez Simmons, City Clerk

Exhibits:

Exhibit A: Chapter 25.11 of the Seattle Municipal Code