



Council Report

For the Meeting of November 14, 2019

To: Council **Date:** November 4, 2019
From: Thomas Soulliere, Director of Parks, Recreation and Facilities
Subject: Tree Preservation Bylaw Update

RECOMMENDATION

That Council:

1. Rescind third reading of Tree Preservation Bylaw, Amendment Bylaw (No.1) No. 19-082 (the "Amendment Bylaw");
2. Amend the Amendment Bylaw as follows:
 - a. In the "Contents", strike out "5 Commencement" and replace it with the following:

"5 Repeal of Transition Provision
6 Commencement"
 - b. In section 2(c), strike out "and"
 - c. In section 2(d), strike out "." and replace with "and"
 - d. In section 4(b), strike out "and"
 - e. In section 4(c), strike out "." and replace with ","
 - f. In section 4, by inserting the following new subsections (d) and (e) directly after subsection (c):

"(d) in section 17, by inserting the following new subsection directly after subsection (3):

"(4) For the purposes of subsection 1(g), if the permit holder provides evidence to the Director that a replacement tree or tree seedling cannot be accommodated on the same lot without compromising sound arboricultural practices due to the size or other characteristics of the lot, and the Director is satisfied of the same, then:

(a) the permit holder must provide to the City \$2000.00 cash-in-lieu for each replacement tree or tree seedling that cannot be accommodated, and such money shall then be used for the planting of trees on other sites; and

(b) the amount of security that the applicant is to provide pursuant to subsection (2) will not include security for each replacement tree or tree seedling that is not

being accommodated on the same lot in accordance with this subsection (4).”, and

- (e) by inserting the following new section 25 directly after section 24:

“Transition Provision

- 25.** If the City received an application for a permit, licence or other City approval on or before October 24, 2019, the Tree Preservation Bylaw as it was on the day before adoption of the Tree Preservation Bylaw, Amendment Bylaw (No. 1) No. 19-082 applies to that application.”.

- g. By striking out section 5 and replacing it with the following:

“Repeal of Transition Provision

- 5** Section 4(e) of this Bylaw is repealed.

Commencement

- 6** This Bylaw comes into force on adoption, except section 5, which comes into force five years after the date of adoption of this Bylaw.”

3. Give third reading to the Amendment Bylaw, as amended.

EXECUTIVE SUMMARY

The purpose of this report is to bring forward proposed amendments to the Tree Preservation Bylaw, Amendment Bylaw (No.1) No. 19-082 (the “Amendment Bylaw”), as directed by Council.

On October 10, Council passed motions to revise the Amendment Bylaw to reduce the diameter of protected trees from 60cm to 30cm. Council also directed staff to bring the Amendment Bylaw forward for adoption at the November 14 Council meeting with a report on the implications and options of adopting the Amendment Bylaw.

On October 24, Council passed the following motions regarding the Amendment Bylaw:

1. That staff bring forward a revised Tree Protection Amendment Bylaw in an open meeting to introduce transitional provisions that don't impact existing applications already received by the City on or before October 24, 2019.
2. Staff to include in the amendments a provision for cash in lieu where a site cannot accommodate replacement trees.

At Council direction, staff have assessed the impacts of the updates and revised the Amendment Bylaw to include transition provisions and a cash-in-lieu fee.

Urban Forest Impacts

The reduction in protected tree size to 30cm will impact the urban forest in the following ways:

- Protect **approximately 50%** of the existing private tree population and nine times more trees than are protected under the current bylaw at 80cm diameter.

- Protect **approximately 84%** of the existing tree canopy on private land and four times more canopy area than are protected under the current bylaw at 80cm diameter.
- Increase the diversity of species protected from only protecting large species (e.g., Garry Oak, Douglas Fir, London Plane, etc.) to also including medium species (e.g., Cherry Plum, Maple, Hawthorn, etc.).

Transition Provisions

The Amendment Bylaw would result in increased costs for in-stream development applications due to required updates to submissions and delays in subsequent permit processing. A transition provision is included in the Amendment Bylaw to limit the impacted applications to those received by the City after October 24th, 2019. This provision meets Council's intended goal of not impacting existing applications received by the City on or before October 24th, 2019.

Cash-in-Lieu

Staff estimate that the number of properties with the potential to have bylaw protected trees on or immediately adjacent to their boundaries increases from roughly 5% to roughly 50% as a result of the reduction in diameter of protected trees from 80cm to 30cm.

The most significant impact to property owners will likely result from the higher replacement requirements that will result from a large number of trees being protected. Staff anticipate an average of 9 times more replacement trees will be required for development projects. It's expected that some property owners may not have the available planting space on their lot to accommodate the replacement trees required.

Common practice among municipalities for allowing tree replacements is to provide a cash-in-lieu program. The cash-in-lieu fee is used to fund the planting of additional trees in the public realm where planting space is limited on private land. At Council direction, staff have included a cash-in-lieu provision within the Amendment Bylaw. These funds will be utilized to plant and maintain trees on public land.

NEXT STEPS

Pending Council adoption of the Amendment Bylaw on November 28th, 2019, these updates will take effect as of November 29th, 2019. Staff will coordinate communication material for the public outlining the changes to the Bylaw, per our standard process for such updates.

The adjustments to protected tree size, security fees and the implementation of a cash-in-lieu program reflect leading practise and more closely align with neighboring communities. These changes were among the decisions expected to follow Phase 2 of the project. As a result of Council's desire to address some of the more impactful components of the bylaw in Phase 1, staff plan to expedite the remaining elements of Phase 2 and report back to Council in the first quarter of 2020.

OPTIONS & IMPACTS

Accessibility Impact Statement

The Amendment Bylaw does not have a direct or indirect impact on accessibility.

Impacts to Financial Plan

A cash-in-lieu fee is included in the Amendment Bylaw. Staff recommend a fee of \$2,000 for each replacement tree that cannot be accommodated on site. The fee accounts for the total cost to plant, maintain and establish young trees. A slight increase to the application fee for a tree removal permit is also included in the proposed changes.

2019 – 2022 Strategic Plan

The Amendment Bylaw addresses actions identified with Strategic Plan Objective #6: *Climate Leadership and Environmental Stewardship*.

Official Community Plan Consistency Statement

The *Official Community Plan* contains the following objective with respect to urban forest management, which is supported by the Amendment Bylaw:

10 (d) That the urban forest is enhanced to support a wide range of ecological and community benefits.

CONCLUSIONS

Urban forests play an integral role in climate adaptation and provide countless community benefits. The changes made in this phase of the project meet recommendations within the Urban Forest Master Plan, assist in mitigating the impacts of climate change and closely meet the tree protection requirements of neighbouring municipalities.

In response to the earlier advancement of substantial amendments to the bylaw and Council's sense of urgency in responding to the climate emergency, staff have accelerated completion of the second phase of the project. An updated Tree Preservation Bylaw that reflects best practices and leadership in tree protection will be presented to Council in Quarter 1 of 2020.

Respectfully submitted,




Nav Sidhu
Assistant Director
Parks and Recreation



Thomas Soulliere
Director
Parks, Recreation and Facilities

Report accepted and recommended by the City Manager:


Date: Nov 6, 2019

List of Attachments

Attachment A: Tree Preservation Bylaw, Amendment Bylaw (NO. 1)

Attachment B: Tree Preservation Bylaw (amended)

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Attachment A

Tree Preservation Bylaw, Amendment Bylaw (NO.1)

TREE PRESERVATION BYLAW, AMENDMENT BYLAW (NO. 1)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the *Tree Preservation Bylaw* to:

1. ensure that trees are not cut down unnecessarily in the process of construction; and
2. update definitions and internal references so that they are accurate and current.

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Under its statutory powers, including section 8(3)(c) of the *Community Charter*, the Council of the Corporation of the City of Victoria in a public meeting assembled enacts the following provisions:

Title

- 1** This Bylaw may be cited as the “TREE PRESERVATION BYLAW, AMENDMENT BYLAW (NO. 1)”.

Amendments

- 2** Bylaw No. 05-106, the Tree Preservation Bylaw, is amended in section 2 as follows:

- (a) by repealing the definition for “building envelope” and substituting the following definition:

“means that part of a lot on which the primary building may be sited under the setback regulations of the City’s Zoning Regulation Bylaw or Zoning Bylaw 2018, as varied by a development permit, a development variance permit or a heritage alteration permit;”,

- (b) by repealing the definition for “building envelope line” and substituting the following definition:

“means the setback of the primary building established under the City’s Zoning Regulation Bylaw or Zoning Bylaw 2018, as varied by a development permit, a development variance permit or a heritage alteration permit;”,

- (c) under the definition of “protected tree”, at paragraph (i), by striking out “80cm” and replacing it with “30cm”,

- (d) under the definition of “tree”, by striking out “living,” and
- (e) by striking out “60cm” and replacing it with “30cm” in paragraphs (e), (f) and (g) of the definition of “protected tree”.

3 The Tree Preservation Bylaw is further amended in section 5 as follows:

- (a) in subsection (2)(c)(i), by striking out “85” and replacing it with “112(2)”, and
- (b) by inserting the following new subsection directly after subsection (2)(c)(ii):
 - “(3) For the purposes of subsection (2), it is deemed not to be necessary or required to remove, cut down or alter the protected tree or protected tree seedling if it is possible to construct or install the accessory building, driveway, off-street parking or utilities service connections in a different location on the lot without removing, cutting down or altering the tree.”.

4 The Tree Preservation Bylaw is further amended as follows:

- (a) in section 11, by inserting the following directly after “falling”:
 - “, as confirmed by a certified arborist who holds the International Society of Arboriculture’s Tree Risk Assessment Qualification (TRAQ)”.
- (b) in section 17(2), by striking out “\$350.00” and replacing it with “\$700.00”,
- (c) in section 19(1)(a), by striking out “\$30.00” and replacing it with “\$50.00”,
- (d) in section 17, by inserting the following new subsection directly after subsection (3):
 - “(4) For the purposes of subsection 1(g), if the permit holder provides evidence to the Director that a replacement tree or tree seedling cannot be accommodated on the same lot without compromising sound arboricultural practices due to the size or other characteristics of the lot, and the Director is satisfied of the same, then:
 - (a) the permit holder must provide to the City \$2000.00 cash-in-lieu for each replacement tree or tree seedling that cannot be accommodated, and such money shall then be used for the planting of trees on other sites; and
 - (b) the amount of security that the applicant is to provide pursuant to subsection (2) will not include security for each replacement tree or tree seedling that is not being accommodated on the same lot in accordance with this subsection (4).”, and

- (e) by inserting the following new section 25 directly after section 24:

“Transition Provision

25. If the City received an application for a permit, licence or other City approval on or before October 24, 2019, the Tree Preservation Bylaw as it was on the day before adoption of the Tree Preservation Bylaw, Amendment Bylaw (No. 1) No. 19-082 applies to that application.”.

Repeal of Transition Provision

- 5** Section 4(e) of this Bylaw is repealed.

Commencement

- 6** This Bylaw comes into force on adoption, except section 5, which comes into force five years after the date of adoption of this Bylaw.

READ A FIRST TIME the day of 2019

READ A SECOND TIME the _____ day of _____ 2019

READ A THIRD TIME the _____ day of _____ 2019

ADOPTED on the _____ day of _____ 2019

CITY CLERK

MAYOR

Attachment B

Tree Preservation Bylaw (amended)



TREE PRESERVATION BYLAW

BYLAW NO. 05-106

This consolidation is a copy of a bylaw
consolidated under the authority of
section 139 of the *Community Charter*.
(Consolidated on June 1, 2015 up to
Bylaw No. 10-074)

This bylaw is printed under and by
authority of the Corporate Administrator
of the Corporation of the City of Victoria.

NO. 05-106

TREE PRESERVATION BYLAW

A BYLAW OF THE CITY OF VICTORIA

(Consolidated to include Bylaw No. 10-074)

The purpose of this Bylaw is to provide for the protection and preservation of trees.

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Schedule A – Significant Trees

Under its statutory power, including sections 8(3)(c), 16, 17, and 258 of the *Community Charter*, the Municipal Council of The Corporation of the City of Victoria enacts the following provisions:

PART 1 – INTRODUCTION

Title

- 1 This Bylaw may be cited as the "TREE PRESERVATION BYLAW".

Definitions

- 2 In this Bylaw,

"alter"

means

- (a) to remove the top portion of a tree or tree seedling,
- (b) to remove from a tree or tree seedling any branch, trunk or piece of tree bark that is 10cm (3.9 inches) or more in diameter,
- (c) to cut, damage or destroy by any means the roots of a tree or tree seedling within the protected root zone;

"building envelope"

means that part of a lot on which the primary building may be sited under the setback regulations of the City's Zoning Regulation Bylaw or Zoning Bylaw 2018, as varied by a development permit, a development variance permit or a heritage alteration permit
means that part of a lot on which a building, including an accessory building, may be sited under the setback regulations of the City's Zoning Regulation Bylaw as varied by a development permit, a development variance permit, a heritage alteration permit or the Board of Variance;

"building envelope line"

means the setback of the primary building established under the City's Zoning Regulation Bylaw or Zoning Bylaw 2018, as varied by a development permit, a development variance permit or a heritage alteration permit
means a building's setback established under the City's Zoning Regulation Bylaw as varied by a development permit, a development variance permit, a heritage alteration permit or the Board of Variance;

"certified arborist"

means a person currently certified by the International Society of Arboriculture;

"cut down"

means to cut, saw or chop down, kill or otherwise remove a tree or tree seedling by any means;

"Director"

means the City's Director of Parks, Recreation & Community Development and includes any person lawfully acting under the Director's authority;

"hazardous" includes:

- (a) unstable or severely leaning and in danger of falling,
- (b) interfering with, or in such proximity to, utility wires as to create a dangerous situation,
- (c) interfering with, blocking or damaging a drainage, water or sewer system or other parts of the improvement;

"lot"

means a parcel of land;

"protected root zone"

- (a) means the area of land surrounding the trunk of the tree that contains the bulk of the critical root system of the tree, as defined on a plan prepared by a certified arborist, that the Director approves,
- (b) where a plan within the meaning of subsection (a) of this definition has not been prepared and approved, means the area of land surrounding the trunk of a tree contained within a circle having a radius which is calculated by multiplying the diameter of the tree by 18;

"protected tree"

means any of the following trees:

- (a) Garry Oak (*Quercus garryana*),
- (b) Arbutus (*Arbutus menziesii*),
- (c) Pacific Yew (*Taxus brevifolia*) over 50cm in height,
- (d) Pacific Dogwood (*Cornus nuttallii*),
- (e) Douglas Fir (*Pseudotsuga menziesii*) over ~~3060~~cm in trunk diameter,
- (f) Western Red Cedar (*Thuja plicata*) over ~~3060~~cm in trunk diameter,
- (g) Big Leaf Maple (*Acer macrophyllum*) over ~~3060~~cm in trunk diameter,
- (h) a significant tree,
- (i) any tree over ~~3080~~cm in trunk diameter,

- (j) a tree on a steep slope,
- (k) a tree that
 - (i) is retained voluntarily by the owner as part of an application for a permit that would affect the tree, and
 - (ii) is protected by a restrictive covenant in favour of the City;

"protected tree seedling"

means any of the following tree seedlings:

- (a) Garry Oak (*Quercus garryana*),
- (b) Pacific Dogwood (*Cornus nuttallii*),
- (c) Arbutus (*Arbutus menziesii*);

"significant tree"

means any tree identified on Schedule "A" of this Bylaw;

"steep slope"

means any part of a parcel of land where the grade of the incline is 2:1 or greater;

"tree"

means any ~~living~~ erect, woody plant that is

- (a) 10cm or more in diameter, or
- (b) 5m or more in height, or
- (c) a replacement tree of any size planted as a condition of a tree permit;

"tree permit"

means a permit as issued under this Bylaw;

"tree seedling"

means any young, independent, living, erect, woody plant that has a height of more than 50cm and less than 5m.

Location & measurements of tree

3 For the purposes of this Bylaw:

- (a) the location of a tree or tree seedling on a lot must be measured at the point at which the trunk of the tree or tree seedling meets the ground;
- (b) a tree or tree seedling is considered to be located on the same side of a building envelope line that the major part of the trunk of that tree or tree seedling is located;
- (c) the diameter of a tree is determined by dividing the circumference of its trunk, measured at 1.4m above the ground, by 3.142;
- (d) the diameter of a tree having multiple trunks 1.4m above the ground is the sum of
 - (i) 100% of the diameter of the largest trunk, and
 - (ii) 60% of the diameter of each additional trunk.

Bylaw does not apply to public works

- 4 (1) This Bylaw does not apply to the installation, repair, or maintenance of public works or services carried out by or under the authority of the City.
- (2) Works or services referred to in subsection (1), other than emergency repairs, must be reviewed and approved by the Director before they are carried out.

PART 2 – REGULATIONS

Cutting protected or replacement trees

- 5 (1) A person must not cut down, alter, or damage, and must not cause or permit the cutting down, altering, or damaging of:
 - (a) a protected tree or protected tree seedling;
 - (b) a replacement tree planted as a condition of a tree permit.
- (2) Subsection (1) does not apply where a tree permit has been issued to cut down or alter a protected tree, other than a significant tree or a tree growing on a steep slope, or protected tree seedling, in any of the following circumstances:
 - (a) the protected tree or protected tree seedling is located within the building envelope of a lot and the removal of the tree is necessary for the purpose of constructing a building, an addition to a building or construction of an accessory building;

- (b) cutting down or altering the protected tree or protected tree seedling is required for the construction or installation of any of the following works:
 - (i) a driveway,
 - (ii) any off-street parking required under the Zoning Regulation Bylaw,
 - (iii) municipal or public utilities service connections;
- (c) cutting down or altering the protected tree or protected tree seedling is required or permitted under any of the following provisions of the City's Bylaws:
 - (i) section ~~85-112(2)~~ of the Streets and Traffic Bylaw,
 - (ii) sections 4, 6, or 7 of the Trees and the Insect Control Bylaw.

(3) For the purposes of subsection (2), it is deemed not to be necessary or required to remove, cut down or alter the protected tree or protected tree seedling if it is possible to construct or install the accessory building, driveway, off-street parking or utilities service connections in a different location on the lot without removing, cutting down or altering the tree.

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Cutting or removal on slope

- 6 A person must not do any of the following without first obtaining a tree permit:
- (a) cut down any trees growing on a steep slope;
 - (b) remove the stumps and roots of any trees on a steep slope.

Cutting near watercourse

- 7
- (1) A person must obtain a tree permit before cutting down or altering a tree growing within 15m of the natural boundary of a watercourse.
 - (2) Subsection (1) does not apply where a tree or the roots of a tree are blocking a watercourse or reducing its drainage capacity.

Tree retained by plan, permit, application

- 8 A person must not cut down a tree shown as "to be retained" on a plan attached to a development permit, building permit, rezoning application or subdivision application.

Significant trees

- 9
- (1) The trees identified on Schedule A are designated as "significant trees" because of their importance to the community, including importance for heritage or landmark value or as wildlife habitat.

- (2) The Director may place a marker or tag on or near each significant tree upon receiving permission to do so from the owner of the property on which the tree grows;
- (3) Despite section 5(1)(a) [*cutting protected tree*], a person may cut down or alter a significant tree only with the permission of City Council.

Construction activity

- 10 A person must not carry out or cause any of the following activities unless a tree permit is first obtained and the activity is carried out strictly in accordance with that permit:
- (a) cutting or damaging the roots of the tree growing inside its protected root zone;
 - (b) placing fill, building materials, asphalt, or a building or structure, or storing or stockpiling of organic material within a protected root zone;
 - (c) operating trucks, backhoes, excavators, or other heavy equipment within a protected root zone;
 - (d) denting, gouging, damaging, or affixing anything to the branches or the trunk of a tree;
 - (e) removing bark from a tree;
 - (f) depositing concrete, washout, or other liquid or chemical substances harmful to the health of a tree, on a protected root zone;
 - (g) removing soil from a protected root zone;
 - (h) blasting operations within a protected root zone;
 - (i) blasting operations outside of a protected root zone that would damage roots or disturb soil inside a protected root zone;
 - (j) undermine a tree's roots growing within its protected root zone.

Pruning & cutting of dying, damaged, unstable trees

- 11 The owner of a protected tree may apply for a tree permit to prune or cut down a tree if it is dead, dying, severely damaged, unstable, or severely leaning and in danger of falling as confirmed by a certified arborist who holds the International Society of Arboriculture's Tree Risk Assessment Qualification (TRAQ).

Beneficial pruning

- 12 The owner of a protected tree may apply for a tree permit to prune a tree if a certified arborist confirms that the proposed pruning will benefit the tree.

Removing hazardous trees

- 13 (1) Owners and occupiers of real property must cause all trees, hedges, and shrubs on that property to be trimmed, removed, or cut down if the Director considers that the trees, hedges, or shrubs are:
- (a) a hazard to the safety of persons;
 - (b) likely to damage public property; or
 - (c) seriously inconveniencing the public.
- (2) The Director may notify the owner or occupier of real property that the City will take, at the owner's or occupier's expense, the action required under subsection (1) if the owner or occupier does not take that action within five days of receiving the notice.
- (3) The City's employees may enter real property and undertake, at the owner's or occupier's expense, the work referred to in subsection (1) if the owner or occupier does not undertake or complete that work.

Emergency removal

- 14 Despite any other provision in this Bylaw, a person may cut down a tree or limb of a tree that is prohibited from removal under this Bylaw if the tree or limb
- (a) has been severely damaged by a natural cause; and
 - (b) is in imminent danger of falling and injuring individuals or property.

PART 3 – TREE PERMITS

Applying for permit

- 15 The request for a tree permit must be made to the Director and must be accompanied by a plan identifying all of the following:
- (a) the location, species and diameter of the trees proposed to be cut down or altered;
 - (b) the location, species and diameter and protected root zones of the trees in respect to which tree-damaging activities are to be carried out;
 - (c) the location of any proposed construction activities, excavation activities, and blasting activities in relation to a tree;
 - (d) the protected root zone of each tree on the parcel of land;
 - (e) the purpose for which the tree is to be cut down or altered.

Marking trees to be cut down or removed

- 16 (1) An applicant for a tree permit must flag or mark with paint each tree proposed to be cut down or removed.
- (2) An applicant for a tree permit must mark all of the following on the ground with paint, stakes, or flagging:
- (a) the protected root zone of each tree shown on the plan accompanying the application for a tree permit;
 - (b) the boundaries of the areas within the protected root zones on which the proposed excavation, blasting or other tree-damaging activity is to be carried out.

Conditions of permit

- 17 (1) The holder of a tree permit must comply with all of the following conditions:
- (a) before excavation, blasting, construction, or other tree-damaging activity is carried out on the land to which the permit applies, the permit holder must install a fence of at least 1.2m high, or take other protective measures approved by the Director, to separate that land from the remainder of the protected root zone of a tree to which the permit applies;
 - (b) the permit holder must continuously maintain the fence or other protective measure until the completion of the work proposed to be carried out on the land to which the permit applies;
 - (c) the permit holder must post and continuously maintain on the fence or other protective measure an all-weather sign stating "Protected Root Zone – No Entry";
 - (d) if tree roots are cut by excavation, the permit holder must immediately wrap the remaining roots in a root curtain of wire mesh lined with burlap surrounded by posts;
 - (e) the permit holder must continuously keep a root curtain of wire mesh moist throughout the holder's construction process;
 - (f) the permit holder may prune and cut a protected tree's branches, limbs, or roots only under the supervision of a certified arborist;
 - (g) if the permit holder cuts down or removes a protected tree or a protected tree seedling, the permit holder must plant and maintain two replacement trees or tree seedlings
 - (i) of the same species and in the same location as that cut down or removed, or of a different species authorized by the Director in accordance with accepted arboricultural practices, and

- (ii) that have at least one of the following sizes:
 - (A) a height of at least 1.5m planted,
 - (B) a diameter of at least 4cm,
 - (iii) which, if replacements for the tree species *Arbutus menziesii*, must be contained in a #5 pot when acquired from a nursery or a landscaper-supplier.
- (2) For the purpose of ensuring the performance of the requirements set out in paragraph (g), the applicant for a tree permit must provide to the City ~~\$359700.00~~ security in the form of cash or a letter of credit for each replacement tree or protected tree seedling that is required
- (3) A cash security provided under subsection (1) must be refunded to the applicant when the replacement planting requirements under paragraph (g) have been carried out.
- (4) For the purposes of subsection 1(g), if the permit holder provides evidence to the Director that a replacement tree or tree seedling cannot be accommodated on the same lot without compromising sound arboricultural practices due to the size or other characteristics of the lot, and the Director is satisfied of the same, then:
- (a) the permit holder must provide to the City \$2000.00 cash-in-lieu for each replacement tree or tree seedling that cannot be accommodated, and such money shall then be used for the planting of trees on other sites; and
 - ~~(3)(b)~~ the amount of security that the applicant is to provide pursuant to subsection (2) will not include security for each replacement tree or tree seedling that is not being accommodated on the same lot in accordance with this subsection (4).

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Director's powers to issue or refuse permit

- 18 The Director may do any of the following if a proposed activity would endanger the health or life of a tree:
- (a) refuse to issue a tree permit;
 - (b) issue a tree permit subject to conditions;
 - (c) issue a tree permit to allow a tree to be removed.

Permit fee

- 19 (1) An application for a tree permit must be accompanied by a fee of:
- (a) ~~\$3050.00~~ for the first three trees or seedlings;
 - (b) \$5.00 for each tree or seedling that is additional to the first three.

- (2) A fee listed under subsection (1) is not refundable.
- (3) There is no charge for a tree permit issued for the purposes of
 - (a) section 11 [*Pruning & removal of dying, damaged, unstable trees*];
 - (b) section 12 [*Beneficial pruning*];
 - (c) section 13 [*Removal of hazardous trees*];
 - (d) section 14 [*Emergency removal*].

Right of appeal

- 20 (1) The owner or occupier of a real property that is subject to a decision of the Director to grant or refuse a tree permit, or to impose conditions on the granting of a tree permit is entitled to apply to Council to have the decision reconsidered.
- (2) An application for reconsideration must be made in writing to the City's Corporate Administrator.
- (3) There is no charge for an application for reconsideration.

PART 4 – GENERAL

Inspections

- 21 (1) The Director or a City employee authorized by the Director may enter at all reasonable times on any property to make an assessment or inspection for any purpose under this Bylaw.
- (2) A person must not prevent or obstruct, or attempt to prevent or obstruct, an entry authorized under subsection (1).

Recovery of costs and fees from real property taxes

- 22 The costs of fees and actions taken by the City under this Bylaw will be collected by the City in the same manner as real property taxes, and will be added as arrears of taxes if unpaid by December 31 in the year in which the costs are incurred.

Offences and Penalties

- 23 (1) A person who contravenes a provision of this Bylaw commits an offence and is subject to the penalties imposed by this Bylaw, the Ticket Bylaw, and the *Offence Act*.
- (2) The minimum penalty for each protected tree that is cut down, altered, or damaged in contravention of this Bylaw is a fine of not less than
 - (a) \$1,500.00 for a first offence; and

- (b) \$3,000.00 for a second or subsequent offence.
- (3) The minimum penalty for each protected tree seedling that is cut down, altered, or damaged in contravention of this Bylaw is a fine of not less than
 - (a) \$250.00 for a first offence; and
 - (b) \$250.00 for a second or subsequent offence.
- (4) The maximum fine that may be imposed for a contravention of this Bylaw is \$10,000.
- (5) Each day that a contravention of a provision of this Bylaw occurs or continues shall constitute a separate offence.

Repeal

- 24 Bylaw No. 99-103, the Tree Protection Bylaw, is repealed.

Transition Provision

25. If the City received an application for a permit, licence or other City approval on or before October 24, 2019, the Tree Preservation Bylaw as it was on the day before adoption of the Tree Preservation Bylaw, Amendment Bylaw (No. 1) No. 19-082 applies to that application.

READ A FIRST TIME the 10th day of November 2005
READ A SECOND TIME the 10th day of November 2005
AMENDED AND
READ A THIRD TIME the 24th day of November 2005
ADOPTED on the 15th day of December 2005

Formatted: Tab stops: Not at 6.03 cm + 7.62 cm +
10.48 cm + 14.6 cm

"ROBERT G. WOODLAND"
CORPORATE ADMINISTRATOR

"ALAN LOWE"
MAYOR

Schedule A
Significant Trees

<i>Civic Address</i>	<i>Location</i>	<i>Type & Size</i>	<i>Tag #</i>