

ORDINANCE NO. 238

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, AMENDING ORDINANCE 103, 140, AND 207 CREATING A CITY TREE BOARD, AND SETTING FORTH THEIR DUTIES AND RESPONSIBILITIES AND SETTING FORTH REGULATIONS FOR THE PLANTING AND CARE OF PUBLIC TREES.

WHEREAS, the citizens of the City of Woodinville are supportive of ensuring quality care of trees and other vegetation, and

WHEREAS, the citizens of the City of Woodinville are supportive of creating and sustaining a City Tree Board within the City; and

WHEREAS, the City Council adopted the Community Urban Forestry Plan on December 14, 1998, and

WHEREAS, the amended regulations assist the City in meeting the Goals and Policies of the Community Urban Forestry Plan; and

WHEREAS, the amended regulations update industry practices; and

WHEREAS, the City of Woodinville issued a SEPA Determination of Non-significance on May 10, 1999, consistent with RCW 43.12C and no comments were received; NOW THEREFORE

THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendments to Woodinville Municipal Code Chapter 2.24.

The City of Woodinville hereby adopts amendments to Woodinville Municipal Code Chapter 2.24 as presented in Exhibit 1, which is incorporated by reference as if set forth in full. New text is shown by underline; deleted text is shown by ~~striketrough~~.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 22. Effective Date. This ordinance, or a summary thereof consisting of the title, shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF WOODINVILLE THIS 23rd DAY OF August, 1999.

APPROVED:



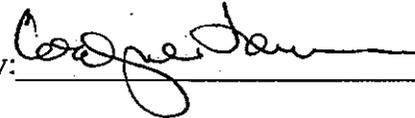
Donald J. Brocha, Mayor

ATTEST/AUTHENTICATED:



Sandra Steffler
City Clerk

APPROVED AS TO FORM :
OFFICE OF THE CITY ATTORNEY

By: 

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. 238

Chapter 2.24
TREE BOARD

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2.24.005 Purpose.

The purpose of these regulations is to encourage responsible management of public tree resources within the City of Woodinville in a manner consistent with the goals and policies of the Comprehensive Plan; Community Urban Forestry Plan; Parks, Recreation, and Open Space Plan; and Public Infrastructure Standards and Specifications. Because trees growing on public property provide benefits to the greater public at large, they are deserving of a high standard of protection. Proper protection, planting, and maintenance are required to promote tree health and aesthetics; foster species diversity; and to preserve the public tree canopy. Therefore, the purposes of this Chapter are to:

- (1) Establish a Tree Board to promote the Community Urban Forest;
- (2) Encourage the planting of new trees and the maintenance in public areas of existing trees for all the benefits they provide the community;
- (3) Maintain public trees in a healthy and nonhazardous conditions through best aboricultural practices;
- (4) Manage trees and vegetation on public property in a manner that represents the best interests of the public;
- (5) Encourage a diversity of appropriate species of trees; and
- (6) Establish central responsibility for the community urban forest.

2.24.010 Definitions.

- (1) "Certified Arborist" shall mean someone who has passed the International Society of Arboriculture's extensive Certification Exam covering all aspects of tree care in addition to the education and experience required to receive the certification.
- (2) "City" shall mean the City of Woodinville.
- (3) "City Tree Official" shall mean the Planning and Community Development Director or his/her designees responsible for the implementing the Community Urban Forestry Plan and regulations. The City Tree Official shall use the expertise of a certified arborist, under contract by the City, for technical advice on decisions related to the community urban forest.
- (4) "Climbing Spurs" shall mean sharp, pointed devices affixed to the climber's legs used to assist in climbing trees (also known as gaffs, hooks, spurs, spikes, and climbers).
- (5) "Community Urban Forest" shall mean the aggregate of public and private trees and plants in the City.
- (6) "Community Urban Forestry Plan" shall mean a plan adopted as part of the Comprehensive Plan establishing the goals, policies, and implementation strategies for developing and maintaining the Community Urban Forest within the City of Woodinville.
- (7) "Community Urban Forestry Standards" shall mean a set of standards and specifications ~~that~~ includes, at a minimum, provisions for the care, preservation, pruning, planting, replanting, or removal of trees and shrubs in the parks, along public streets and in other public areas of the City, together with development standards for private development projects which require City approval.
- (8) "Crown Reduction Pruning" shall mean the reduction of the top, sides, or individual limbs by the means of removal of the leader or longest portion of a limb to a lateral no less than one-third of the total diameter of the original limb and removing no more than one-quarter of the leaf surface.
- (9) "Danger Tree" (as defined in Woodinville Municipal Code 21.06.139) shall mean any tree with a combination of structural defect and/or disease that makes it subject to a high probability of failure, according to the current International Society of Arboriculture's Tree Hazard Evaluation Standards for Hazard Tree Rating, and a proximity to persons or property that is immediately threatening.
- (10) "Heritage Tree" shall mean a tree or stand of trees that is particularly desirable because it has valued, unique characteristics that set them apart from other similar trees. Valued, unique characteristics include uncommon genus, species, form, size, location, historic significance or other desirable feature(s).
- (11) "Public Trees and Plants" shall mean trees growing on property owned in fee-simple by the City of Woodinville or in public easements such as park trees and plants and street trees and plants.
- (12) "Tree and/or pPlant iIndustry pProfessional" shall mean an individual who has professional experience in the tree and/or plant industry including, but not limited to, arboriculture, landscaping, horticulture, urban forestry or other similar industries.
- ~~(5) "Park trees and plants" are herein defined as trees, shrubs, and all other woody vegetation in areas owned by the City, or to which the public has access as a park.~~
- ~~(6) "Street trees and plants" are herein defined as trees, shrubs, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City.~~

2.24.015 Applicability.

The provisions of this Chapter shall apply to the planting, maintenance, removal, preservation, and protection of all public trees and plants as defined in this ordinance. Planting of trees and plants shall be considered in all City construction and land use projects.

- (1) The City Tree Official shall have responsibility for implementing the goals and policies of the Community Urban Forestry Plan. All City construction and/or land use projects shall be reviewed and approved for planting, removal, preservation, and protection of public trees and plants by the City Tree Official in conjunction with an certified arborist or other qualified professional. The City Tree Official shall participate in the development of maintenance programs for public trees and plants.

(2) Trees and plants on lands managed by the City of Woodinville Parks and Recreation Department. Tree removal, maintenance and/or planting in these areas shall also be subject to review and approval by the Parks and Recreation Director.

(3) Trees and plants on lands managed by the City of Woodinville, for storm water management and street purposes. Tree removal, maintenance and/or planting in these areas shall also be subject to review and approval by the Public Works Director.

(4) Trees and plants within critical areas as defined in WMC 21.24. Tree and plant removal in these areas will be subject to review and approval of Planning Director.

2.24.020 Creation and establishment of a City Tree Board.

There is hereby created and established a City Tree Board for the City of Woodinville, Washington. The Tree Board shall be made up of five members, residents and business owners of the City, with at least one City business owner and at least three residents, including 2 tree and or plant industry professionals. The members of the board shall be appointed by the Mayor and the approval of the Council.

2.24.030 Term of office.

The term of the five persons to be appointed by the Mayor shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

2.24.040 Compensation.

Members of the Board shall serve without compensation but with the appreciation of the City Council.

2.24.050 Duties and responsibilities.

(1) It shall be the responsibility of the Board as directed by the City Council to study, investigate, develop, advise, recommend, and update, at least every three years, a written plan and standards to include, at a minimum, provisions for the care, preservation, pruning, planting, replanting, or removal of trees and shrubs in the parks, along streets and in other public areas, which plan is herein referred to as the Community Urban Forestry Plan and the Community Urban Forestry Standards. The Community Urban Forestry Plan will be presented to the City Council and upon their acceptance and approval shall be adopted as a part of the Comprehensive Plan and Development Regulations of the City, and shall constitute the official comprehensive Community Urban Forestry Plan for the City of Woodinville, Washington. The Community Urban Forestry Standards will be presented to the City Council and upon their acceptance and approval shall become a part of the appropriate parts of the City of Woodinville development codes in accordance with 2.24.050(5-6).

(2) Subsequent to City Council approval of the Community Urban Forestry Plan, the Board will be responsible for reviewing and developing educational materials to be distributed to developers and citizens to assist in the implementation of the Community Urban Forestry Plan.

(3) The Community Urban Forestry Plan shall establish the goals, policies, implementing strategies, and monitoring program, for developing and maintaining the Community Urban Forestry Plan within the City of Woodinville.

(4) The Community Urban Forestry Standards shall, at a minimum, include a set of specifications for the selection of species, preparation, planting, care, and maintenance of trees to be planted in the public places of the City. Additionally, the Community Urban Forestry Standards shall include:

a. A list of official tree species for appropriate locations in Woodinville.

b. Planting and spacing requirements of street trees and plants on public property.

(5) Following its adoption by the City Council, the appropriate sections of the Community Urban Forestry Standards shall be included within and shall become a part of the City of Woodinville

Public Infrastructure Standards and Specifications, Development Standards and Specifications of the Public Services Department.

(6) The appropriate sections of the adopted Community Urban Forestry Standards shall be included within and shall become a part of the City of Woodinville Municipal Code to be applied by the Planning Commission and Hearing Examiner to all new development, and enforced by the Planning Director.

(7) The Board, when requested by the City Council, Planning Commission or Parks and Recreation Commission Board shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

(8) The Board shall be responsible for receiving and reviewing applications or nominations, and recommending City Council recognition of trees to be designated in the adopted Heritage Tree program of the City.

(9) The Board may coordinate an Arbor Day Celebration each year.

(10) The Board shall participate in the joint City Council, Boards and Commissions meetings as scheduled by the City Council.

2.24.060 Operation.

The Board shall choose its own officers and establish their own procedural rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

2.24.065 Technical Advisors to the Tree Board

The Board may call upon a certified arborist, horticulturist, landscape architect or other similar professional, that is retained by the City, to provide them with technical advice on an as needed basis. At a minimum, a certified arborist shall be on call to attend regular Tree Board meetings. Each year during the City budgeting process, the Board shall provide to City staff an estimate of anticipated required technical advisory time to be used by the Board for the ensuing year to be approved by the City Council.

2.24.068 Review by City Council.

The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal any decision of the City Tree Board to the City Council who may hear the matter and make a final ruling.

2.24.070 Street tree species to be planted.

The Tree Board shall be responsible for developing a list of official required tree species for Woodinville including members of small, medium, and large tree varieties. No species other than those included in this list may be planted as street trees without written permission of the City Tree Official Board.

2.24.075 Tree Care Standards Manual

A Tree Care Standards Manual shall be approved by the Tree Board. The manual shall included, at a minimum, tree planting standards, tree protection standards, and tree removal standards based on tree/plant industry standards and accepted practices. The Board shall review and update the manual as necessary.

2.24.080 Public tree care.

The City shall have the right to plant, prune, maintain and remove trees and plants within the lines of all streets, alleys, avenues, lanes, squares, public grounds, parks, and easements as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds as determined by the City Tree Official and the appropriate department director.

2.24.085 Emergency tree removal and maintenance.

- (1) In the event of an emergency as determined by the City Tree Official, all City departments shall have the right to remove or perform maintenance on any public trees and plants or trees and plants on City property right-of-way as necessary to provide public safety.
- (2) Utilities may perform tree maintenance or removal without prior authorization only when such actions are necessary to protect the safety of the public or maintain or restore utility service. The utility company must provide written notice to the City within 72 hours of the removal. The notice must include an explanation of the emergency and circumstance for the tree removal.

2.24.090 Tree planting.

The City shall have the right to regulate the species, installation method, and relative condition of trees located in the City rights-of-way and City owned property and to cause removal and replacement of unsuitable, damaged, or unhealthy trees. The following regulations apply to planting of trees and plants in the City rights-of-way:

- (1) Trees and plants shall be considered for preservation and planting in all City construction and/or land use projects pursuant to tree preservation regulations of WMC 21.16. An administrative variance may be granted by the City Tree Official if the preservation requirements interfere with the effectiveness of the public project. Planting alternatives on other public property shall be considered as mitigation for tree loss due to a public project.
- (2) Tree planting and protection shall be in accordance with the Tree Care Standards Manual.
- (3) Private parties may plant trees on property owned by the City with written permission. To obtain permission the applicant(s) shall:
- (a) Submit a written request to the City a minimum of thirty (30) days prior to planting.
 - (b) Prepare a tree planting plan identifying the species, size, and location of trees to be planted. The proposed species and locations of trees must be consistent with current and potential future uses of the property as determined by City review pursuant to WMC 2.24.070.
 - (c) Comply with the current planting standards and City of Woodinville Public Infrastructure Standards and Specifications, Landscaping Plan Section 7, Details 341, 342, and in accordance with the Tree Care Standards Manual.
 - (d) Have underground utilities located and obtain approval from any affected utilities prior to planting.
- (4) Any planting of public trees that fails to comply with the standards established in the Tree Care Standards Manual, WMC 2.24.073, may be declared a public nuisance and may be abated pursuant to WMC 1.06.

2.24.100080 Rights-of-Way street tree spacing and location requirements.

The spacing of street trees will be in accordance with the three species size classes listed in WMC 2.24.070, and trees are to be planted according to WMC 21.16.040 except in special plantings designed or approved by a landscape architect or landscape designer. The following requirements are to minimize impacts on streets, sidewalks, sewers, overhead utility lines, and pedestrian and vehicular safety. The guidelines are based on the size of the tree at maturity. The City Tree Official may authorize modifications to these guidelines which result in a decrease or increase in the standards. Any request for a modification shall involve a consultation with a certified arborist and approval of the City Tree Official and shall be site and species specific.

<u>RIGHTS-OF-WAY STREET TREE SPACING AND LOCATION REQUIREMENTS</u>			
<u>CRITERIA</u>	<u>SMALL TREES</u>	<u>MEDIUM TREES</u>	<u>LARGE TREES</u>
<u>Recommended Spacing between trees</u>	<u>20 to 30 feet</u>	<u>Minimum 30 feet</u>	<u>Minimum 45 feet</u>
<u>Planting distance from curb and sidewalk</u>	<u>3 feet</u>	<u>5 feet</u>	<u>7 feet</u>
<u>Planting distance from street corners and or intersections</u>	<u>35 feet</u>	<u>35 feet</u>	<u>35 feet</u>
<u>Planting distance from hydrants, utility poles, alleys, driveways</u>	<u>10 feet</u>	<u>10 feet</u>	<u>15 feet</u>
<u>Planting distance behind guardrails</u>	<u>3 feet</u>	<u>3 feet</u>	<u>3 feet</u>
<u>Planting distance from buildings</u>	<u>5 to 10 feet</u>	<u>10+ feet</u>	<u>Don't plant</u>
<u>Planting distance from sewer lines</u>	<u>10 feet</u>	<u>15 feet</u>	<u>20 feet</u>
<u>Refer to Required Tree Species List for overhead utility line plantings to achieve the 10-foot clearance</u>			
<u>Planting distance from other underground utilities</u>	<u>35 feet</u>	<u>510 feet</u>	<u>715 feet</u>

2.24.090 ~~Distance from curb and sidewalk.~~

~~The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in WMC 2.24.070, and no trees may be planted closer to any curb or sidewalk than the following: small trees, two feet; medium trees, three feet; and large trees, four feet.~~

2.24.110 ~~400 Measure methods~~ **Distance from street corners and fireplugs.**

~~No street tree shall be planted closer than 35 feet of any street corner. Street tree plantings shall be measured from the point of nearest intersecting curbs or curblines to the nearest point of the tree trunk and parallel to the street. No street tree shall be planted closer than 10 feet of any fire hydrant.~~

2.24.110 ~~Utilities.~~

~~No street trees other than those species listed as small trees in WMC 2.24.070 may be planted under or within 10 lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.~~

2.24.120 ~~Public tree care.~~

~~The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.~~

2.24.120 ~~44~~ **Tree pruning and maintenance.**

(1) Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of at least eight feet above the surface of the street or sidewalk or clear the sight distance triangle pursuant to WMC 21.12.200. The City Tree Official shall give 30 days notice to said owners to remove all dead, diseased or dangerous trees, or broken or decayed limbs are observed which constitute a menace to the safety of the public. If the owner fails to remove the condition constituting a safety hazard, the City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign or otherwise creates a safety hazard.

(2) Private parties may have public trees pruned with written permission from the City Tree Official at the private party's expense. To obtain permission the applicant(s) shall:

- (a) Submit a written request to the City Tree Official a minimum of thirty (30) days prior to pruning;
- (b) Identify the trees to be pruned and the specific work to be performed;
- (c) Pay for all costs associated with the proposed pruning;
- (d) Comply with the pruning standards of the Tree Care Standards Manual; and
- (e) Provide proof of insurance, bonds, and business or contractors license.

(3) The City may prune, spray, or otherwise maintain public trees in order to control infestations of insects or disease or to maintain public safety. Insect and disease abatement shall be in accordance with methods established in the Tree Care Standards Manual.

(4) Persons, utilities, or agencies conducting regular maintenance work on trees or shrubs may be granted public tree maintenance permits to cover their work on a yearly basis if all requirements are met according to this section.

(5) The Public Works Director, Parks and Recreation Director, and City Tree Official shall coordinate to develop an annual maintenance program to be included in the budget for City Council approval. The maintenance program shall include coordination with local utilities where possible.

2.24.130 Tree topping.

It shall be unlawful as a normal practice for any person, firm, or City department to top any street tree, park tree, or other tree on public property or in a public easement. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this chapter at the determination of the City Tree Official. Board.

2.24.140 Tree removal.

The City may remove any public tree determined to be a hazardous or dangerous tree by the City Tree Official. Tree removal shall comply with methods according to the Tree Care Standards Manual and the following regulations:

(1) All tree removal and/or tree pruning works on public property shall be performed by a licensed, bonded, and insured contractor, pursuant to WMC 2.24.170.

(2) No City trees shall be cut down, killed, or removed for any reason without complying with the following Public Tree Removal Process:

- (a) File and application with the Planning Department;
- (b) Secure a permit for tree removal;
- (c) Trees shall be replaced to mitigate the loss of the removed tree(s) equal to 1 tree-credit in accordance with the replacement table 21.16.170(4).

(3) A tree removal permit is required to be obtained prior to the removal of any City tree by a private party. A permit shall be approved only when one or more of the following conditions exist as determined by City Staff:

- (a) The tree is infected with an epidemic insect or disease for which removal is the recommended practice to prevent transmission to other trees;
- (b) The tree poses a public nuisance;
- (c) The tree poses a safety hazard that pruning, transplanting, or other treatments cannot correct;
- (d) The tree severely interferes with the growth and development of a more desirable tree;
- (e) Required infrastructure work or improvements would kill the tree or render it a hazard/danger and no other alternative is feasible;

- (f) Removal of the tree is necessary to implement or maintain a vegetation management plan for the area, as approved by the City;
- (g) Removal of the tree(s) is necessary to provide the only reasonable access to adjacent private property.
- (4) Mitigation is required if a public tree is removed, injured, or otherwise damaged by a private party. The mitigation value shall be calculated by the City or qualified representative using the formula outlined in the most recent edition of the "Guide for Establishing Values of Trees and Landscape Plants," published by the International Society of Arboriculture. Current calculated Timber, Pulpwood, or Cordwood Values will not be acceptable mitigation values for public trees. the mitigation value shall be paid into the City Tree Account as established in WMC 21.16.170(3)(d) or the City will require a replacement to be installed in accordance with the regulations and standards set forth for public trees. All or a portion of this mitigation may be met by planting replacement trees on or off-site as determined by the City.
- (5) A vegetation management Plan is required when a private party requests the removal of a public tree. The applicant shall develop and implement a vegetation management plan for the property. The applicant shall be required to pay all costs associated with the development and implementation of such plan.
 - (a) The plan shall ensure:
 - (i) Protection of slopes and soil stability on the property in accordance with applicable codes and standards;
 - (ii) Protection of critical areas as defined in WMC 21.24, Environmental Sensitive Areas;
 - (iii) Protection of Heritage trees or trees identified as significant;
 - (iv) City maintenance costs for the property are maintained at or below the current levels, and;
 - (v) Compliance with all applicable federal, state, and local regulations.
 - (b) The plan should consider:
 - (i) Wildlife habitat enhancement;
 - (ii) Species diversity, and;
 - (iii) Aesthetics.

The City may require that the vegetation management plan be prepared by qualified professionals as deemed necessary.

2.24.140 — Pruning, corner clearance.

~~Every owner of any tree overhanging any street or right of way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of at least eight feet above the surface of the street or sidewalk. The City shall give two weeks' notice to said owners to remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. If the owner fails to remove the condition constituting a safety hazard, the City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign or otherwise creates a safety hazard.~~

2.24.150 — Tree planting.

The City shall have the right to regulate the species, installation method, and relative condition of trees located in the City rights of way and City owned property and to cause removal and replacement of unsuitable, damaged, or unhealthy trees.

2.24.150160 Removal of stumps.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. Stump removal methods shall be in accordance with the Tree Care Standards Manual.

2.24.170 ~~Interference with City Tree Board.~~

~~It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees or park trees as authorized in this chapter.~~

2.24.160 Tree protection.

- (1) Authorization must be given by the City Tree Official before anyone:
 - (a) Attaches or installs any metal materials, cables, wires or other objects foreign to the natural structure of public trees;
 - (b) Excavates into the root zone within the drip line of a public tree;
 - (c) Treats the soil within the root zone of a public tree with a soil sterilant.
- (2) No person shall abuse, destroy, or mutilate any public tree. This includes breaking stakes or supports to the tree, or causing or encouraging any burning near or around the trunk. No person shall deface or injure a public tree by attaching any sign or notice, nails, screws, or other such devices to it.
- (3) Public trees shall be protected at all times during construction in accordance with the tree protection standards stated in the Tree Care Standards Manual.
- (4) Violation of tree protection regulations for public trees shall be subject to WMC 2.24.180.

2.24.170480 Arborists certification and bond.

- (1) It shall be unlawful for any person or firm to engage in the business or occupation of pruning or treating ~~street or park~~ public trees within the City without first obtaining a certification from the International Society of Arboriculture; provided, however, that any public service company or City employee doing such work in the pursuit of their public service endeavors shall perform said work under the direction of a certified arborist. The person or firm conducting tree work shall also possess evidence of liability insurance in the minimum amounts of \$500,000 for bodily injury and \$1,000,000 property damage resulting from the pursuit of such endeavors as herein described.
- (2) No person or firm may cut, prune or treat street trees without express authorization of the City.

2.24.190 ~~Review by City Council.~~

~~The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Council who may hear the matter and make a final decision.~~

2.24.180200 Penalty.

Any person violating any provision of this chapter shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$2,000.

In accordance with enforcement regulations WMC 1.06, any person violating these provisions shall be subject to civil penalties (\$250/day). For violations related to tree removal or tree damage, each tree shall be considered a separate violation.

2.24.190 Variance and appeal process.

The administrative process for variance and appeals shall be as follows:

- (1) A written request shall be submitted to the City Tree Official providing a detailed explanation of the variance request.
- (2) The request shall provide at least one alternative to the variance request.
- (3) The City Tree Official shall meet with the applicable City departments to decide the variance request.
- (4) The City Tree Official shall provide a written decision to the applicant and applicable City departments within 21 days of the date of request.
- (5) The decision may be appealed to the Tree Board. The Board shall render a decision within 21 days of the appeal.
- (6) The decision of the Tree Board is subject to the provisions under WMC 2.24.068.

