

Tacoma Municipal Code, Chapter 9.20 “Urban Forestry”

Comparison of Current TMC 9.18, 9.19, & 9.20 (in effect) and adopted TMC 9.20 (effective June 1, 2024) regarding public trees

This document is intended to provide a comparison between the current Tacoma Municipal Code (TMC) regarding public trees and the newly adopted TMC regarding the same, effective June 1, 2024 (*Ord 28926*). The current TMC regarding public trees is represented in the left-hand column in the tables below, and includes TMC 9.18, 9.19, and 9.20 regarding right-of-way tree trimming and removals, planting, and pruning or removal for the purpose of view enhancement on City property, respectively.

An overview of the new TMC 9.20 “Urban Forestry”, in effect on June 1, 2024, can be found in the right-hand column(s) of the following tables. The last table in this document includes information on the new TMC section on Heritage Trees. Note: this document is intended to provide a high-level analysis and may exclude specific requirements of both the current and proposed TMC. For the full details of the updated TMC update, please refer to [Ordinance No. 28926](#), adopted by City Council on December 12, 2023.

<u>EXISTING TMC 9.18 – Trimming & Removal (C. 1927)</u>	<u>NEW TMC 9.20.210 – Pruning</u>	<u>NEW TMC 9.20.220 – Removal</u>
<u>Authority:</u> Director of Public Works	<u>Authority:</u> Director of Public Works, or delegate	<u>Authority:</u> Director of Public Works, or delegate
<u>Applicability:</u> Permit required to remove, destroy, or cut any tree or shrub planted within the limits of any street or alley	<u>Applicability:</u> Permit required to prune any street tree	<u>Applicability:</u> Permit required to remove any street tree
<u>Application requirements:</u> Does not specify	<u>Application requirements:</u> Contact information for applicant, authorized agent (if applicable), and person performing work; description of ROW; description of street tree(s); photograph of street tree(s); pruning plan meeting BMPs	<u>Application requirements:</u> Contact information for applicant, authorized agent (if applicable), and person performing work; description of ROW; description of street tree(s); photograph of street tree(s); removal plan; demonstration that the removal meets one of the following: hazard tree, conflict tree, prohibited tree, nuisance tree, significantly damaged tree, or fruit tree
<u>Who can apply:</u> Any person, firm or corporation	<u>Who can apply:</u> Abutting owner and authorized agents; the City and authorized	<u>Who can apply:</u> Abutting owner and authorized agents; the City and authorized

	agents; utilities and public transportation agencies and their authorized agents	agents; utilities and public transportation agencies and their authorized agents; persons required under a project permit to make off-site improvements
Exemptions: N/A	Exemptions: permits are not required for: pruning small trees (under 15 feet), pruning fruit trees, Public Works or WSDOT abating public nuisance or public safety threat, Public Works pruning for construction clearance or tree health, pruning for restoration of utilities, power utility pruning for clearance; pruning of street trees to respond to an emergency is allowed, provided that an after the fact permit is obtained within 30 days.	Exemptions from permits: permits are not required for: Public Works or WSDOT removing trees to abate public nuisance or public safety threat; removal of street trees to respond to an emergency is allowed, provided that an after the fact permit is obtained within 30 days.
Permit Fee: N/A	Permit Fee: N/A	Permit Fee: N/A for all qualifying removals except for conflict trees. Conflict trees require an administration fee, plus a fee for tree removal as specified in fee schedule for permits (Canopy Loss Fee)
Issuance of permit: Requires inspection; permit denied if removal, destruction, or cutting of any tree or shrub will destroy the symmetry of the tree or shrub, unless tree is dead, unsightly or a menace to the public or to public utilities.	Issuance of permit: Must meet ANSI pruning objectives and BMPs; must have a pruning plan; must not negatively impact continued health of tree.	Issuance of permit: Must be a hazard tree, conflict tree, a tree damaging sidewalk, prohibited tree, nuisance tree, fruit tree, or significantly damaged tree; must have a removal plan; must replace removed tree(s) with a permitted tree(s).
Protection during construction: Any construction, alteration or repair of any building requires guards around street trees and shrubs to protect trees and shrubs from damage or injury	Protection during construction: Any person conducting construction in the ROW shall comply with the Design Manual requirements for tree protection; any excavation, filling, tunneling, trenching, compacting, demolition, utility work in Critical Root Zone or Drip Line of any street tree, must submit a Tree Protection Plan in accordance with UFM.	Protection during construction: Any person conducting construction in the ROW shall comply with the Design Manual requirements for tree protection; any excavation, filling, tunneling, trenching, compacting, demolition, utility work in Critical Root Zone or Drip Line of any street tree, must submit a Tree Protection Plan in

	<i>*note: this is already required in TMC 13.06.090.B</i>	accordance with UFM. <i>*note: this is already required in TMC 13.06.090.B</i>
Obstruction: Trees, plants, shrubs, or vegetation overhanging any sidewalk or street, obstructing or impairing the sidewalk or street, including pedestrians vision or persons operating vehicles, interference with poles, wires, pipes, fixtures, or any part of any public utility, or fire hazards, or a menace to public health, safety, or welfare, requires removal by the owner of the property.	Obstruction: Vegetation impairing use of sidewalk or roadway, impairing pedestrian or vehicular view of oncoming traffic, interfering with utilities, or creating a fire hazard or public health threat, must be abated by responsible person.	Obstruction: Vegetation impairing use of sidewalk or roadway, impairing pedestrian or vehicular view of oncoming traffic, interfering with utilities, or creating a fire hazard or public health threat, must be abated by responsible person.
Notice: notice shall be served to the owner [regarding requirement to mitigate obstruction] or posted on a conspicuous place on the premises.	Notice: tree protection notice required to be posted on street trees 14 days prior to and during construction.	Notice: tree protection notice required to be posted on street trees 14 days prior to and during construction; if authorized, notice of street tree removal required to be posted on street trees 14 days prior to removal.
Other requirements:	Other requirements: Topping of trees prohibited	Other requirements: Each permitted removal must be replaced
Penalty for violation: \$100 fine; imprisonment in County Jail for 30 days.	Penalty for Violation: Each tree that is topped or severely pruned in violation of this chapter will be considered a removed tree and shall be subject to the penalties defined in TMC 9.20.520 (B).	Penalty for Violation: Fine for each tree removed or for each tree that dies within a three year period as a result of the damage to the tree in violation of this chapter, shall be three times the fee for tree removal as set forth in TMC 9.20.220 (I) (\$375/caliper inch), or \$500 dollars, whichever amount is greater. If the DBH cannot be measured, the penalty may be assessed per inch based on the remaining tree stump. If the stump has been removed, a monetary penalty in the amount of \$10,000 may be assessed.

EXISTING TMC 9.19 – Planting (C. 1960)	NEW TMC 9.20.230 - Planting
Authority: City Manager; Beautification Committee for ** Public Street Beautification Permit	Authority: Director of Public Works, or delegate authority
Applicability: Permit required to plant in ROW; **Public Street Beautification Permit required for planting in industrial and commercial areas	Applicability: Permit required to plant in ROW
Application requirements: Plans showing location, size, height above the roadway/sidewalk, proposed plants; names and addresses of all participants; extent of the district being improved.	Application requirements: Contact information for applicant, authorized agent (if applicable), and person performing work; aerial image (site plan); tree planting plan with species and locations.
Who can apply **: An association, trade bureau, person, or group of persons; shall be sponsored by a group or association; no owner can only improve their own ROW frontage (must act in concert with others).	Who can apply: abutting owner and authorized agents; the City and authorized agents; utilities and public transportation agencies and their authorized agents; persons required under a project permit to make off-site improvements.
Exemptions: N/A	Exemptions: N/A
Permit Fee: N/A	Permit Fee: N/A
Issuance of Permit *: Specific clearance required from COT Traffic Engineering and the Tacoma Police Department; no advertising allowed for the area, group, or businesses; beautification shall be sponsored by a group	Issuance of Permit: Tree must meet requirements of a “permitted tree” for species and clearance requirements; in compliance with the Design Manual and Urban Forest Manual; if tree is going to replace existing tree, a tree removal permit must also be applied for.
Prohibited trees: Poplar, Willow, Cottonwood, Fruit Trees (except ornamental types), Nut Trees, Mountain Ash, Oregon or Big Leaf Maple.	Prohibited trees: Per Urban Forest Manual (UFM) Prohibited Tree List
Permitted trees: Per UFM permitted tree list	Permitted trees: Per UFM permitted tree list; trees not on permitted tree list may be approved with supplemental information.
Notice: N/A	Notice: If the permittee is not abutting owner and is required under a project permit to make off-site improvements, the permittee shall provide written notice by mail to the abutting property for a street tree proposed to be planted
Other requirements: insurance policy required with limits of not less than \$100,000.00/ \$300,000.00 for injuries to persons and \$50,000.00 for injuries to property; applicant required to maintain in perpetuity, or City can remove or maintain and charge the applicant for reimbursement.	Other requirements: tree species and location shall be selected to maximize visibility and safety; planting offsets from infrastructure shall meet the Design Manual.
Penalty for violation: misdemeanor; \$300 fine; imprisonment in County Jail for 90 days.	Penalty for Violation: N/A; remediation may be required.

<p><u>EXISTING TMC 9.20 – View Blockage</u> (C. 1990)</p>	<p><u>NEW TMC 9.20.250 – Tree Pruning on Public Real Property – Scenic View Enhancement</u></p>
<p><u>Authority:</u> City Engineer; permission from the owner of the abutting property (for ROW), if other than the individual requesting the work.</p>	<p><u>Authority:</u> Director of Public Works, or delegate authority</p>
<p><u>Applicability:</u> Requests to prune or remove vegetation impairing a view on all City-owned property, both General Government and Department of Public Utilities, including: rights-of-way, open space, and property used for facilities.</p>	<p><u>Applicability:</u> Requests to prune trees located on unimproved public real property to enhance scenic views.</p>
<p><u>Application requirements:</u> Vegetation location; photographs; statement of problem; proposed solution; written permission from adjacent owner (if in ROW); name of individual performing work.</p>	<p><u>Application Request requirements:</u> Contact information for person submitting request; description of public real property; description of tree(s); photographs of tree(s); description of scenic view; statement of why pruning is necessary.</p>
<p><u>Who can apply:</u> Any individual who desires pruning or removal of vegetation from public property</p>	<p><u>Who can apply:</u> Any person who desires pruning of vegetation on public real property to enhance scenic views.</p>
<p><u>Exemptions:</u> Pruning vegetation less than 15 feet in height this is located on developed or undeveloped right-of-way abutting the property of the individual requesting the pruning.</p>	<p><u>Exemptions:</u> N/A</p>
<p><u>Permit Fee:</u> base fee of \$250 plus all costs associated with performing the investigation and issuance of determination; the cost of all work approved (pruning or removal); half of the value of the vegetation removed; fees are to be placed into fund for planting and replacement of trees on City property.</p>	<p><u>Permit Fee Costs:</u> Person making the request is responsible for administrative costs to review the request and to manage, administer and inspect the work, together with the costs of preparing a tree pruning plan, applying for and obtaining required permits, and planning for and performing the tree pruning work.</p>
<p><u>Issuance of permit:</u> application review by a committee with members of the public, and representatives from the Planning and Development Services Department, Public Works Department, Public Utilities Department, and Metropolitan Park District, with knowledge, background, or training in arboriculture, forestry, horticulture, landscape architecture; review must consider 17 criteria for evaluation.</p>	<p><u>Issuance of permit determination:</u> Request review by Director or designee in consult with the department responsible for the property and the City Arborist or Forester, for consistency with: use of real property; public health, safety and welfare; Comprehensive Plan; BMPs; vegetation management plan (if applicable); compliance with applicable laws (e.g. Critical Areas Ordinance).</p>
<p><u>Protection:</u> Unlawful to remove, destroy, or prune any vegetation on City-owned property</p>	<p><u>Protection:</u> Unlawful to prune, remove, or top any tree or other vegetation located on public</p>

<p>for the purpose of view preservation without having first obtained approval from the City Engineer.</p>	<p>property or to engage in any act which causes a tree on public property to die, including inflicting damage to root system.</p>
<p>Performance of work: Work must be performed by established tree-service company with a City business license; National Arborist Association’s Pruning Standards; liability insurance and/or a performance bond (discretion of City Engineer).</p>	<p>Performance of work: Some, or all, of the work may be performed by consultants and contractors retained by the City.</p>
<p>Notice: Notice of application and notice of determination must be mailed to owners within 400 feet from the property, and to qualified neighborhood or community organizations and the Beautification Committee.</p>	<p>Notice: N/A</p>
<p>Other requirements: Decision can be appealed by Hearings Examiner</p>	<p>Other requirements:</p>
<p>Penalty for violation: Civil violation; penalty includes the value of vegetation removed plus \$1,000.</p>	<p>Penalty for Violation: Fine for each tree removed or for each tree that dies within a three year period as a result of the damage to the tree in violation of this chapter, shall be three times the fee for tree removal as set forth in TMC 9.20.220 (I) (\$375/caliper inch), or \$500 dollars, whichever amount is greater. If the DBH cannot be measured, the penalty may be assessed per inch based on the remaining tree stump. If the stump has been removed, a monetary penalty in the amount of \$10,000 may be assessed, unless the violator can demonstrate the DBH of the illegally removed tree. A person found to be in violation of natural resources damages shall be responsible for the costs of abatement, remediation and mitigation of natural resource damages, together with any emergency response costs. Willful violation may include a gross misdemeanor (if convicted), a fine of up to \$5,000, or by imprisonment in jail for up to three hundred sixty-five (365) days, or both.</p>

NEW PROPOSED TMC 9.20 IV – Heritage Trees

Authority: Urban Forestry Program section of the Environmental Services Department

Applicability: Applies to the nomination, designation and management of trees located within the corporate boundaries of the City that qualify for nomination for heritage tree designation.

Application requirements: Narrative statement demonstrating that the tree has exemplary size, age, cultural or historical significance, ecological value, or rarity; description of physical condition and health of tree; species; size (DBH); photos of the tree including aerial map; documentation of ownership; documentation of owner's consent (if applicable).

Who can apply: Property owner; any resident, City official, City employee, member of a City of Tacoma committee, board or commission, with the signed written consent of the owner of property where the tree is located.

Qualifications: The tree must be: in a healthy condition; located in the City of Tacoma; considered irreplaceable because of exemplary size, age, cultural or historical significance, ecological value, or rarity; have a minimum DBH of the lesser of 30 inches or 65% of the largest documented diameter for a tree of that [species](#).

Fee: N/A

Issuance of Heritage Tree Designation: Nominations shall be reviewed by the Urban Forestry Program to ensure tree(s) meet requirements; nominations for public trees, require consent by the Director of the Department responsible for the management of the public property upon which the tree is located, or by the City Manager; in the case of trees located on property owned or controlled by a public entity, other than the City, consented is required by that public entity.

Notice: The Urban Forestry Program shall maintain the list of designated heritage trees, which shall be made publicly available; in the case of public property, the Urban Forestry Section may place a plaque, or other such identification, on or near heritage tree.

Penalty for Violation: N/A; designation of a Heritage Tree on private property does not require preservation; designation of a Heritage Tree on public property is subject to the tree protection provisions of this TMC chapter.