

VILLAGE OF HARRISON HOT SPRINGS

BYLAW NO. 1015



Being a Bylaw to manage and preserve trees

WHEREAS Section 8 (3) (c) of the *Community Charter* provides that a Council may, by bylaw, regulate, prohibit and impose requirements in relation to the protection and management of trees within the Village of Harrison Hot Springs;

NOW THEREFORE, the Council of the Village of Harrison Hot Springs, in open meeting assembled, hereby enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as “Tree Management and Preservation Bylaw No. 1015, 2012.”

2. DEFINITIONS

“**Distinct Tree**” means:

- Big Leaf Maple over 100 centimetres in diameter
- Black Cottonwood over 80 centimetres in diameter
- Douglas Fir over 100 centimetres in diameter
- Grand Fir over 100 centimetres in diameter
- Western Hemlock over 100 centimetres in diameter
- Western Red Cedar over 120 centimetres in diameter

“**Qualified Person**” means a person qualified under the International Society of Arboriculture (ISA).

“**Tree**” means any living, erect, woody plant which:

- a) is 7.5 metres or more in height; and
- b) has a trunk diameter of 300 millimetres or more measured in accordance with Section 4.

3. AREA OF APPLICATION

- a. The purpose of this bylaw is to preserve and maintain trees in the Village of Harrison Hot Springs subject to the terms of this Bylaw, and respecting the rights of private property ownership.
- b. In addition to the requirements of this Bylaw, in relation to tree pruning or cutting, all owners and occupiers of land must comply with all requirements of the Ministry of Environment, Department of Fisheries and Oceans, and any other authority having jurisdiction.

4. MEASUREMENT OF TREE DIAMETER

For the purposes of this Bylaw:

- a. The trunk diameter of the tree shall be determined by dividing the circumference of the trunk measured 1.3 metres above the ground by 3.142; and
- b. The trunk diameter of a tree having multiple trunks 1.3 metres above the ground shall be the diameter of the trunk having the greatest diameter.

5. TREE MANAGEMENT & REMOVAL

- a. Owners are encouraged to maintain all trees on their property in a healthy condition.
- b. As necessary, and on application to the Village, Owners may remove trees where:
 - i) The growth of existing trees is so dense that it blocks the sunlight and inhibits growth of other vegetation;
 - ii) The root system of the tree(s) is causing or potentially will cause damage to building foundations, sidewalks and ancillary buildings;
 - iii) Trees are located too close to a building where damage can be caused to the building or roof system;
 - iv) Where in the opinion of a qualified person, the tree is dying or represents a danger or hazard to the property or adjoining properties;
 - v) Where trees are located in the building envelope of new construction; and

vi) Subject to the approval of the Village by the issuance of a tree removal permit.

- 1) Unless recommended otherwise and monitored by a qualified person, trees will not be topped, or severely pruned, without approval of the Village.
- 2) "Distinct trees" may only be removed if there are no other reasonable alternatives as determined by a qualified person and upon application to and approval by the Village.

6. APPLICATION FOR PERMIT

- a. Every application for a tree removal permit shall be accompanied by a non-refundable application fee in the amount of \$40.00, and where requested by the Village, a report by a qualified person;
- b. The permit application shall be made on the prescribed form and shall be accompanied by a plan identifying the location of trees on the lot in sufficient detail with explanation to the satisfaction of the Village.

7. REPLACEMENT TREES

- a. Any owner who removes a tree without a permit may, in addition to any fines or penalties, be required by the Chief Administrative Officer in consultation with the Bylaw Enforcement Officer and the Parks Leadhand to provide no more than two trees for each tree removed.
- b. Where replacement trees are provided in accordance with Section 7.a, such replacement trees shall be provided and planted as follows:
 - i) Replacement trees shall be planted in the location(s) designated by the Village.
 - ii) The size of the replacement tree shall be a minimum of 25 mm (1") in diameter 1.2 m above the root ball and a minimum of 2.0 m tall.
 - iii) the species of any replacement tree shall be at the direction of the Village.

8. ADMINISTRATION AND ENFORCEMENT

- a. Bylaw Enforcement Officer or Parks Leadhand or their designate may enter at all reasonable times on any property to make an assessment or inspection for any purpose under this Bylaw or to determine whether the regulations of this Bylaw are being observed, but only after reasonable notice of intended entry is given to the owner or occupier.

- b. No person shall prevent or obstruct or attempt to prevent or obstruct entry of any Village employee or agent authorized to enter upon property by this Bylaw.

9. PENALTY AND ENACTMENT

Except where the penalty is otherwise provided for in the ***Community Charter***, every person who offends against any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention or violation of the provisions of this Bylaw, or neglects to do or refrains from doing anything required to be done by this Bylaw, shall be deemed to have committed an offence under this Bylaw and shall be liable to fines specified under the Bylaw Notice Enforcement Bylaw.

10. REPEAL

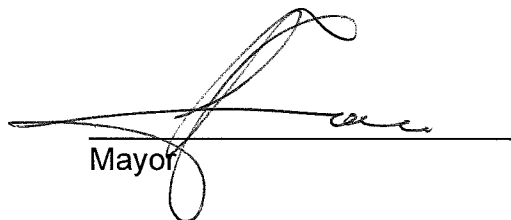
- a. That "Tree Protection Bylaw No. 917, 2009" and all Schedules attached thereto be repealed in its entirety.

READ FOR A FIRST TIME THIS 13th DAY OF AUGUST, 2012

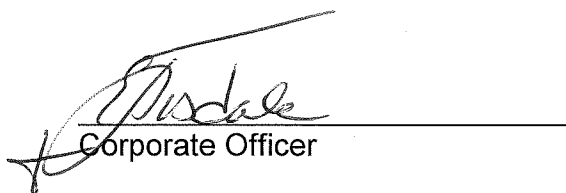
READ FOR A SECOND TIME THIS 13th DAY OF AUGUST, 2012

READ FOR A THIRD TIME THIS 13th DAY OF AUGUST, 2012

ADOPTED THIS 10th DAY OF SEPTEMBER, 2012



Mayor



Corporate Officer