

Tree Protection Bylaw

VILLAGE OF PORT ALICE

Bylaw No.561

Being a bylaw to manage the cutting and removal of trees on the Village of Port Alice Property

WHEREAS Sections 8, 73 and 923 of the "*Community Charter*" authorize Council to regulate matters pertaining to tree management;

NOW THEREFORE the Municipal Council in open meeting assembled, enacts as follows:

1. TITLE:

This Bylaw may be cited for all purposes as the Village of Port Alice "Tree Protection Bylaw, 2010, No.561".

2. APPLICABILITY:

This Bylaw is applicable to all municipal properties within the Village of Port Alice.

3. DEFINITIONS:

In this Bylaw, unless the context otherwise requires, the following means:

"Arborist" means a certified Arborist.

"Breast Height" means a point on the trunk of a tree as measured 1.5 metres above the natural grade of the land from the base of the tree.

"Dead Tree" means a tree which is declared as such by a certified arborist.

"Drip Line" means a vertical line extending down from the outer most branches of a tree to the ground.

"Hazardous tree" is a tree which is considered, by a certified arborist, to be in imminent danger of falling.

"Municipal" means the Village of Port Alice.

"Municipality" means the Village of Port Alice.

"Permit" means Tree Cutting Permit.

"Protected tree" means any tree on Municipal property.

4. PROHIBITIONS:

- 4.1 A person must not cut or remove a tree on Municipal property, or cause, suffer or permit any tree on municipal property to be cut or removed, except in accordance with the terms and conditions of a valid Tree Cutting Permit issued by the Municipality under this bylaw.

5. EXEMPTIONS:

- 5.1 Work authorized by the Municipality for purposes associated with the provisions of Municipal services or other utility services is exempt from this Bylaw.
- 5.2 Trees for which the Municipality has accepted the findings of a certified arborist, indicating that a tree is dead, hazardous or dangerous, is not protected.

6. OFFENCE:

- 6.1 Any person who contravenes the Bylaw or who causes, suffers or permits actions contrary to this Bylaw is guilty of an offence against this Bylaw and is liable to penalties imposed under this Bylaw.

7. PENALTY:

- 7.1 Any person who damages a tree is subject to a fine of **\$500.00**.
- 7.2 Any person who cuts a tree without a permit is subject to a fine of **\$1,000.00**.
- 7.3 Despite the above, any person who commits an offence against this Bylaw is liable to a fine and penalty of not more than **\$10,000.00** for each tree unlawfully cut or damaged as pursued through the Courts.
- 7.4 In addition to any penalty that may otherwise be imposed under the Bylaw, Council may require specific equivalent replacement trees to be planted for the purpose of restoring a damaged site.

8. PERMITS:

- 8.1 Where trimming, cutting or altering work is requested by an owner or agent who wants to work on a protected tree a Permit must be obtained prior to undertaking such work.
- 8.2 A Permit may or may not be issued depending on an evaluation by the Municipality of the individual circumstance.

- 8.3 Except where the Municipality can substantiate that a tree requiring removal is dead, all Permit applications must be accompanied by the report of a certified arborist.
- 8.4 Where tree removal is authorized by a Municipal Permit and where such removal may have an impact on public lands, the requirements set out in Schedule A apply.
- 8.5 Issued tree Permits must be posted on the work site or made available at the request of Municipal staff.
- 8.6 The fee for a Permit is \$50.00 per tree.
- 8.7 The issued Permit shall be valid for 12 months.

9. GENERAL PROVISIONS:

- 9.1 All Schedules referred to herein form part of this Bylaw.
- 9.2 The provisions of this Bylaw are severable and the invalidity of any part of this Bylaw shall not affect the validity of the remainder of this Bylaw.
- 9.3 The Director of Operations and/or the Public Works Foreman is authorized to enter property, at all reasonable times, to ascertain whether the regulations of this Bylaw are being or have been complied with.

READ A FIRST TIME this 10th day of March, 2010.

READ A SECOND TIME this 10th day of March, 2010.

READ A THIRD TIME this 10th day of March, 2010.

RECONSIDERED AND FINALLY PASSED AND ADOPTED
this 24th day of March, 2010.

Mayor

Chief Administrative Officer

Certified a true copy of Bylaw No. 561, 2010 as adopted.

Chief Administrative Officer

SCHEDULE "A"

- A.1 Wherever in this bylaw trees may be cut or removed the following regulations apply:
- (a) all works are to be carried out in strict accordance with the Workers Compensation Board Regulations.
 - (b) all works pertaining to removal and felling shall only be performed under the guidance of an arborist or forester.
 - (c) If, in the opinion of the Director of Operations, the works will encroach on public properties the owner/applicant will be required to:
 - (i) show proof of liability insurance in the amount of \$2,000,000.00 with the Village of Port Alice named as an additional insured;
 - (ii) notify the Municipality a minimum of 48 hours in advance of the intention to carry out the works;
 - (iii) provide a plan showing the intended method of safeguarding the users of the public owned property during the works that is acceptable to the Director of Operations;
 - (iv) provide a refundable bond in the amount of \$500.00, acceptable to the Chief Administrative Officer, to cover damages incurred to the public owned lands;
 - (v) remove any and all debris associated with the works on the same day as the works are carried out to the satisfaction of the Director of Operations.

Schedule "A" attached to and forming part of Bylaw No. 561

Corporate Officer