



CITY OF RICHMOND

# ***TREE PROTECTION***

**BYLAW NO. 8057**

EFFECTIVE DATE –

***TREE PROTECTION***

**BYLAW NO. 8057**

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## Tree Protection Bylaw 8057

The Council of the City of Richmond enacts as follows:

### PART ONE: APPLICATION

- 1.1 This bylaw applies to trees which are:
- a) on land owned or in the possession of the **City**;
  - b) on a privately-owned **parcel** of land in the **City**;
  - c) within a development permit area;
  - d) within a **tree retention area** identified and shown on Schedule “B”; or
  - e) identified for retention and protection as part of a subdivision, development permit or building permit approval process.
- 1.2 This bylaw does not apply to private land used for
- a) the production or cutting of trees under a valid, existing licence for a tree farm, nursery or Christmas trees; or
  - b) a golf course.

### PART TWO: INTERPRETATION

- 2.1 In this bylaw:

**CERTIFIED TREE RISK ASSESSOR**

A Certified Arborist with additional current training and certification in tree risk assessment as determined by Worksafe BC.

**CITY**

means the City of Richmond.

**COUNCIL**

means the municipal **Council** of the City of Richmond.

**CUTTING OR REMOVAL or  
CUT OR REMOVE**

means to kill, remove or substantially destroy a **tree** by any means, including without limitation, knocking down or cutting into the **tree**, the topping of a **tree** and the cutting of any main stem or other leader or trunk.

**DBH (DIAMETER BREAST HEIGHT)**

means the diameter of the trunk of a **tree** measured at a point 1.4 metres above the natural grade, except where the diameter of a **tree** having multiple trunks 1.4 metres above the natural grade shall be the sum of 100% of the diameter of the largest trunk and 60% of the diameter of each additional trunk.

**DRIP LINE**

means a circle on the ground around the trunk of a **tree**, the radius of which is the distance between the outermost twigs of the **tree** and the centre point of the trunk, or its vertical extension.

**HAZARD TREE**

means a **tree** identified in writing by a **certified tree risk assessor** as having defects sufficient to significantly increase the likelihood that all or part of the **tree** will fall resulting in a risk of personal injury or property damage

**HEDGE**

means a row of three or more trees that through growth and **pruning** forms a continuous dense screen of vegetation from ground level that provides privacy, fencing, wind breaking, and/or boundary definition.

**HIGHWAY**

includes a street, road, lane, bridge, viaduct and any other way open to public use, other than a private right-of-way on private property.

**MANAGER**

means the Manager of Building Approvals and any person designated by the Manager to act in his or her place.

**PARCEL**

means any lot, block or other area in which land is held or into which land is subdivided but does not include a **highway**.

**PERMIT**

means a permit issued by the Manager under authority of this bylaw to **cut or remove a tree or trees**.

**PRUNING**

means the selective removal of branches to improve timber quality, or to remove dead or diseased wood, or to correct undesirable growth patterns.

**PUBLIC UTILITY**

means the **City**, B.C. Hydro Authority, Telus, Terasen Gas Inc. and any other utility company or its contractors providing a public service or utility.

**REPLACEMENT TREE**

means a woody perennial plant with one or more substantially erect main trunks or stems, including its root system, that is required to be planted and maintained in accordance with Sections 4.3 and 7.3, and Schedule "A".

**ROOT ZONE**

means the area of land surrounding the trunk of a **tree** contained within a circle of radius equal to the **dbh** of the **tree** multiplied by 18;

**TREE**

means

- a) a woody perennial plant with one or more substantially erect main trunks or stems, including its root system, which has reached or could reach a height of at least 4.5 metres and has a **dbh** of at least 20 centimetres;
- b) a woody perennial plant with one or more substantially erect main trunks or stems, including its root system, regardless of height or **dbh**, where located on land that has been identified as an environmentally sensitive area in Schedule "D"; or
- c) a woody perennial plant with one or more substantially erect main trunks or stems, including its root system, regardless of height or **dbh**, where located on land that is in the ownership or possession of the **City**.

<b>TREE PROTECTION BARRIER</b>	means a sturdy protection barrier or temporary fence at least 1.2 metres in height, installed around the <b>drip line</b> of a <b>tree</b> that is to be retained.
<b>TREE RETENTION AREA</b>	means those areas of the <b>City</b> shown and identified on Schedule "B";
<b>WATERCOURSE</b>	means a channel through which water flows at any time of the year and includes a brook, river, stream, creek, lake, pond and any other body of water running through or situated partially or fully within the <b>City</b> .

## **PART THREE: RESTRICTIONS AND EXEMPTIONS**

### **3.1 Restrictions**

- 3.1.1 A person must not **cut or remove** any **tree**, or cause, suffer or permit any **tree** to be **cut or removed**, except in accordance with the terms and conditions of a valid **permit** issued under this bylaw. Without limiting the generality of the foregoing, this section includes **replacement trees**.
- 3.1.2 A person must comply with the terms and conditions of a **permit** issued under this bylaw.
- 3.1.3 Except to the extent permitted by a **permit**, or as provided for in section 3.2 a person must not damage a **tree** by carrying out any of the following activities:
- cutting or damaging the roots of a **tree** growing within the **drip line**;
  - operating trucks, backhoes, excavators or other heavy equipment over the roots of a **tree** growing inside the **drip line**;
  - placing fill, building materials, asphalt or a building or structure on land inside the **drip line** of a **tree**;
  - denting, gouging or damaging the trunk of a **tree**;
  - removing bark from a **tree**;
  - depositing concrete washout or other liquid or chemical substances harmful to the health of a **tree** on land inside the **drip line** of a **tree**;
  - removing soil from inside the **drip line** of a **tree**;
  - blasting inside the **drip line** of a **tree**;
  - cutting back the top portion of a **tree's** branches so as to significantly alter its normal canopy, except if the tree forms part of a **hedge**;
  - undermining the roots of a **tree** growing inside the **drip line**; or

- k) altering the ground water or surface water level within the **drip line** of a **tree**.

### 3.2 Exemptions

- 3.2.1 A **permit** is not required to **cut or remove a tree** where:
  - a) a development permit and/or rezoning has been approved which addresses the removal of the tree;
  - b) the tree cutting or removal is necessary for the purposes of farm operations as defined in the Farm Practices Protection (Right to Farm) Act, as amended from time to time;
  - c) the tree **cutting or removal** is for the installation of roads or services shown on an engineering drawing approved by the **City** in respect of a building permit or subdivision approval;
  - d) a **tree** must be **cut or removed** on an emergency basis because it has been severely damaged by natural causes and poses an imminent danger of falling and injuring persons or property;
  - e) the **tree cutting or removal** is carried out by the **City** or its agents on public property;
  - f) the **tree cutting or removal** is carried out using standard arboricultural practices for the maintenance of above ground utility conductors by a **public utility** or its contractors;
  - g) the **cutting or removal** is of a **tree** less than 20 centimetres **dbh** by a British Columbia Land Surveyor when cutting survey lines of a width of less than two (2) metres;
  - h) the **cutting or removal** constitutes normal **pruning** of **trees**, including **pruning** by a **public utility** in accordance with sound horticultural practice or as required for the safe operation of overhead transmission lines.
- 3.2.2 A **permit** is required but the **permit fee** is not required to **cut or remove** one(1) tree per parcel during a 12 month period.
- 3.2.3 A permit is not required for the **pruning** of a **hedge**.

## PART FOUR: PERMIT APPLICATION PROCESS

### 4.1 General Conditions of Permit

- 4.1.1 A **permit** for the **cutting or removal** of any **tree** to which this bylaw applies shall be in the form issued by the **Manager**.
- 4.1.2 A **permit** issued under this bylaw is non-transferable.

- 4.1.3 The **permit** shall be displayed in an accessible and conspicuous location on the **parcel** to which it pertains no less than 72 hours prior to and during **tree cutting or removal** operations.

#### 4.2 Application Requirements

- 4.2.1 Every application for a **permit** shall be made in writing to the Manager and shall include:
- a) a non-refundable application fee in the amount of \$50.00 unless the application is for permission to remove a **hazard tree** or one tree under section 3.2.2, in which case there shall be no fee;
  - b) the following documents, plans and information relating to the proposed **tree cutting or removal**:
    - (i) a statement of purpose and rationale for the proposed **tree cutting or removal**;
    - (ii) a tree cutting and replacement plan drawn to approximate scale identifying:
      - A. the boundaries of the subject **parcel**;
      - B. any abutting streets, lanes or public access rights of way;
      - C. the location of existing buildings and structures;
      - D. the location, species and **dbh** of those **trees** proposed to be **cut or removed**;
      - E. the location, species and **dbh** of those **trees** proposed to be retained and protected;
      - F. the location, species and **dbh** of proposed **replacement trees**;
      - G. the location of significant topographic and hydrographic features and other pertinent site information;
    - (iii) the street location and legal description;
    - (iv) the consent in writing of the registered owner of the property, if different from the applicant, authorizing the applicant to act as the owner's agent
    - (v) the consent in writing of the registered owners of the parcels where the base of the tree to be cut or removed is located.
    - (vi) the methods proposed for control of drainage and erosion impacts during and after the **tree cutting or removal**;
    - (vii) the proposed methods for disposal of woodwaste and other debris;
    - (viii) the proposed methods of noise and dust control during the **tree cutting or removal** operation;
    - (ix) the proposed completion dates for **tree cutting or removal**;



- (x) if required by the Manager:
  - A. a report prepared by a professional engineer, professional biologist or certified arborist with experience in, as the circumstances require, geotechnical engineering, hydrology or **tree management**, certifying that the proposed **tree cutting or removal** will not create an adverse impact including flooding, erosion, land slip or contamination of a **watercourse**;
  - B. where the site of the **tree cutting or removal** is on a **parcel** adjacent to or containing any part of a **watercourse**, a survey plan prepared by a BC Land Surveyor or professional engineer showing the top-of-bank of such **watercourse**;
  - C. where the **tree cutting or removal** is for a **hazard tree**, a report prepared by a certified tree risk assessor certifying that the **tree** is dead, diseased, damaged or otherwise constitutes a physical hazard to persons or property;

and

- (v) such further and other information as the Manager determines is necessary to adequately describe the nature and extent of the **tree cutting or removal** operation.

#### 4.3 Replacement Trees

- 4.3.1 For parcels containing a one-family dwelling as a condition of issuing a **permit** under this bylaw it is required that one **replacement tree** be planted and maintained for each tree cut or removed on the applicant's parcel in accordance with the requirements of Schedule "A".

For tree replacements on all other parcels, the Manager, as a condition of issuing a permit under this bylaw, shall require one or more replacement trees be planted and maintained on the applicant's parcel in accordance with the requirements of Schedule "A."

In the event that the replacement tree cannot, in the opinion of the Manager, be accommodated on the parcel, the Manager may require the applicant to plant the replacement tree on City owned property in a location designated by the Manager.

- 4.3.2 **Replacement trees** shall be planted and maintained in accordance with sound horticultural and arboricultural practices to the satisfaction of the Manager.
- 4.3.3 **Replacement trees** are not required for **tree cutting or removal** permitted under section 3.2.2. or for the **cutting or removal** of a **hazard tree**.

#### 4.4 **Permit Issuance or Refusal**

4.4.1 The Manager may issue a **permit** if:

- a) an application for a **permit** complies with the requirements of this bylaw; and
- b) the proposed **tree cutting or removal** complies with this bylaw and all other applicable **City** bylaws.

4.4.2 The Manager may refuse to issue a **permit** if the proposed **tree cutting or removal** is within a **tree retention area**.

#### 4.5 **Expiry**

4.5.1 Every **permit** shall expire 12 months from the date of issue or upon such earlier date as may be specified in the **permit**.

#### 4.6 **Renewal, Extension or Modification**

4.6.1 If the **tree cutting or removal** operations authorized by a **permit** are not completed before the **permit** expires, or it becomes necessary to alter or deviate from the particulars of the **permit** application or the tree cutting and replacement plan submitted for a **permit**, the Manager may renew, extend or modify the **permit** upon written request of the permit holder, subject to the following:

- a) a permit holder has no vested right to receive an extension, renewal or modification and the Manager may require that a new **permit** be obtained;
- b) the permit holder shall pay a non-refundable fee of \$50.00;
- c) the Manager may not renew or extend a **permit** for a period of more than two years from the date of issuance of the original **permit**;
- d) the Manager may require that the permit holder provide additional information authorized by this bylaw as a pre-condition to considering an application for a **permit** renewal, extension or modification; and
- e) all terms and conditions set out in the original **permit** shall apply to each renewal, extension or modification of the **permit** except as amended or modified by the renewal, extension or modification.

### **PART FIVE: REGULATIONS**

#### 5.1 **Tree Cutting or Removal**

5.1.1 Every **cutting or removal** of a **tree** shall comply with, and every **permit** issued under this bylaw is subject to, the observance or fulfilment of the following requirements, restrictions and regulations, to the satisfaction and approval of the Manager:

- a) **tree** parts and woodwaste shall be properly disposed of by chipping or removal from site in accordance with all applicable **City** bylaws and Provincial regulations;
  - b) each **tree** to be **cut or removed** shall be clearly identified with a flag, paint, survey tape or other such method;
  - c) a **tree protection barrier** shall be placed around any **tree** or **trees** which are not to be **cut or removed**, in such a manner to ensure that the trunk, branches and root structure are not damaged by the **cutting or removal** operations. The **tree protection barrier** must be constructed prior to the issuance of the **permit** and must remain intact for any construction or demolition site throughout the entire period of construction or demolition;
  - d) precautions shall be taken to ensure that **trees** which are not to be **cut or removed** are not be subject to any of the damaging activities prohibited by subsection 3.1.3;
  - e) no **tree cutting or removal** activities may be carried out between the hours of 6:00 p.m. and 8:00 a.m. the following day;
  - f) all damage to drainage facilities, **watercourses**, **highways** or other public or private property arising from the removal of a tree shall be promptly and properly repaired to the satisfaction of the **Manager** at the expense of the permit holder;
  - g) all **watercourses**, groundwater aquifers, waterworks, ditches, drains, sewers or other established drainage facilities shall be kept free of all woodwaste arising from or caused by the **tree cutting or removal** operations;
  - h) all hazards or potential hazards arising from the **tree cutting or removal** operation shall be adequately fenced or otherwise protected for the safety of the public;
  - i) **tree cutting or removal** operations must not encroach upon, undermine, damage or endanger any adjacent property or any setback area prescribed in the **permit** or a bylaw; and
  - j) **tree cutting or removal** operations shall be limited only to the area specified in the **permit** which shall be clearly marked at the site and such markings maintained for the duration of the **permit**.
- 5.1.2 The **Manager** may issue a **permit** subject to the observance or fulfilment of any additional conditions specified in the **permit** which in the opinion of the **Manager** are necessary to achieve the purposes of this bylaw.

## PART SIX: ADMINISTRATION

### 6.1 Inspection

- 6.1.1 The **Manager** is hereby authorized at all reasonable times to enter upon and inspect any lands to determine whether the requirements, restrictions, regulations, terms, conditions and directions of this bylaw or a **permit** issued under this bylaw are being observed.
- 6.1.2 The **Manager** may, at all reasonable times, assess or inspect, or cause an assessment or inspection to be made of any **trees** to which this bylaw applies, including an assessment of the location, size, species and condition of such **trees**, in the following circumstances:
- a) where land is subject to an application for subdivision, approval of a servicing plan prior to subdivision, a development permit, a development variance permit, a temporary commercial or industrial use permit or a building permit;
  - b) when **replacement trees** have been planted as required by this bylaw; or
  - c) when an application for a **permit** to carry out **tree cutting or removal** operations has been made under this bylaw.
- 6.1.3 No person shall prevent or obstruct or attempt to prevent or obstruct the **Manager** or designate from entering upon lands as authorized by subsections 6.1.1 and 6.1.2.

### 6.2 Notice of Non-compliance

- 6.2.1 The **Manager** may give notice, in the form established in Schedule "C", to any person of a breach of, or non-compliance with, any of the provisions of this bylaw or a **permit** issued under this bylaw, and such person shall immediately cease all **tree cutting or removal** activities until such breach or non-compliance is remedied to the satisfaction of the **Manager**, and every owner of land shall refuse to suffer or permit further **tree cutting or removal** operations upon the owner's land until such time as the breach or non-compliance is remedied to the satisfaction of the **Manager**.

### 6.3 Failure to Remedy Non-compliance

- 6.3.1 In the event that a person having received notice under Section 6.2 fails within the time specified therein to remedy such breach, the **City** or its appointed agents may enter upon the lands or any part thereof and carry out the works required to remedy the breach, and the expense of doing so shall be paid by the person in breach and, if not paid within 90 days, the expense, with interest at the prescribed rate and costs, shall be recovered from the owner of the lands in the same manner as municipal taxes.

### 6.4 Suspension or Cancellation of Permit

- 6.4.1 Without limiting the application of Part Seven (Offences and Penalties), if:

- a) there is a contravention of any term, condition, requirement or restriction of this bylaw or a **permit** issued under this bylaw; or
- b) a **permit** was issued under this bylaw on the basis of statements made in the **permit** application or a report, declaration or record required under this bylaw, that were false or misleading with respect to a material fact or that omitted to state a material fact, the omission of which made the statement false or misleading;

the **Manager** may:

- (i) suspend in whole or in part the rights of the permit holder under the **permit**;
- (ii) cancel the **permit**; or
- (iii) amend or attach new conditions to a **permit** with the consent of the permit holder.

## 6.5 Right of Reconsideration

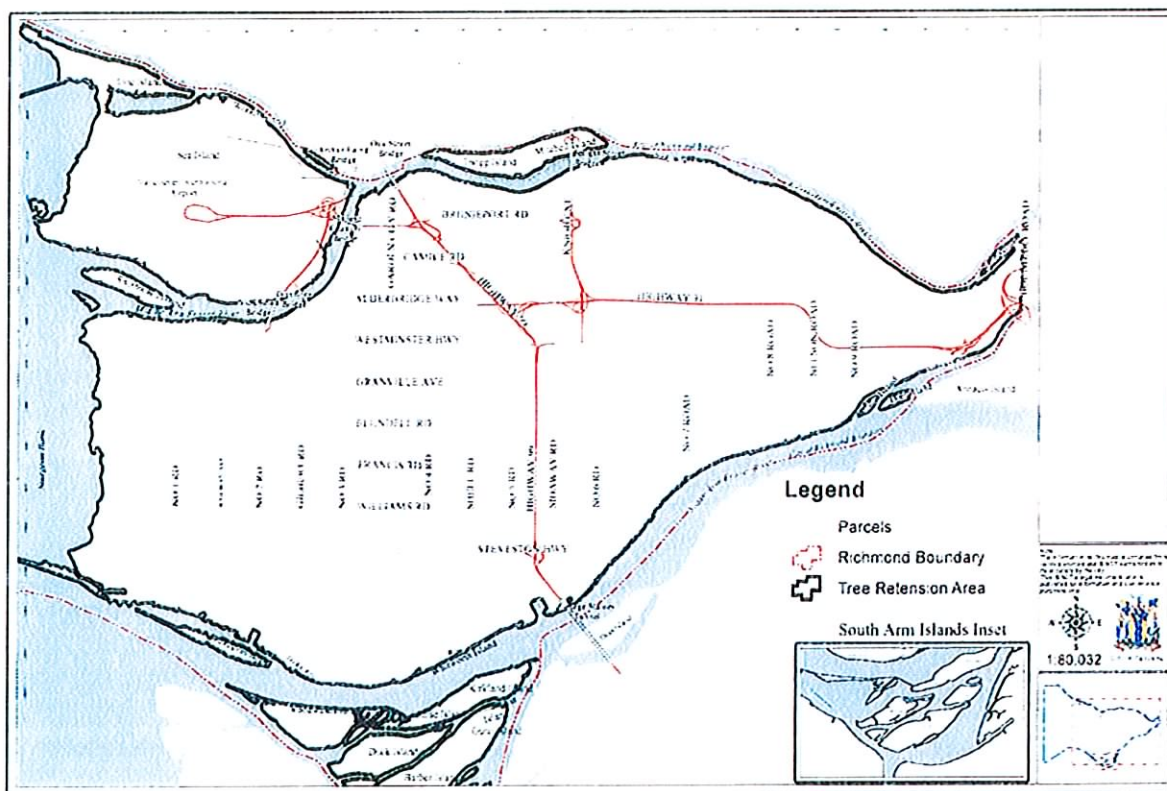
- 6.5.1 Where an applicant or owner of property is subject to a requirement or a decision made by the **Manager** under this bylaw and is dissatisfied with the requirement or decision, the applicant or owner may apply to the **City Council** for reconsideration of the matter within 30 days of the requirement or decision being communicated to them.
- 6.5.2 An application for reconsideration must be delivered in writing to the **City Clerk** and must set out the grounds upon which the applicant considers the requirement or decision of the **Manager** is inappropriate and what, if any, requirement or decision the applicant or owner considers the **Council** ought to substitute.
- 6.5.3 At the meeting of **Council**, **Council** may hear from the applicant and any other person interested in the matter under reconsideration who wishes to be heard and may either confirm the requirement or decision of the **Manager** or substitute its own requirement or decision.

## PART SEVEN: OFFENCES AND PENALTIES

- 7.1 Any person who contravenes or violates any provision of this bylaw or of any **permit** issued under this bylaw or who suffers or allows any act or thing to be done in contravention or violation of this bylaw or any **permit** issued under this bylaw, or who fails or neglects to do anything required to be done under this bylaw or any **permit** issued under this bylaw, commits an offence and upon conviction shall be liable to a fine of not more than \$10,000.00 and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

### SCHEDULE B to BYLAW NO. 8057

Those areas outlined in bold on the plan shown below are designated as tree retention areas under this bylaw.



- 7.2 Where more than one **tree** is cut, **removed** or damaged, other than as authorized by this bylaw or more than one **tree** is not replaced or maintained in accordance with a **permit** issued under this bylaw, a separate offence is committed in respect of each such **tree**.
- 7.3 In addition to any other penalty which may be imposed under this bylaw, where a person cuts, removes or damages, or causes, suffers or permits any **tree** to be cut, **removed** or damaged in contravention of this bylaw or in violation of any term or condition of a **permit** issued under this bylaw, that person, within 30 days of receiving notice of such requirement from the **Manager**, shall:
  - a) submit for the **Manager's** approval a tree cutting and replacement plan in accordance with the requirements of Schedule "A", specifying the location and species of all **replacement trees**; and
  - b) plant and maintain on the same **parcel** in accordance with the approved tree cutting and replacement plan a minimum of two (2) **replacement trees** for each **tree** unlawfully cut, **removed** or damaged and in the event the Manager determines it is not feasible or practical to replace the trees on the same parcel, the replacement trees shall be planted in on City lands in a location designated by the Manager.

**PART EIGHT: PREVIOUS BYLAW REPEAL**

- 8.1 Bylaw No. 8014, adopted by Council on December 19, 2005, is hereby repealed.

**PART NINE: SEVERABILITY AND CITATION**

- 9.1 If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.
- 9.2 This Bylaw is cited as "Tree Protection Bylaw No. 8057".

FIRST READING

APR 10 2006

SECOND READING

APR 10 2006

THIRD READING

APR 10 2006

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

## SCHEDULE A to BYLAW NO. 8057

### Replacement Trees

Where replacement trees are required to be provided pursuant to this bylaw, such replacement trees shall be provided and planted as follows:

- (a) every deciduous replacement tree shall be of the minimum **caliper** specified for replacement trees in Column 3 of Table 1 of this Schedule;
- (b) every coniferous replacement tree shall be a tree of the minimum height specified for replacement trees in Column 2 of Table 1 of this Schedule; and
- (c) every replacement tree shall be spaced from existing trees and other replacement trees in accordance with an approved forest management plan or landscape plan and in all cases shall be planted in accordance with the current BCSLA (the British Columbia Society of Landscape Architects)/BCLNA (the British Columbia Landscape & Nursery Association) Landscape Standards; and
- (d) All replacement trees shall meet current BCSLA/BCLNA standards or such other standard as specified by the Manager.

**Table 1**

D.B.H. of Tree Cut or Removed	Minimum Height of Coniferous Replacement Tree	Minimum D.B.H. of Deciduous Replacement Tree
COLUMN 1	COLUMN 2	COLUMN 3
8" – 12" (20-30cm)	11.5 ft (3.5 m)	2.5" (6cm)
12" – 16" (30-40cm)	14 ft (4 m)	3" (8cm)
16" – 20" (40-50cm)	16 ft (5 m)	3.5" (9cm)
20" – 24" (50-60 cm)	18 ft (5.5 m)	4" (10cm)
24"+ (60cm+)	20 ft (6 m)	4.5" (11cm)



**SCHEDULE C to BYLAW NO. 8057**

**NOTICE OF NON-COMPLIANCE  
and  
STOP WORK ORDER**

**YOU ARE HEREBY NOTIFIED** that the City of Richmond considers activity on this property to be in breach of its *Tree Protection Bylaw Number 8014*,

**AND ALL PERSONS SHALL IMMEDIATELY CEASE** the following activity on this property:

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EVERY PERSON WHO FAILS TO COMPLY WITH THIS ORDER MAY, UPON CONVICTION FOR AN OFFENCE AGAINST THE SAID BYLAW, BE LIABLE TO A PENALTY AS STIPULATED IN THE BYLAW.

Persons affected by this Order may seek further information at the Building Approvals Department, Richmond City Hall, 6911 No. 3 Road, Richmond, British Columbia V6Y 2C1.

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ADDRESS of PROPERTY

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DATE MANAGER

NO PERSON MAY REMOVE REVERSE, ALTER, DEFACE, COVER, REMOVE OR IN ANY WAY TAMPER WITH THIS NOTICE WITHOUT AUTHORIZATION BY THE CITY OF RICHMOND.