



"Urban Forest Bylaw" No. 1735, 2018

(With amendments to June 23, 2025)

Consolidated for convenience only:

All persons making use of this consolidation are advised that the amendments have been consolidated for convenience only, and that the original bylaws should be consulted for all purposes of interpretation and application of the bylaw.

Includes Amendments:

Bylaw No. 1735-01 Adopted July 15, 2020

Bylaw No. 1735-03 Adopted June 23, 2025

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CITY OF COLWOOD BYLAW NO. 1735

A BYLAW FOR THE MANAGEMENT AND PROTECTION OF THE URBAN FOREST WITHIN THE CITY OF COLWOOD

WHEREAS the Council of the City of Colwood may, in accordance with the *Community Charter*, regulate, prohibit and impose requirements in relation to trees;

WHEREAS the Council of the City of Colwood has the objective of ensuring the long-term sustainability of the trees within Colwood's urban forest and the preservation of existing trees as a priority;

WHEREAS the Council of the City of Colwood considers it is in the public interest to provide for the protection and preservation of trees and, the regulation of their cutting, removal and replacement ;

NOW THEREFORE the Council of the City of Colwood, in open meeting assembled, enacts as follows:

Part 1: Interpretation

1. TERMS AND DEFINITIONS

a) In this Bylaw;

"**applicant**" means the person who is applying to the City for a permit to cut or remove a protected tree;

"**Bylaw Compliance Officer**" means an employee of the City appointed to the position of Bylaw Compliance Officer;

"**canopy**" means the extent of the outer layer of leaves or needles of an individual tree or group of trees ;

"**City**" means the City of Colwood;

"**Council**" means the Council of the City;

"**critical 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 6, or the area of land surrounding the tree that extends one meter beyond the drip line of the tree, whichever is greater;

"**crown**" means the entire system of branches, leaves and reproductive structures of a tree extending away from the trunk or main stems, measured from the lowest branch;

"**crown raising**" means to shorten or remove the lower branches of a tree;

"**cut**" or "**cutting**" means to cut down a tree and shall include to pull up, push or pull over, or otherwise fall a tree;

"**damage**", "**damaged**", or "**damaging**" means any action which will cause a tree to die or to decline in health, including, but not limited to girdling, ringing, removing bark from a tree, denting, gouging, puncturing or damaging a tree trunk, poisoning, burning, undermining structural roots within the critical root zone of a tree, depositing or removing soil from the base of a tree, excessive pruning, excessive crown raising, topping, or any pruning in a manner not in accordance with the most recent edition of the American National Standards Institute Publication (ANSI) A300 and the most recent edition of the companion publication "Best Management Practices – Tree Pruning", published by the International Society of Arboriculture;

"**DBH**" means the diameter of the trunk of a tree at 1.4 metres above the base of a tree. For multi-stemmed trees, each trunk shall be measured 1.4 metres above the highest point of the natural grade of the ground measured from grade and the DBH of the tree shall be calculated as the square root of the sum of all squared stem DBHs rounded to the nearest centimetre (e.g. $\sqrt{1[(12\text{cm})^2 + (14\text{ cm})^2 + (17\text{ cm})^2]}$ = 25 cm);

"**Director**" means the person appointed as the Manager of Building Inspections and Bylaw Services or their designate;

"**drip line**" means the outermost perimeter of the canopy of a tree;

"**engineer**" means a person registered or licensed as a professional engineer pursuant to the provisions of the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116, as amended;

"**hedge**" means five or more trees or shrubs less than 5 metres high, and planted less than 1.25 metres apart;

"**highway**" includes a public street, road, trail, lane, bridge, viaduct, walkway, and any other way open to public use;

"**landscape architect**" means a landscape architect registered with the British Columbia Society of Landscape Architects;

"**live crown ratio**" means the ratio of the height of the crown containing live foliage to the overall height of the tree;

"**lot**" means land designated as a separate and distinct parcel on a legally recorded subdivision plan or description filed in the records of the Land Title Office;

"natural causes" means death or decline in health of a tree as a result of natural diseases, pests, climatic, hydrological and geotechnical conditions, inherent structural defects, or aging;

"owner" means the owner of real property as defined in the *Community Charter* and, where a property has more than one owner, owner shall mean the owner or owners who control the real property;

"park" means areas designated or dedicated by plan or bylaw as parkland or natural open space, or included within the *Parks Management Bylaw, 1994, No. 286*;

"protected tree" means any of the following:

(a) a tree of any of the following tree species that is 2.0 metres or more in height or 4.0 centimetres in diameter or more when measured 15 cm above natural grade:

- i. **Arbutus (Arbutus menziesii)**
- ii. **Garry Oak (Quercus garryana);**
- iii. **Pacific Dogwood (Comus nuttallii);**
- iv. **Pacific Yew (Taxus brevifolia);**

(b) a tree of any of the following tree species that has a DBH of 30 centimetres or more:

- i. **Douglas-fir (Pseudotsuga menziesii)**
- ii. **Grand Fir (Abies grandis);**
- iii. **Big Leaf Maple (Acer macrophyllum);**
- iv. **Western Red Cedar (Thuja plicata);**

(c) any tree having a DBH that is 60 centimetres or more;

(d) a retained tree identified on a tree protection plan;

(e) a replacement tree identified on a tree replacement plan;

(f) a wildlife tree;

"pruning" means the cutting of twigs, branches or roots in accordance with the pruning standards set out in the most recent edition of the American National Standards Institute (ANSI) A300 and the latest edition of the companion publication "Best Management Practices – Tree Pruning" published by the International Society of Arboriculture;

"qualified person" means a professional with appropriate education, training and experience, fully insured and in good standing with the relevant association and includes but not limited to an arborist, professional forester, landscape architect, and a qualified environmental professional;

"qualified person's report" means a report prepared by a qualified person which:

- (a) identifies information relevant to the purpose for which the report is to be submitted to the City including, but not limited to, surveyed location, species, size, critical root zone, condition, and risk rating of onsite and offsite protected trees;
- (b) provides photographs of protected trees in the context of the site;
- (c) provides the reasons for any proposed removal of a protected tree;
- (d) for protected trees that are part of a stand of trees, comments on the impact of tree removal on the stability of the remaining trees in the stand;
- (e) for hazardous trees, provides any pruning mitigation options consistent with the latest edition of the American National Standards Institute (ANSI) A300 and the latest edition of the companion publication "Best Management Practices – Tree Pruning", published by the International Society of Arboriculture, and reports residual risk; and
- (f) for protected trees other than hazardous trees, describes the recommended tree protection and mitigation measures during site excavation, demolition, construction, or placement of fill and describes the recommended post-development tree maintenance measures;

"remove", removed", "removal", or "removing" means to cut a tree and remove it from the lot where it exists;

"replacement tree" means a tree required to be planted in accordance with this bylaw to replace a tree that is cut, removed, or damaged, as shown on a tree replacement plan;

"retained tree" means a protected tree that is not proposed to be cut;

"shared tree" means a tree with any part of its trunk or trunk flare crossing a property line, including where the adjacent property is a highway, park, or other City owned property;

"site plan" means a plan of a parcel of land prepared by or for an owner illustrating property lines, watercourses, existing and proposed buildings and structures, and identifying the locations, species (deciduous or coniferous), estimated size (DBH and canopy) of all protected trees proposed to be cut or removed, retained trees, replacement trees and any tree protection area.

"structural root" means the large, woody, roots of a tree that anchor and support the trunk and crown of that tree, characterized by secondary thickening and diameter greater than 2 centimetres, and giving form to the root system and functioning in anchorage and support;

"topping" or "topped" means the removal of significant portions of a tree crown by cutting branches to stubs or to the trunk, or cutting the main leader or branches, and includes re-topping or previously topped trees;

"tree" means a self-supporting, perennial, woody plant that has a trunk or stem and a root system;

"tree management permit" means a permit issued by the Director or their designate pursuant to section 7 of this bylaw for the cutting or removal of a protected tree, or the pruning or removal of a structural root within the critical root zone of a protected tree;

"tree management plan" means a plan of a parcel of land prepared by a qualified person in accordance with sound arboricultural practice that identifies the locations, species (deciduous or coniferous), estimated size (DBH and canopy) of all protected trees proposed to be cut or removed, tree protection plan and the tree replacement plan;

"tree protection area" means an area of treed land to be protected within a development as laid out in a tree management plan.

"tree protection barrier" means a barrier constructed around a tree in accordance with Schedule B to protect the tree from damage during site work or construction;

"tree protection plan" means a plan prepared by a qualified person in accordance with sound arboricultural practice that illustrates the location of protected trees in relation to the property lines of a lot and protected trees on adjacent lots that are within 4 metres of the property lines of the subject lot, including the size of such protected trees, and identifies the location of proposed tree protection zones for each retained tree;

"tree protection zone" means the area inside a tree protection barrier;

"tree replacement plan" means a plan prepared by a qualified person in accordance with sound arboricultural practice that identifies the number, location, species and size of replacement trees to be planted in accordance with section 9 of this bylaw;

"trunk flare" means the area at the base of a tree that swells and merges with the roots of that tree; and

"wildlife tree" means any tree which:

- (a) contains the nest of an eagle, peregrine falcon, gyrfalcon, osprey, heron or burrowing owl;
- (b) contains the nest of a bird not referred to in sentence (a) when the nest is occupied by a bird or its egg; or
- (c) contains a nest of a forest mammal.

2. Headings and Schedules

- (1) The headings preceding each section of this bylaw are provided for ease of reference only and do not limit or affect the interpretation of the section that they precede.
- (2) The schedules attached to this bylaw are an integral part of this bylaw and are enforceable in the same manner as any other provision of this bylaw.

Part 2 Application and Exemptions

3. Application

- (1) This bylaw applies to protected trees within the municipal boundaries of the City except as provided in subsections (2), (3) and (4):
- (2) This bylaw does not apply to protected trees that are cut, damaged or removed pursuant to the:
 - (a) *Hydro and Power Authority Act*, R.S.8.C. 1996, c. 212;
 - (b) *Oil and Gas Activities Act*, S.8.C. 2008, c. 36;
 - (c) *Railway Safety Act*, S.8.C. 2004, c.8.
- (3) This bylaw does not apply to protected trees on City owned property or highways that are cut or removed by the City or its authorized agents in accordance with approved City operations.
- (4) This bylaw does not apply to forest management activities on private managed forest land under the *Private Managed Forest Land Act*, S.8.C. 2003, c. 80.

4. Prohibitions

- (1) No person shall:
 - (a) cut, damage, or remove any protected tree, or cause any protected tree to be cut, damaged or removed, except where permitted by and in accordance with the terms and conditions of this bylaw;
 - (b) knowingly submit false or misleading information in relation to any tree management permit application, or an activity undertaken pursuant to this bylaw;
 - (c) fail to comply with the terms and conditions of a tree management permit issued pursuant to this bylaw;
 - (d) remove, conceal, or otherwise interfere with a posted Stop Work Order issued under this bylaw;
 - (e) fasten any sign, notice or other object to, around, or through any tree or shrub on any size located on City owned or occupied land, including any tree or shrub located on a highway; or
 - (f) cut, or remove any protected tree, or cause any protected tree to be cut, or removed, without first obtaining a tree management permit for the authorized work, except where permitted by this bylaw.

5. Exemptions

- (1) A tree management permit is not required where:
 - (a) a development permit has been issued which addresses the removal of the tree(s);
 - (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) 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;
 - (e) 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;
 - (f) the cutting and removal of trees is undertaken by a BC Land Surveyor cutting survey lines which have a width of less than 2 m and the trees are not growing in a development permit area designated under an official community plan;
 - (g) the pruning of a protected tree is carried out in accordance with sound arboricultural practice and such pruning does not include:
 - (i) crown raising to the extent that the live crown ratio is less than 50%;
 - (ii) the removal of more than 25% of the crown in a single season;
 - (iii) topping; or
 - (iv) pruning or removal of a structural root within the critical root zone of a protected tree;
 - (h) an owner is removing or pruning a hedge located on their parcel of land; or
 - (i) a tree management plan has been submitted and approved by Council.

Part 3 Permit Applications

6. Application Requirements

- (1) An application to cut or remove a protected tree shall be made in the form prescribed for

that purpose by the Director and signed by the owner, agent or a signing officer if the owner is a corporation, and include the following:

- (a) a copy of a land title search for the property that is subject to the application made on the date of application;
 - (b) if the applicant is not the owner of the property on which the protected tree is located, a letter of authorization signed by all of the owners;
 - (c) the non-refundable application fee as prescribed in Schedule A
 - (d) a tree management plan except as provided in subsection (2)
 - (e) a security deposit as prescribed in section 11;
 - (f) a letter from the owner(s) of the adjacent property consenting to cutting or removal of a shared tree that is a protected tree; and
 - (g) if a tree proposed to be cut is a wildlife tree, a report from a qualified environmental professional providing an opinion on whether and how the wildlife tree can be cut without a detrimental effect on the wildlife using or living in the tree.
- (2) The requirement for a tree management plan is not required for the removal of 1 to 5 protected trees per calendar year if a site plan is provided with the application.
- (3) For the purposes of this bylaw, a qualified person's report will only be accepted by the Director within 12 months of the issue date of the qualified person's report.

Part 4 Tree Management Permits

7. Permits

- (1) The Director will issue a tree management permit when:
- (a) a complete application including all the required supporting documentation has been received;
 - (b) the applicant has paid all applicable fees prescribed in this bylaw;
 - (c) all other conditions of this bylaw have been met;
- (2) Notwithstanding any provision of this bylaw, the Director shall refuse to issue a tree management permit if:
- (a) the Director determines that the issuance of that permit would be contrary to a covenant or similar agreement registered against title to the lot in the Land Title Office;
 - (b) the Director determines that the issuance of that permit would be contrary to a bylaw of the City; or
 - (c) the applicant seeks to cut a wildlife tree in a manner that would have a detrimental effect on the wildlife living in or using the tree.
- (3) As a condition of the tree management permit, the applicant shall:
- (a) clearly identify each tree to be cut or removed with a flag, paint, or survey tape;

- (b) post a public notice of a tree management permit, in the form prescribed for that purpose by the Director, on the lot for which the tree management permit has been issued, in a location visible to the public and facing the street, prior to the commencement of any cutting or removal of a protected tree, which notice shall remain posted on the lot until the completion of all work related to the cutting or removal of protected trees on that lot;
 - (c) place a tree protection barrier around any retained tree, in such a manner to ensure that the trunk, branches and root structure are not damaged by the cutting or removal operations, in accordance with Schedule 8. The tree protection barrier must be constructed prior to the issuance of the tree management permit and must remain intact for any construction or demolition site throughout the entire period of construction or demolition;
 - (d) take precautions to ensure that retained trees are not damaged by cutting or removal operations;
 - (e) promptly and properly repair to the satisfaction of the Director at the expense of the permit holder all damage to drainage facilities, watercourses, highways or other public or private property arising from the cutting or removal of a tree;
 - (f) keep all watercourses, groundwater aquifers, waterworks, ditches, drains, sewers or other established drainage facilities free of all wood waste arising from or caused by the tree cutting or removal operations;
 - (g) adequately fence or otherwise protect the public from all hazards or potential hazards arising from the tree cutting or removal operation;
 - (h) bear the entire cost of the tree removal, including removal of the stump;
 - (i) properly dispose of tree parts and wood waste;
 - (j) supply and plant, at their own cost, appropriate replacement trees as detailed in accordance with section 9 of this bylaw, or as deemed appropriate by the Director; and
 - (k) in the case of the wildlife tree, fulfill all recommendations prescribed by a qualified environmental professional to avoid a detrimental effect on the wildlife living in or using the tree.
- (4) In the event that a protected tree is in danger of falling and injuring persons or property due to natural causes, and it is not possible to obtain a tree management permit prior to the tree falling, the owner may cut the tree or have it cut, but shall report the cutting of the tree to the City within the next business day along with photographs of the tree prior to such cutting. The owner shall not remove the tree from the lot until City staff have attended the site and have confirmed that the tree was in danger of falling and injuring persons or property. Trees that are cut pursuant to this subsection must be replaced in accordance with section 9. The owner may be liable for a contravention of this bylaw, if the Director determines that the tree was not in danger of falling, or was in danger of falling due to reasons other than natural causes.

- (5) Every tree management permit shall expire 1 year from the date of issue, after which time a new application must be made.
- (6) A tree management permit issued under this bylaw is non-transferable.
- (7) Replacement trees shall be planted within 1 year following issuance of a tree management permit, unless otherwise specified by the Director, and in accordance with the approved site plan, tree management plan or commitment letter as applicable.

Part 5 Fees and Charges

8. Fees and Charges

- (1) The fees for applications and permits are as prescribed in Schedule A.
- (2) The application processing fee is non-refundable and shall be credited against the permit fee when the permit is issued.
- (3) In no event will an application fee be refunded or partially refunded.

Part 6 Replacement and Protection

9. Replacement Trees

- (1) Replacement trees shall be:
 - (a) required in accordance with this bylaw for each lot from which any protected tree is cut, removed or damaged;
 - (b) planted and maintained in accordance with sound horticultural and arboricultural practices to the satisfaction of the Director; and
 - (c) maintained for a period of 1 year or a longer period of time as recommended as part of the approved tree management plan, in accordance with sound arboricultural practice and the tree management plan, if applicable.
- (2) The number of replacement trees shall be replaced according to Table 1:

Table 1

Trees Cut or Removed	Replacement Ratio	Security Deposit
1 to 5 per calendar year	1:1	Required
More than 5 per calendar year	2:1	Required

- (3) Except as provided in subsection (4) replacement trees must be of the size, species and location as recommended in the tree management plan, and the replacement trees shall

- be planted under the direction and supervision of the qualified person retained by the applicant.
- (4) Where a tree management plan is not required pursuant to subsection 6(2), replacement trees must not be less than 1.5m in height, of a native species found in Coastal Douglas-fir ecosystem, and planted in accordance with the approved site plan.
 - (5) Notwithstanding the provisions of subsection (4), replacement trees may be of a species approved by the Director, and planted in a location that is satisfactory to the Director.
 - (6) Except as provided in subsection (7) and (8), 1 replacement tree shall be planted on the same lot as the trees that are cut or removed.
 - (7) If in the opinion of the Director the lot cannot accommodate 1 or all of the replacement trees required under subsection (2), the owner shall be required to pay cash-in-lieu to the City in the amount specified in Schedule A.
 - (8) The property owner may choose to pay cash-in-lieu to the City in the amounts specified in Schedule A for 1 or all of the replacement trees required under subsection (2).
 - (9) If any replacement tree does not survive for 1 year or a longer period of time if a longer period of time is recommended, the owner shall, within 6 months, replace the tree with a replacement tree that is of a species approved by the Director, in a location satisfactory to the Director, and the owner shall thereafter maintain the replacement tree in accordance with subsection (1) (c).
 - (10) Upon completion of a tree replacement pursuant to this section, the owner must provide the Director with written notice and one or more photographs confirming that the replacement trees have been planted in accordance with this bylaw.
 - (11) Cash-in-lieu of replacement trees received by the City shall only be used to purchase, plant or maintain trees on City parks and boulevards and such revenue may be placed in a reserve fund established for such purpose.

10. Tree Protection during Construction and Demolition

- (1) Where the drip line of a protected tree on a lot is within 4 metres from any excavation, demolition, construction, fill or engineering works proposed on that lot, the owner shall install a tree protection barrier around the critical root zone of the protected tree, in accordance with Schedule B.
- (2) Where the drip line of a protected tree on an adjacent lot is within 4 metres from any excavation, demolition, construction, fill or engineering works proposed on a lot, the applicant shall, with the consent of the owner of the adjacent lot, install a tree protection barrier around the critical root zone of the protected tree on the adjacent lot, in accordance with Schedule B. In the event that the applicant cannot obtain such consent from the owner of the adjacent lot, the applicant shall install a tree protection barrier around the tree to the property line of the subject lot.

- (3) No demolition permit, building permit, or fill permit shall be issued before the tree protection barrier has been installed. The owner must provide confirmation in writing and by photographs that the tree protection barrier has been installed.
- (4) A tree protection barrier must remain in place and in accordance with Schedule 8 throughout the entire period of any excavation, construction, demolition, or fill activity on the site, until the removal of the tree protection barrier is approved by the Director.
- (5) Site disturbance inside a tree protection zone is prohibited, including but not limited to site grading, deposition or storage of soil or any other material, disposal of any toxic material, access by any vehicular traffic or heavy equipment, use of the area as an amenity space during construction, or use of tree trunks as a winch support, anchorage, or temporary power pole.
- (6) Notwithstanding subsections (4) and (5), a tree protection barrier may be temporarily removed or relocated in order to allow work to be done within or near a critical root zone if the applicant has, prior to such removal or relocation, provided the Director with:
 - (a) a report from the applicant's qualified person, satisfactory to the Director, setting out the reasons and proposed duration for such removal or relocation; and
 - (b) a signed letter of undertaking from the applicant's qualified person, in the form prescribed for that purpose from time to time by the Director, confirming that the applicant's qualified person will be onsite and supervising all such work,

and thereafter the applicant shall only remove or relocate the tree protection barrier in accordance with the approved report and at those times during which the applicant's qualified person is onsite and supervising all such work.

Part 7 Securities

11. Securities

- (1) Where replacement trees or retention and protection of retained trees are required as a condition of a tree management permit or as part of a penalty for cutting, removing or damaging protected trees without a permit, or cutting, removing or damaging protected trees in excess of the trees allowed by a permit, or the trees shown to be cut or removed on an approved site plan provided under subsection 6(2), the owner shall provide to the City a security deposit in the form of cash or letter of credit in the amount specified in Schedule A, for the period and on the terms specified in this bylaw. No interest shall be paid by the City on security deposits.
- (2) Any letter of credit required to be provided under this bylaw shall be an irrevocable, auto renewable, auto extendable letter of credit drawn from a Canadian financial institution acceptable to the City and in a form acceptable to the City. If, for any reason, the irrevocable letter of credit ceases to be effective security or becomes unenforceable so as

to remove or reduce its purpose as full security for the due and proper performance of the requirements of this bylaw, the owner shall replace it with a further letter of credit acceptable with the City no less than 21 days prior to the expiry of the letter of credit then held by the City. If the owner fails to do so, the City may draw down on the current letter of credit without notice or restriction and hold the cash as security.

- (3) If at any time an owner fails to comply with the provisions of this bylaw relating to planting and maintenance of replacement trees or retention and protection of retained trees, the City may by its employees or contractors enter upon the lands that are the subject of the requirements to plant and maintain replacement trees or retain and protect retained trees and fulfill the requirements of the owner and, for such purposes, the City may draw upon the securities provided and expend the funds to cover all costs and expenses of so doing. If the securities provided by the owner are insufficient to cover the City's costs, the City may seek recovery of the remainder from the owner, and if an invoice for such amount remains unpaid on December 31 of the year in which it was issued, the amount may be added to the property taxes of the lands as a property taxes in arrear.
- (4) Security provided to the City for replacement trees that are subject to a tree management plan will be released upon the applicant's qualified person certifying, in a form prescribed for that purpose by the Director, that the replacement trees have been planned and maintained for a period of 12 months or longer if a longer period of time is recommended as part of the approved tree replacement plan.
- (5) Security provided to the City for replacement trees that are identified on a site plan will be released upon confirmation from the applicant that the replacement trees have been planted and maintained for a period of at least 12 months in accordance with this bylaw, together with recent photographs of the replacement tree, all to the satisfaction of the Director.
- (6) The amount of security required for protected trees proposed to be retained and protected as a requirement of a subdivision application, a building permit, a demolition permit, a fill permit, or a permit under this bylaw shall be as set out in Schedule A.
- (7) The security provided to the City under subsection 6 will be held by the City until a final building inspection has been issued to ensure that the retained trees are not damaged, and have been properly protected and maintained in accordance with this bylaw and the applicable permit. The security will be released upon receipt by the City of a letter from the applicant's qualified person confirming that the retained trees have not been damaged and have been properly protected and maintained in accordance with this bylaw and the applicable permit.

Part 8 Inspection, Enforcement and Penalties

12. Inspection and Enforcement

- (1) The Director, Bylaw Compliance Officers, employees and contractors of the City are authorized to enter at all reasonable times without the consent of the owner on any lot that is subject to this bylaw to ascertain whether the regulations, prohibitions, and requirements of this bylaw or any permit are being met, or to assess or inspect any

protected tree or remains of any protected tree on the lot.

- (2) No person shall prevent or obstruct or attempt to prevent or obstruct the Director, Bylaw Compliance Officer, or any employee or contractor of the City from:
 - (a) entering upon lands as authorized by subsections 11(3) and 12(1); or
 - (b) carrying out their duties under this bylaw.
- (3) The Bylaw Compliance Officer may issue a Stop Work Order if any protected tree is being cut without a tree management permit or contrary to a tree management permit or this bylaw, or if any protected tree is being damaged in contravention of this bylaw. Upon receipt of a Stop Work Order, the owner and all persons having notice of the Stop Work Order shall immediately cease the tree cutting or damaging activity and shall not resume unless authorized by the Director.
- (4) Notwithstanding subsection 8(1), a person who cuts, damages, removes or undertakes any activity that may affect the health and welfare of a protected tree(s) without holding a valid +permit must pay an application fee equal to twice the amount prescribed in Schedule A upon applying for a tree management permit.
- (5) Where a protected tree has been cut or damaged on a lot in violation of this bylaw, without a permit, or in excess of any permission or in violation of any terms and conditions of a permit, the trunk, limbs, roots and remains of the cut or damaged tree shall not be removed from the lot until an investigation and assessment by a qualified person is complete and the removal is expressly authorized by the Director.
- (6) Without limiting the application of section 13, the Director may revoke a permit by providing notice to the owner if any provision of this bylaw or any permit condition is breached or the information on which the issuance of a permit was based is found to be incorrect.
- (7) If a permit has been revoked pursuant to subsection (5), all tree cutting and removal authorized by that permit must cease until the breach has been remedied or the effect of the incorrect information has been accommodated in a permit's condition and the Director has withdrawn the revocation of the permit in writing.
- (8) A person who has been refused a tree management permit or who has received a notice from the Director or a Bylaw Compliance Officer may seek Council reconsideration under section 52 of the *Community Charter* by submitting a written request to the City's clerk.

13. Offences and Penalties

- (1) Any person who:
 - (a) contravenes or violates any provision of this bylaw or of any permit issued under this bylaw;
 - (b) allows any act or thing to be done in contravention or violation of this bylaw or any permit issued under this bylaw; or
 - (c) fails or neglects to do anything required to be done by this bylaw or any permit issued under this bylaw, commits an offence, and where the offence is a continuing one, each

day the offence is continued constitutes a separate offence.

- (2) Where one or more protected tree is cut, removed or damaged, other than as authorized by this bylaw, or more than one protected tree is not replaced or maintained in accordance with a permit issued under this bylaw, a separate offence is committed in respect of each protected tree.
- (3) Upon summary conviction of an offence under this bylaw, a person shall be liable to pay a fine of not less than \$1,000 and not more than \$10,000.
- (4) In addition to any other penalty which may be imposed under this bylaw, where a person cuts, removes or damages, or causes or allows any protected 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 shall, within 30 days of receiving notice of such requirement from the Director:
 - (a) submit for the Director's approval a tree replacement plan prepared by a qualified person retained by the owner specifying the location and species of all replacement trees; and
 - (b) plant and maintain on the same lot in accordance with the approved tree replacement plan, replacement trees in accordance with section 9 for each protected tree unlawfully cut, removed or damaged, and in the event that the owner's qualified person determines it is not feasible or practical to plant the replacement trees on the same lot, pay cash-in-lieu to the City in accordance with Schedule A.
- (5) If any owner does not comply with a requirement under section 7 or subsection (4) of this bylaw to plant and maintain replacement trees, a Bylaw Compliance Officer may issue a written notice that the City will be entitled to plant and maintain replacement trees at the owner's expense if the owner does not take the required action within 30 days of service of the notice.
- (6) If the owner does not take the action required by a notice issued pursuant to subsection (5) within the specified time, the City may:
 - (a) by its employees or others, enter onto the property and take the action at the expense of the owner, or take action to plant and maintain an equivalent number of replacement trees on City land at the expense of the owner; and
 - (b) if the City holds security for the provision, installation, and maintenance of replacement trees under this bylaw, draw upon the securities provided and expend the funds to cover all costs and expenses of carrying out the work described herein.
- (7) In the event that an applicant or their qualified person fails to provide confirmation that trees have been planted and maintained as specified in Part 7 within two years of permit

issuance or longer (if a longer period of time is recommended as part of the approved tree replacement plan), the security shall be forfeit and used by the City as cash-in-lieu of on-site replacement to purchase, plant, or maintain trees on City parks and boulevards. Such revenue may be placed in a reserve fund established for such purpose

Part 9 Severability and Citation

14. Severability

- (1) 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.

15. Citation

- (1) This Bylaw may be cited as the "Urban Forest Bylaw" No. 1735, 2018.

16. Repeal and Transition

- (1) The "Urban Forest Bylaw" No. 1710, 2017 is hereby repealed.
- (2) The requirements and obligations imposed under a tree management permit, a tree protection plan, a stop work order, and a notice to take action from the Director or a Bylaw Compliance Officer that was issued under "Urban Forest Bylaw" No. 1710, 2017 continue as if the permit, plan, order or notice was issued under this bylaw.

READ A FIRST TIME THIS 24th DAY OF SEPTEMBER, 2018.

READ A SECOND TIME THIS 24th DAY OF SEPTEMBER, 2018.

READ A THIRD TIME THIS 24th DAY OF SEPTEMBER, 2018.

ADOPTED BY THE MUNICIPAL COUNCIL OF THE CITY OF COLWOOD THIS 9TH DAY OF OCTOBER, 2018.

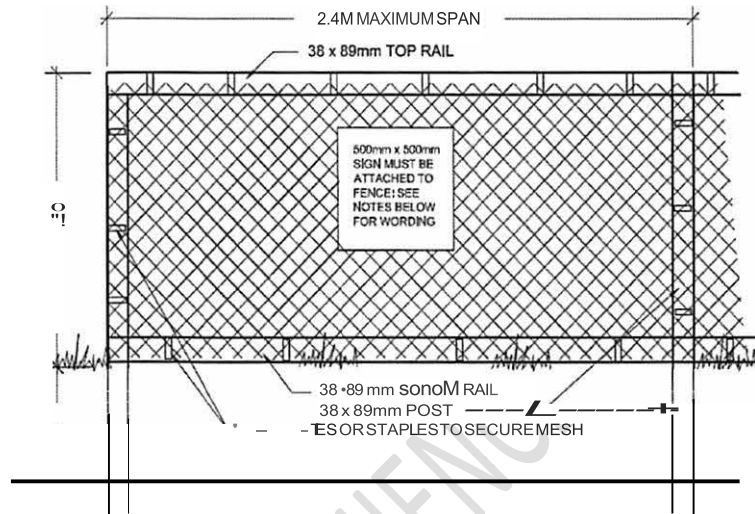
SCHEDULE A**FEES, PAYMENTS, AND SECURITIES**

Application Fee (non-refundable)	\$100
Security for Replacement Trees	\$750 per tree
Cash-in-Lieu	\$750 per tree
(1) Retained Trees	
a) Protected Tree	\$2,500 per tree

SCHEDULE B

TREE PROTECTION BARRIER

Trunk diameter (cm)	Minimum protection distance (m from trunk)
X	6X
20	1.2
25	1.5
30	1.8
35	2.1
40	2.4
45	2.7
50	3.0
55	3.3
60	3.6
75	4.5
90	5.0
100	6.0



Trunk Diameter X

CONSOLIDATED FOR CONVENIENCE

Notes

- Tree diameter at breast height (dbh) to be measured at 1.4m from grade.
- Install the tree protection barrier before construction begins and keep in place until landscape construction is complete.
- Attach a 500 mm x 500 mm sign with the following wording: **WARNING – TREE PROTECTION AREA**. This sign must be affixed on every fence face or at least every 10 linear metres.
- Storage of building materials and litter within, or against the tree protection barrier is prohibited. The developer/owner are responsible for the maintenance within the tree protection barrier.
- Maintain existing grades at protection barrier for all protected and retained trees.
- Re-grading outside of the protection barrier should not adversely compromise protected, retained and existing trees.

