



To: General Purposes Committee
From: John Irving, P. Eng.
Manager, Building Approvals

Date: December 8, 2005

File:

Re: Interim Tree Protection Bylaw

Staff Recommendation

1. That Council give 1st, 2nd and 3rd readings of the Tree Protection Bylaw No. 8014.
2. That Council allocate Council provision funds of up to \$96,000 for implementation and administration for six months of the Tree Protection Bylaw No. 8014.

John Irving, P. Eng.
Manager, Building Approvals

Jl
Att.

FOR ORIGINATING DIVISION USE ONLY			
ROUTED TO:	CONCURRENCE		CONCURRENCE OF GENERAL MANAGER
Engineering	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>	
Development Applications	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>	
Community Bylaws	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>	
Law	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>	
Budgets	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>	
Parks Design, Construction & Programs..	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>	
REVIEWED BY TAG	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	REVIEWED BY CAO
			YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

Staff Report

Origin

On November 14, 2005, Council passed the following referral motion:

“That Option 3 (as stated in the report dated August 24th, 2005, from the Manager, Building Approvals, and the Acting Director of Development, entitled “Significant Trees on Private Property Management Program and Bylaw”, be adopted; on the condition that the following four principles would be incorporated into the proposed bylaw:

- a) The provision of replacement planting for the removal of significant trees;*
- b) Minimizing the unnecessary removal of significant trees;*
- c) Reducing the cutting or wilful damaging of significant trees; and*
- d) Making it illegal to cut a tree prior to development application.*

That staff prepare an additional level request for Council consideration for up to \$250,000 to support this program.

That \$40,000 in funding from the Council Contingency account be provided to develop the proposed tree bylaw...”

On November 29, 2005, the Parks, Recreation and Cultural Services Committee passed the following referral motion:

“That staff bring forward an interim bylaw in 2005 that would address the immediate issue of the cutting down of trees on private property and that a more detailed bylaw be prepared for Council consideration at a later date.”

This report responds to the second referral in the context of the first referral.

Findings Of Fact

The proposed Tree Protection Bylaw is designed to give general protection to larger trees on private property in the City as an interim measure, in anticipation of a comprehensive bylaw being ready in the spring. Key elements of the proposed bylaw are as follows:

1. Cutting of trees larger than 10cm in diameter at a height of 1.4 meters above the natural grade is prohibited without a permit.
2. Cutting of any trees in an Environmentally Sensitive Area is prohibited.
3. Damaging of such trees is prohibited without a permit.
4. Exemptions include:
 - a) Properties that have an approved development permit or subdivision plan.
 - b) Trees that must be removed on an emergency basis.
 - c) Cutting that maintains public utility corridors.

5. Replacement trees may be required if tree removal is permitted.
6. Any person who cuts, damages or removes any tree is liable to a fine of up to \$10,000 for each individual tree and/or individual day of offence.

Analysis

The proposed bylaw addresses the four principles identified by Council at the November 14th Council Meeting (as stated under “Origin”). The bylaw does not use the term “significant” nor does it differentiate between tree types and species. The research and consultation effort required to make species assessments is beyond the scope of available time at this stage, however this work will be completed for the future comprehensive tree bylaw.

Staff is continuing to prepare a comprehensive bylaw as per the November 14th Council resolution. Preliminary scheduling identifies public consultation and Council workshop sessions in February and March of 2006, which would allow the comprehensive bylaw to be brought forward to Council in March or April. Implementation of the proposed Tree Protection Bylaw will have the added benefit of providing experience and feedback that will aid staff in preparing the comprehensive bylaw.

Staff has prepared a comprehensive communications plan that will be implemented upon Council approval of the bylaw. The plan includes advertisements in the local media, web postings, and direct contacts to impacted developers, professionals, contractors, and industry organizations.

Financial Impact

The following costs are directly incurred with the implementation and administration of the interim Tree Protection Bylaw, assuming an operational period of six months before the comprehensive bylaw is established:

Item	Cost	Funding Source
Consulting – Legal Counsel	\$13,000	Council Provision Account
Arborist for 6 months	\$47,000*	Council Provision Account
Vehicle – Purchase and six months operation	\$25,500*	Council Provision Account
Workspace and Equipment	\$7,000*	Council Provision Account
Communications	\$3,500	Council Provision Account
TOTAL	\$96,000	

Council has previously approved up to \$40,000 funding for the development of the comprehensive Tree Protection Bylaw and an additional levels application of \$250,000 for implementation of the comprehensive bylaw in 2006. Those amounts noted with an asterisk in the table above reflect items

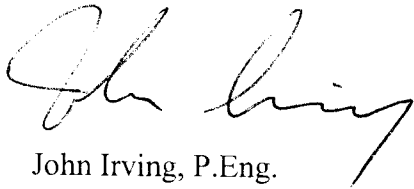
December 8, 2005

that overlap with items required for the comprehensive bylaw implementation. Therefore, approval of the funding requested in this report could potentially lower implementation costs for the comprehensive bylaw by up to \$60,000, depending on the implementation date of the comprehensive bylaw and the approval of the additional levels request.

The proposed Tree Protection Bylaw includes minimal fees for permits. These fees would partially offset the total costs to an extent that cannot be estimated at this time.

Conclusion

The proposed Tree Protection Bylaw addresses the immediate need to regulate tree cutting in the City in advance of the comprehensive Tree Bylaw. The proposed bylaw also reflects the four principles identified by Council at the November 14th Council meeting.



John Irving, P.Eng.
Manager, Building Approvals
(4140)

Jl:



CITY OF RICHMOND

TREE PROTECTION

BYLAW NO. 8014

EFFECTIVE DATE –

TREE PROTECTION

BYLAW NO. 8014

TABLE OF CONTENTS

PART ONE - APPLICATION.....1

PART TWO - INTERPRETATION.....1

PART THREE - RESTRICTIONS AND EXEMPTIONS

 3.1 Restrictions4

 3.2 Exemptions5

PART FOUR - PERMIT APPLICATION PROCESS

 4.1 General Conditions of Permit5

 4.2 Application Requirements6

 4.3 Replacement Trees.....7

 4.4 Permit Issuance or Refusal.....8

 4.5 Expiry.....8

 4.6 Renewal, Extension or Modification9

PART FIVE – REGULATIONS

 5.1 Tree Cutting or Removal9

PART SIX – ADMINISTRATION

 6.1 Inspection.....11

 6.2 Notice of Non-Compliance11

 6.3 Failure to Remedy Non-Compliance11

 6.4 Suspension or Cancellation of Permit.....12

 6.5 Right of Reconsideration12

PART SEVEN- OFFENCES AND PENALTIES13

PART EIGHT – SEVERABILITY AND CITATION13

SCHEDULE A – Tree Cutting Removal Permit.....15

SCHEDULE B – Application for Tree Cutting Permit16

SCHEDULE C – Replacement Trees18

SCHEDULE D – Protected Trees.....19

SCHEDULE E – Tree Retention Areas20

SCHEDULE F – Notice of Non-Compliance & Stop Work Order21

SCHEDULE G – Environmentally Sensitive Areas22



Tree Protection Bylaw

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) designated as protected trees and identified on Schedule “D”;
 - e) within a tree retention area identified and shown on Schedule “E”; or
 - f) 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:

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 or pollarding 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 arborist 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

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.

PROTECTED TREE

means those trees listed in Schedule "D".

PRUNING

means to remove living branches of a tree a purpose consistent with promoting its health and growth

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 4.2 and 7.3, and Schedule "C".

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 10 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 "G"; 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.

TREE PROTECTION BARRIER

means a sturdy protection barrier or temporary fence at least 1.2 metres in height, installed around the root zone of a tree that is to be retained.

TREE RETENTION AREA

means those areas of the City shown and identified on Schedule “E”;

WATERCOURSE

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 City.

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:
- a) cutting or damaging the roots of a tree growing within the drip line;
 - b) operating trucks, backhoes, excavators or other heavy equipment over the roots of a tree growing inside the drip line;
 - c) placing fill, building materials, asphalt or a building or structure on land inside the drip line of a tree;
 - d) denting, gouging or damaging 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 land inside the drip line of a tree;
 - g) removing soil from inside the drip line of a tree;
 - h) blasting inside the drip line of a tree;
 - i) cutting back the top portion of a tree’s branches so as to alter its normal canopy;
 - j) 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 has been issued that identifies areas for tree removal or protection;
- b) a subdivision plan has been approved that identifies areas for tree removal or protection;
- 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) a tree is growing within a building envelope;
- h) the cutting or removal is of a tree less than 25 centimetres dbh by a British Columbia Land Surveyor when cutting survey lines of a width of less than two (2) metres;
- i) 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.

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 of Schedule "A".
- 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 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 in the form of Schedule “B” of this bylaw 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;
 - b) a deposit of security in accordance with the requirements of Section 4.3;
 - c) 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, legal description and a copy of the title search of the property;
 - (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 methods proposed for control of drainage and erosion impacts during and after the tree cutting or removal;

- (vi) the proposed methods for disposal of woodwaste and other debris;
 - (vii) the proposed methods of noise and dust control during the tree cutting or removal operation;
 - (viii) the proposed completion dates for tree cutting or removal;
 - (ix) 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 arborist certifying that the tree is dead, diseased, damaged or otherwise constitutes a physical hazard to persons or property;
- and
- (x) 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 The Manager may, as a condition of issuing a permit under this bylaw for the cutting or removal of trees, require that one or more replacement trees be planted and maintained in accordance with the requirements of Schedule "C".
- 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 Where the planting and maintenance of a replacement tree is required by this bylaw or a permit issued under this bylaw, security shall be deposited with the City in the form of cash or a clean, unconditional and irrevocable standby letter of credit drawn on a Canadian financial institution in an amount equal to \$500.00 for each replacement tree to be planted and maintained.

- 4.3.4 In the event that the letter of credit referred to in subsection 4.3.3 is not renewed or replaced at least 21 days prior to its expiry, the City may draw on the letter of credit without notice or restriction and hold the monies in lieu of it.
- 4.3.5 Without limiting Parts VI and VII, if a replacement tree in respect of which security has been deposited is not planted or maintained as required by this bylaw or a permit under this bylaw, the City may, without notice, plant or maintain such tree and apply the security to the cost of doing so.
- 4.3.6 Cash security held by the City may, upon application by the person depositing such security, be returned to that person and an amount secured by a letter of credit reduced, as follows:
- a) by 25% of the original amount after the planting of all required replacement trees to the satisfaction of the Manager;
 - b) by 25% of the original amount after one year from the date of the planting of all required replacement trees, where the Manager is satisfied that each replacement tree remains in a healthy condition.;
 - c) the balance of the security after three (3) years from the date of its deposit where the Manager is satisfied that each replacement tree remains in a healthy condition.

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 Section 3.1;
 - 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 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 "F", 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 VII (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.
- 7.2 Where more than one tree is cut, removed or damaged, 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 "C", 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.

PART EIGHT: SEVERABILITY AND CITATION

- 8.1 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.
- 8.2 This Bylaw is cited as "Tree Protection Bylaw No. 8014".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

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

MAYOR

CORPORATE OFFICER

SCHEDULE A to BYLAW NO. 8014

Tree Cutting or Removal Permit

PERMIT NO. _____

A1. This Permit is issued by the City of Richmond to:

(name of owner – individual or company – the Permittee)

for tree cutting _____

(legal description)

(civic address)

pursuant to the provisions of the City of Richmond Tree Protection Bylaw No. 8014, 2005.

A2. This Permit authorizes the Permittee to cut and remove only the trees listed and described in the Tree Cutting and Replacement Plan attached to this Permit, subject to the terms and conditions below.

A3. This Permit is issued subject to the following terms and conditions:

- (a) any tree authorized to be cut or removed by this Permit shall only be cut or removed in strict compliance with the provisions of the City of Richmond Tree Protection Bylaw No. 8014, 2005; and
- (b) all Replacement Trees shall be planted and maintained in accordance with the provisions of the City of Richmond Tree Protection Bylaw No. 8014, 2005.

WARNING

THIS PERMIT EXPIRES ON _____
(date)

Date

Manager

SCHEDULE B to BYLAW NO. 8014

Date: _____

Application for Tree Cutting Permit

Registered Owner

or

Authorized Agent of Owner

Name _____

Name _____

Address _____

Address _____

Postal Code

Postal Code

Telephone No. _____

Telephone No. _____

I/We hereby make application for a TREE CUTTING OR REMOVAL PERMIT to permit the proposed tree cutting and removal as described below on the following parcel:

Legal Description of Parcel _____

Civic Address _____

Lot Size and Dimensions (metric) _____

Present Zoning _____

Existing Use _____

Number, size (appropriate height and diameter), and type of tree(s) to be cut _____

Method of access to the site during cutting _____

Barrier methods proposed to protect trees which will remain standing _____

Schedule B (continued)

I enclose with this application all information, documents and plans required by City of Richmond Tree Protection Bylaw No. 8014, 2005:

Signature of Registered Owner

Signature of Authorized Agent, if applicable

Date

Date

SCHEDULE C to BYLAW NO. 8014

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 replacement tree in respect of a deciduous tree cut or removed shall be a deciduous tree of the minimum dbh specified for replacement trees in Column 4 of Table 1 of this Schedule in respect of deciduous trees of the dbh specified in Column 2 cut or removed;
- (b) every replacement tree in respect of a coniferous tree cut or removed shall be a coniferous tree of the minimum height specified for replacement trees in Column 3 of Table 1 of this Schedule in respect of coniferous trees of the dbh specified in Column 2 cut or removed; and
- (c) every replacement tree shall be spaced from existing trees and other replacement trees in accordance with sound horticultural practices so as to best ensure the survival of the replacement tree and the existing trees; and
- (d) each tree cut, removed or damaged shall be replaced at a ratio of two replacement trees for each such tree.

Table 1

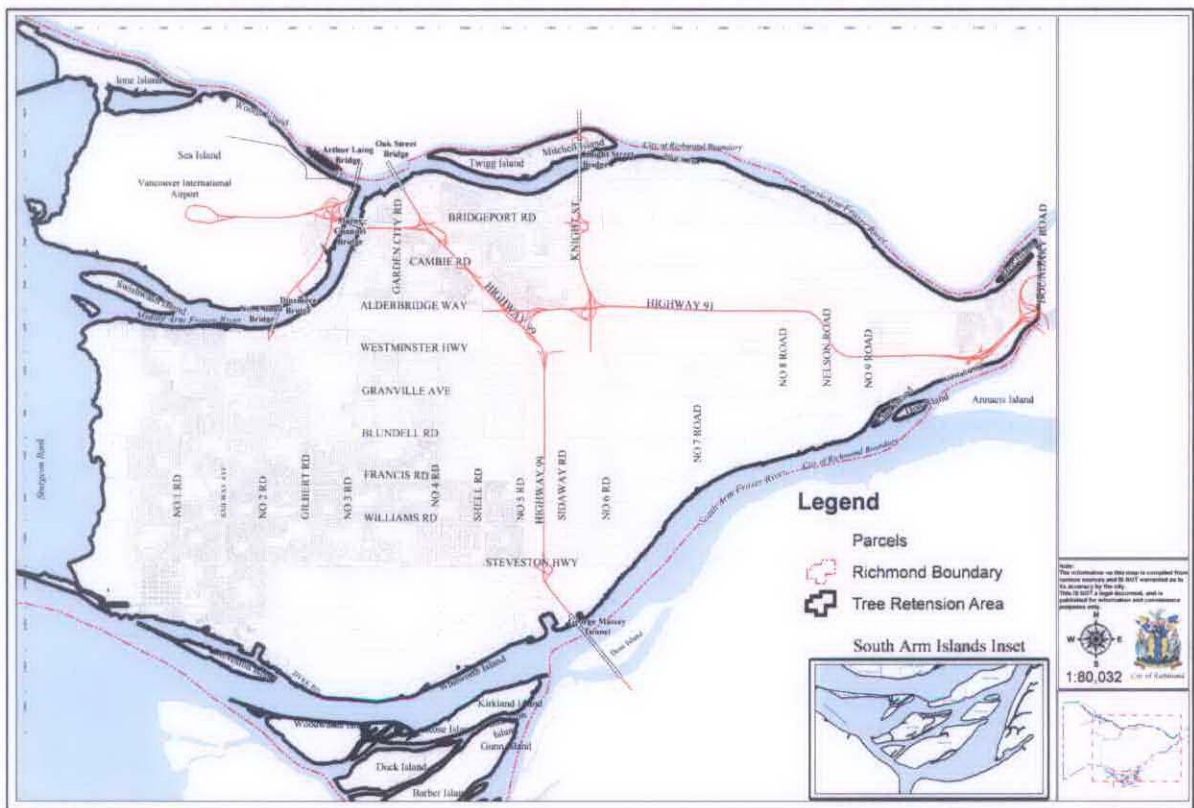
Class of Tree Cut or Removed	D.B.H. of Tree Cut or Removed	Minimum Height of Replacement Tree	Minimum D.B.H. of Replacement Tree
COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
Deciduous	8" – 12" (20-30cm)		2.5" (6cm)
	12" – 16" (30-40 cm)		3" (8cm)
	16" – 20" (40-50 cm)		3.5" (9cm)
	20" – 24" (50-60 cm)		4" (10cm)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

SCHEDULE D to BYLAW NO. 8014

The following trees are designated as protected trees under this bylaw:

SCHEDULE E to BYLAW NO. 8014

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



SCHEDULE F to BYLAW NO. 8014

**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:

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.

ADDRESS of PROPERTY

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.

SCHEDULE G to BYLAW NO. 8014

