



# Director's Rule 08-2022

<b>Applicant:</b>  City of Seattle Department of Construction and Inspections	<b>Page</b>  1 of 3	<b>Supersedes:</b>  DR 11-2021
	<b>Publication:</b>  9/19/2022	<b>Effective:</b>  10/07/22
<b>Subject:</b>  Administration of the Seattle Department of Construction and Inspections Tree Service Provider Registry	<b>Code and Section Reference:</b>  SMC Section 25.11.095, 25.11.100	
	<b>Type of Rule:</b>  Code Interpretation	
	<b>Ordinance Authority:</b>  SMC Section 3.06.040	
<b>Index:</b>  Tree Protection Ordinance Code SMC Chapter 25.11	<b>Approved</b>	<b>Date</b>
	<hr/> Nathan Torgelson, Director, DCI	

## BACKGROUND

Seattle Municipal Code (SMC) Section 25.11.095 establishes a public registration system for tree service providers operating within Seattle. Starting November 10, 2022, no tree service provider may conduct commercial tree work unless the provider is listed on SDCI's Tree Service Provider Registry. SMC Section 25.11.095.A.2 authorizes the Director to promulgate rules as needed to support administration of the application process and public registry. SMC Section 25.11.100.A.1 authorizes the Director to establish administrative procedures and guidelines, establish penalties for violations of applicable law or rules by registered tree service providers, and publish Director's Rules that may be necessary to carry out the purposes of SMC Chapter 25.11.

## **PURPOSE**

This rule clarifies terms and provides information necessary to carry out the purposes of SMC Chapter 25.11.095 and 25.11.100.

## **RULE**

This rule clarifies terms and provides information necessary to carry out the purposes of SMC Chapter 25.11.095 and 25.11.100.

**Date of Issuance:** A tree service provider registration shall be valid for one year from the date of issuance. Issuance means the date the registration becomes active in SDCI's Tree Service Provider Registry.

**Consulting Arborists:** Per 25.11.020, "Tree service provider" means any person or entity engaged in commercial tree work. This definition includes arborists conducting consulting-only work. 25.11.095.B.5 requires tree service providers to possess a current and valid Washington State contractor registration under chapter 18.27 RCW; however, per 18.27 RCW, arborists conducting consulting-only work are not contractors or specialty contractors. Therefore, while a consulting arborist is a tree service provider, they are not required to possess a current and valid Washington State contractor registration.

**Stump Grinding:** The activity of stump grinding on its own is not considered commercial tree work. If a business exclusively does stump grinding, they are not required to be on SDCI's Tree Service Provider Registry.

**Insurance Coverage Required:** Registered tree service providers must possess a current certificate of insurance with a minimum liability insurance of \$1,000,000. The certificate of insurance coverage must include an endorsement naming the City of Seattle as an additional insured.

**Violations and Penalties:** It is a violation of Chapter 25.11.095 to fail to comply with any provision of Chapter 25.11.095, including but not limited to the following:

- Failure to properly post notice of commercial tree work as required by Chapter 25.11.095.
- Remove or deface any sign or notice required by or posted in accordance with Chapter 25.11.095.

- Misrepresent any material fact in any application, on plans, or in any other information submitted to obtain any determination, authorization, or registry approval under Chapter 25.11.095.
- Conduct commercial tree work without an active tree service provider registration.
- Authorize a tree service provider without a current tree service provider registration to conduct commercial tree work.
- Conduct commercial tree work when the tree service provider's required City of Seattle business license has lapsed or becomes invalid.
- Conduct commercial tree work when the tree service provider's required Washington State contractor registration has lapsed or becomes invalid.
- Conduct commercial tree work when any required ISA Certification of the Certified Arborist (on staff or retainer) has lapsed or becomes invalid.

The penalty for failing to comply with any provision of Chapter 25.11.095 is \$5,000.

The Director is authorized to investigate the condition of any tree or activity that the Director reasonably believes does not comply with the provisions of Chapter 25.11.095. The penalties for violations of Chapter 25.11.095 are cumulative or in addition to any other penalty imposed under 25.11.100.

If after investigation the Director determines that any provision of Chapter 25.11.095 has been violated, the Director may serve a notice of violation upon any person that the Director believes is responsible for the violation. The notice of violation may: identify the violation by code section; and may state what corrective action, if any, is necessary to comply with the provisions of Chapter 25.11.095, set a reasonable time for compliance; and state the penalty for violating Chapter 25.11.095.

Any notice of violation issued pursuant to this Rule shall be served upon the owner, occupier, or other person responsible for the violation, including a registered or unregistered tree service provider, by personal service in the manner set forth in RCW 4.28.080 for service of a summons or sent by first class mail, addressed to the last known address of such person(s). Service is complete at the time of personal service or, if mailed, three days following the date of mailing. If a notice of violation sent by first class mail is returned as undeliverable, then service of the notice upon such person or persons may be made by posting the notice at a conspicuous place on the property where the violation occurred.