



THE CORPORATION OF THE CITY OF PORT COQUITLAM

BYLAW NO. 3474

A Bylaw to amend to preserve, regulate the removal of and provide for the replacement of trees throughout the City.

Whereas the Community Charter authorizes Council by Bylaw to preserve trees, regulate the cutting and removal of trees, charge a fee for a permit to allow the cutting and removal of trees and require the replacement of trees cut down;

Now therefore, the Council of the Corporation of the City of Port Coquitlam, in open meeting assembled, enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as “Tree Bylaw, 2005, No. 3474.”

PART I

DEFINITIONS

2. In this Bylaw:

Bylaw Enforcement Officer means an individual appointed by Council as a Bylaw Enforcement Officer from time to time.

Certified Arborist means a person certified by the International Society of Arboriculture or the National Arborist Association as an arborist.

City means the City of Port Coquitlam.

Cutting shall mean the removal of the entire tree.

Director means the person appointed by Council as Director of Parks and Recreation and any duly authorized delegate of the Director, hereafter referred to as Director.

Drip Line means a line on the ground around the trunk of a tree directly beneath the ends of the outermost twigs and branches of a tree.

Hazardous Tree means any tree, which due to its location, condition, health or any other circumstances has been determined by a Certified Arborist or the Director, presents a hazard to the safety of: persons, the public, to private property and other tree(s).

ISA means International Society of Arboriculture.

Lot is defined as a parcel of land registered in the Land Title Office and includes parcels created by bare land strata subdivision.

Measurement means:

- a) The diameter of a tree shall be determined by dividing the circumference of the trunk measured 1.4 meters (4.5 feet) above the ground by 3.142 (D.B.H.)
- b) The diameter of a tree having multiple trunks 1.4 meters (4.5 feet) above the ground shall be the sum of:
 - i) 100% of the diameter of the largest trunk; and
 - ii) 60% of the diameters of each additional trunk.
- c) The location of a tree on a plan shall be measured at the point at which the trunk of the tree meets the ground.

Owner means in respect of real property the registered owner:

- a) the registered holder of the last registered agreement for sale; and
- b) the holder or occupier of land; and
- c) an agent authorized in writing by the owner to act on his/her behalf.

Protection means taking any and all actions necessary to ensure that identified trees on a parcel of land are not in any way damaged.

Protective Barrier shall mean any physical barrier including a fence, box, frame, guard, tape or line placed around a tree or cluster of trees to indicate retention.

Prune means the removal of living or dead parts of a tree, including branches, in order to reduce size, to maintain shape, health, flowering or to regulate growth.

Replacement Tree shall mean a tree planted on a property to replace a tree, which has been cut down.

Significant Trees means a tree listed and identified in Schedule 'C' attached hereto relating to trees of importance because of their importance to the community, including importance for heritage, landmark value, or as wildlife habitat.

Snag means any dead standing tree stump used or converted for use by wildlife.

Tree is defined to have a diameter of at least 20 cm measured 1.4 metres above natural grade.

Tree Cutting Permit shall mean a permit issued by the Director in accordance with this Bylaw, which will allow cutting and replacement of trees under conditions stipulated in the permit.

Tree Cutting and Replacement Plan shall mean a plan based on the tree survey, which shows the trees proposed to be cut and the location, size (height and/or caliper) and species of replacement trees to be planted upon a subject site.

Tree Survey shall mean a plan showing the location, species and trunk diameter of all existing trees on a subject site having a diameter greater than 20 centimeters (8 inches) at a point 1.4 meters (4.5 feet) above natural grade.

Tree Topping means the removal of a tree (top that involves cutting back and leaving a stub (successful crown reduction can be attained with deciduous trees by cutting back to maintain laterals but topping is never recommended on coniferous trees).

Urban Lands means all lands within the boundaries of the City of Port Coquitlam with the exception of the ALR lands.

Wildlife Tree means a tree which provides shelter or wildlife habitat for an egg or a nest protected under Section 35 of the Wildlife Act or which is listed in Schedule "C" attached hereto.

PART II

APPLICATION OF BYLAW

3. a) Inspections:

The Bylaw Enforcement Officers, and any employees or agents of the City authorized to administer or enforce this bylaw may enter at all times to ascertain whether the requirements of this bylaw are being met and regulations observed.

b) No Obstruction:

No person may obstruct or attempt to obstruct any Bylaw Enforcement Officer, official, employee or agent of the City in the exercise of any of that person's duties under this bylaw.

4. This bylaw applies to trees having a diameter of at least 20 cm measured 1.4 metres above natural grade.

5. It shall be unlawful for any person to cut or allow to be cut, trees on any urban land without having obtained a Tree Cutting Permit.

6. EXEMPTIONS

a) The following are general exemptions from this Bylaw:

- i) surveyor's cutting survey lines having a width of less than 2 meters;
- ii) Removal or pruning of dead, diseased or damaged trees by acceptable arboriculture practices;
- iii) emergency removal of dangerous or hazardous trees and branches by acceptable arboriculture practices, provided that the City may require such trees to be replaced in accordance with the replacement tree standards of this Bylaw;
- iv) pruning of trees and/or removal of hedges;
- v) cutting within a calendar year of the greater of:
- vi) 5% of the trees on a lot, provided that the following conditions are met:
 - no trees shall be removed within five metres from the perimeter of a lot; and

- no trees shall be removed within 10 metres from a highway;
- no tree to be cut is a significant tree;

OR

- one tree, not including a significant tree, per lot.

vii) cutting of trees by the City, through its officers, employees, agents or contractors.

viii) trees and land exempted by statute.

b) The following are exceptions for significant trees from this Bylaw:

i) Despite S. 5, no tree permit shall be issued and no person shall cut down a significant tree growing on urban land except where:

- growing on the building envelope of urban land unless the removal of the tree is necessary for the purpose of constructing a building or addition to a building;
- required for the construction or installation of a driveway, required off-street parking area, or underground or above ground utility corridor, or
- required for the installation of roads or services shown on an engineering drawing approved by the Director of Engineering and Operations, in which cases, a tree permit shall be required to be first obtained.

7. **TREES ON CITY-OWNED LANDS**

- a) Trees on residential boulevards/lands will be maintained by the City when deemed by qualified City staff to be hazardous, a nuisance or other identified safety concerns.
- b) Pruning for aesthetic reasons may be performed by the homeowner with permission from qualified City staff.
- c) Pruning for view enhancement or crown size reduction are generally not valid considerations.
- d) Pruning for utility wire clearance is the responsibility of the utility companies utilizing standard arboriculture practises.

8. TREE DAMAGING ACTIVITIES

- a) No person shall carry out any of the following tree damaging activities in respect to any tree to which this Bylaw applies unless a permit substantially in the form of Schedule "A" is first obtained and the activity is carried out strictly in accordance with the permit:
 - i) Cutting or damaging the roots growing inside the drip line of a tree;
 - ii) Placing fill, building materials or structure upon land inside the drip line of a tree;
 - iii) Operating trucks, backhoes, excavators or other heavy equipment over the roots of a tree inside the drip line;
 - iv) Denting, gouging or damaging the trunk of a tree;
 - v) Removing bark from a tree;
 - vi) Depositing concrete washout or other liquid or chemical substances harmful to the health of a tree on land inside the drip line of the tree;
 - vii) Adding or removing soil from land inside the drip line of a tree which changes the original soil grade;
 - viii) Undermining the roots of a tree growing inside the drip line;
 - ix) Tree topping.
- b) Where the proposed activity will endanger the health or life of the tree, the Director may:
 - i) Refuse to issue a permit, or
 - ii) issue a permit subject to conditions or
 - iii) issue a stop work order letter.

9. REMOVAL OF HAZARDOUS TREES

- a) Every owner of urban land has an obligation to prune or remove any tree that the Director considers:
 - i) a hazard to the safety of persons, or
 - ii) likely to damage public or private property,and that the Director has required the owner to remove or prune.

10. PERMIT APPLICATION PROCEDURE AND FEES

- a) Request for Tree Cutting Permit shall be accompanied by:
 - i) A letter of intent explaining the reasons for the proposed tree cutting;
 - ii) letter of authorization from the Owner where the applicant does not own the subject land;
- b) Upon review of an application for a permit pursuant to S. 10(a) the Director may also require the following:
 - i) a tree survey;
 - ii) a tree cutting and replacement plan;
 - iii) an arborist report.
 - iv) a report from a Geotechnical Engineer confirming to the City's satisfaction that the proposed tree cutting and replacement plan shall not in any way create a danger to the lands or adjacent lands from flooding, erosion, land slip or potential tree falls, where required by the City;
 - v) proof of approval of the Ministry of the Water, Land, Air Protection and/or Fisheries and Oceans Canada in the case of any areas protected for fish habitat or flood-proofing purposes;
 - vi) where applicable, adherence to the City's approved Water Course Development Permit guideline;
 - vi) proof of liability insurance carried by the Owner or tree removal contractor retained;
 - vii) proof that there are no applicable covenants in favour of the City restricting tree cutting.
- c) A non-refundable permit application fee and a per tree proposed to be cut fee or removed must be submitted prior to the issuance of a permit as follows:
 - i) single family lot - \$50.00 permit fee and \$20.00 per tree fee;
 - ii) multi-family, commercial and industrial lot - \$75.00 permit fee and \$25.00 per tree fee.

11. PERMIT CONDITIONS

- a) Tree cutting and replacement shall be strictly in accordance with the conditions imposed by this Bylaw and any special conditions specified in the Permit, including:
 - i) municipal staff may enter a tree cutting/replanting site at any reasonable time for inspection and to administer and enforce the Bylaw;
 - ii) the Director may suspend, order stopwork, or revoke a permit at any time if it is determined that tree cutting and replacement is not being undertaken according to the conditions of the Bylaw and permit;
 - iii) protective barriers as required by the Director shall be installed and approved prior to tree cutting (see attached Appendix I) and
 - iv) unless otherwise specified in the permit, where the holder of a permit does not substantially complete the tree cutting and planting of replacement trees specified in the permit within one year after the date of issuance, the permit lapses; in this event, all security deposit monies may be withheld and used by the City to ensure appropriate site reinstatement.
- b) A permit is only a permission pursuant to this Bylaw, and does not relieve the permit holder from complying with all other laws, regulations and requirements of any public authority having jurisdiction, nor relieve the holder from complying with civil, common law or contractual obligations.

12. SECURITY DEPOSIT

- a) The applicant is required to submit a security deposit in the form of a cash deposit or irrevocable letter of credit drawn upon a chartered bank in a form acceptable to the Director for full and proper compliance with all terms and conditions in the permit including provision of all replacement trees and materials required for site reinstatement.
- b) The amount of the security shall be 100% of the value of all replacement trees and site restoration measures required by the Director, as reasonably estimated by the Director.
- c) There shall be a 10% holdback of the security deposit for a period of one year after the work has been completed to the satisfaction of the City.
- d) The foregoing does not apply if the Director is of the view that other security has been provided by the permit holder to the City that serves the same purposes in relation to the same matters.

- e) Should the permit holder fail to comply with the terms and conditions of the permit, the City may enter the property and perform such work as is necessary and may retain and expand all or a portion of the security to cover the cost of such work.

13. CONTRAVENTION OF BYLAW

Where a tree is cut in contravention of this Bylaw or conditions of a permit are breached:

- a) an offence is committed under this Bylaw
- b) the cutting of each tree shall constitute a separate offence;
- c) each offence is a ticketable offence; and
- d) in addition, the following remedial measures must be taken by the owner of the lands from which the trees were removed:
 - i) a replacement plan shall be submitted;
 - ii) replanting is required of replacement trees for each tree removed;
 - iii) replacement trees shall be specified in accordance with good arboricultural practice as determined by a qualified person;
 - iv) the minimum size of replacement trees shall be a height of 4.0 meters for conifers and a trunk diameter of 8.0 centimeters measured at 50 centimeters above the root crown for deciduous species;
 - v) maintenance requirements shall be specified in the replacement plan and carried out in accordance with the specifications; and
 - vi) proof of liability insurance carried by the tree planting/maintenance company retained is required.

14. REGULATIONS AND ENFORCEMENT

a) Enforcement:

Any Bylaw Enforcement Officer, or authorized agent appointed by the City may enforce this bylaw.

b) Offences Created:

Any person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to the penalties not exceeding the maximum provided for in the Offence Act R.S.B.C. 1996, C.338.

c) Ticketable Offences:

The Bylaw Enforcement Officer may issue a municipal ticket for any offence against this Bylaw that has been designated as a ticketable offence pursuant to the City's Municipal Ticket Information Bylaw in force and amended from time to time.

15. DELEGATION

a) Council hereby delegates to the Director all authority to administer this Bylaw and to make any orders, determinations necessary under it to issue and deny permits, to suspend and revoke permits, and to impose such conditions on the issuance of a permit as set out in S. 11, and without limitation or duplication:

- i) establish which of the terms and conditions set out in this bylaw applicable to the granting of a tree cutting permit apply in the case of a particular permit;
- ii) act as a delegate of Council in serving a person with notice that the City will act in default in the event of a failure to provide or maintain replacement trees where required to so do; and
- iii) act as a delegate of Council in exercising the powers and performing the duties of Council to direct an assessment or inspection of specified trees or sites.

- b) The owner (occupier) of property that is subject to a decision by the Director of Parks and Recreation under subsection (1) above is entitled to present their case in person or in writing to the Parks and Recreation Committee. The reconsideration request will be placed on the next reasonably convenient meeting of the Parks and Recreation Committee providing the owner (occupier) a minimum of one weeks notice. Failing resolution of the issue, the owner (occupier) will have the option to present their case to Council, who will provide a final ruling on the matter.

Read a first time by the Municipal Council this 28th day of February, 2005.

Read a second time by the Municipal Council this 28th day of February, 2005.

Read a third time by the Municipal Council this 28th day of February, 2005.

Adopted by the Municipal Council of The Corporation of the City of Port Coquitlam this 14th day of March, 2005.

S.W. YOUNG

MAYOR

S. RAUH

CORPORATE OFFICER



SCHEDULE "A"
PERMIT FOR TREE CUTTING

TREE CUTTING PERMIT NO. _____

This Permit is hereby issued to:

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

for tree cutting on

(insert legal description)

(insert municipal address)

pursuant to the provisions of the Corporation of the City of Port Coquitlam, Bylaw No. 3474, subject to:

- a) Tree cutting being undertaken strictly in accordance with the terms and conditions of this permit and any plans and specifications being attached hereto as part of this permit.
- b) The Permittee depositing the required security and giving permission to the Director of Parks and Recreation or designated staff to enter the subject properties when necessary.
- c) Any other conditions stipulated hereunder:

THIS PERMIT EXPIRES

ON _____
(Date)

Director of Parks and Recreation

Dated this _____ day of _____, 20__.



SCHEDULE "B"
SECURITY AND PERMISSION TO ENTER
A TREE CUTTING SITE

Whereas the undersigned has deposited with the Corporation of the City of Port Coquitlam (the "City") cash in the amount of \$_____ or an unconditional, clean and irrevocable Letter of Credit in favour of the City in the amount of \$_____ pursuant to the Tree Preservation, Removal and Replacement Bylaw or other proof of security satisfactory to the Director to ensure site restoration and/or installation of replacement trees on property described as:

in accordance with the tree cutting permit approved for issuance _____
(Permit Number)

Now therefore witness that for good and valuable consideration received, the undersigned hereby covenants to and agrees with the City:

- a) To complete the planting of the said replacement trees and/or site restoration work within the time specified in the permit.
- b) To obtain from any person to whom the undersigned proposes to transfer the said lands or any interest therein prior to the substantial completion of the said planting of replacement trees or site restoration a form of permission to enter identical to this document with necessary changes and to deliver to the City the new document duly executed by the person to whom the undersigned proposes to transfer the said lands or any interest therein together with the security described in the preamble hereto.
- c) To authorize and to permit the City to retain any cash or other forms of securities deposited by the undersigned in the event that the undersigned fails to perform any of the covenants on his part within the times stipulated. In such event the City may, at its sole discretion, enter the said lands and provide and install the said restoration or landscaping works. Should the City enter the lands and complete the said works, and should there be insufficient funds on deposit to cover the cost of completion, the undersigned shall remit the shortfall in funds to the City forthwith upon demand.

In witness whereof the undersigned has hereunto set his hand and seal, or being a corporation, has hereunto affixed its corporate seal in the presence of its proper officers first duly authorized in that behalf

SIGNED, SEALED AND DELIVERED
in the presence of:

Witness

Applicant

Address

Address

SCHEDULE "C"
SIGNIFICANT TREES

TYPE	SIZE
-------------	-------------

Native Tree Species

- | | | |
|-------------------------|-------------------|----------------|
| ▪ Cornus nuttallii | Pacific Dogwood | 10 cm diameter |
| ▪ Pseudotsuga menziesii | Douglas Fir | 70 cm diameter |
| ▪ Picea sitchensis | Sitka Spruce | 70 cm diameter |
| ▪ Abies grandis | Grand Fir | 70 cm diameter |
| ▪ Thuja plicata | Western Red Cedar | 70 cm diameter |
| ▪ Arbutus menziesii | Arbutus | 70 cm diameter |
| ▪ Taxus brevifolia | Western Yew | 10 cm diameter |

Wildlife Trees

- Any tree used for bird nesting purposes are prohibited from cutting during nesting season.
- Any dead, standing snag or hazardous tree which has been converted to a dead, standing snag for wildlife habitat purposes.

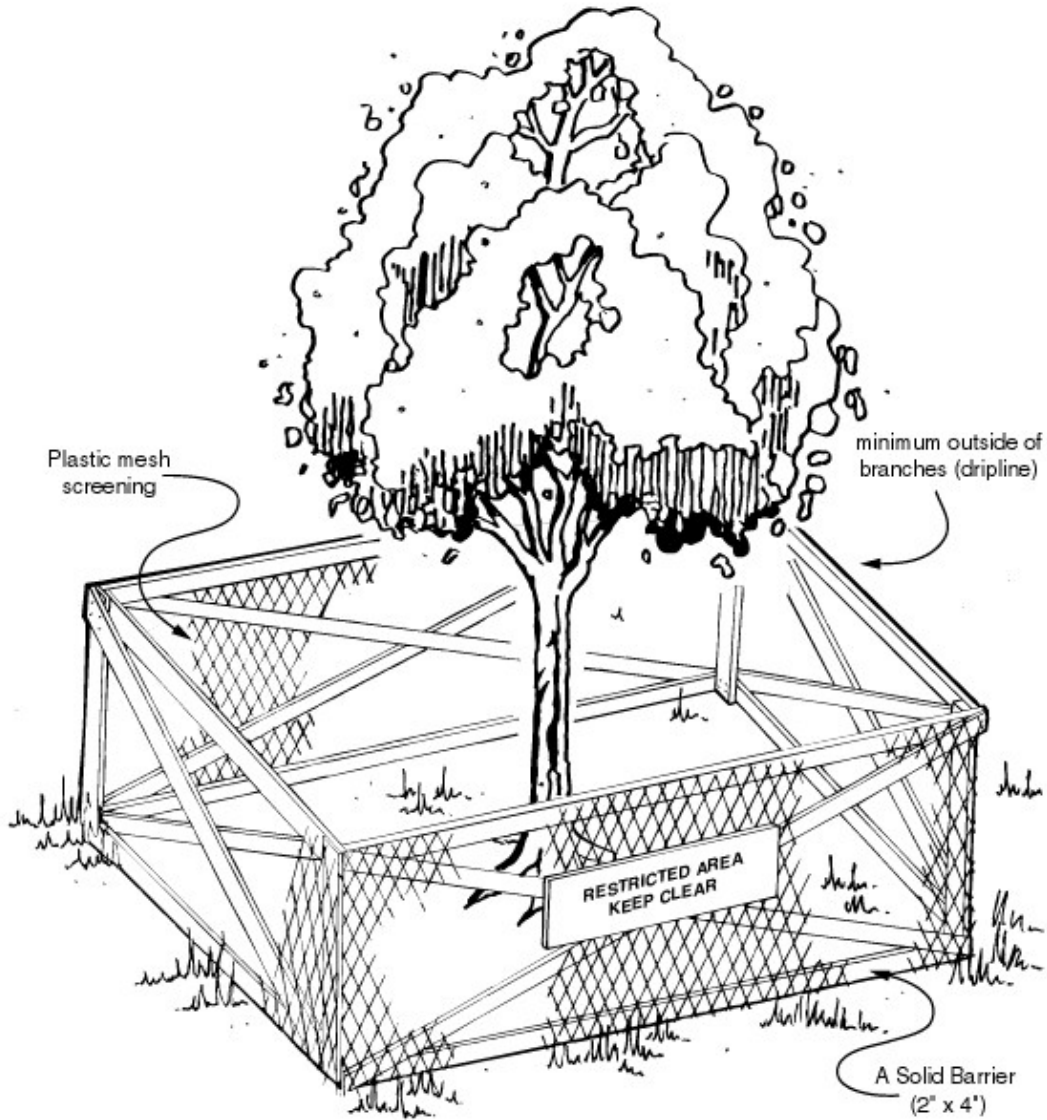
Heritage Trees

- Any tree designated and registered by size, age or cultural significance may be entered upon a list of heritage trees.

Specimen Trees

- Any unusual specimen tree as designated and registered by a Certified Arborist upon inspection.

PROTECTIVE BARRIER



Tree Protection Barrier

Note: no storage of building materials
within or against protection barrier