

THE CORPORATION OF THE CITY OF
WILLIAMS LAKE

TREE PROTECTION
BYLAW NO. 2404, 2024



**CITY OF WILLIAMS LAKE
BYLAW NO. 2404**

**BEING A BYLAW OF THE CITY OF WILLIAMS LAKE TO REGULATE THE REMOVAL
AND RETENTION OF TREES WITHIN THE MUNICIPALITY.**

WHEREAS it is deemed desirable to regulate the removal and retention of trees within the City of Williams Lake; and

AND WHEREAS trees are recognized as a Natural Asset of the community;

AND WHEREAS trees and tree cover provide many services for the City;

NOW THEREFORE the Council of the City of Williams Lake, in open meeting assembled, hereby enacts as follows:

TITLE

- 1.1** This Bylaw may be cited for all purposes as "City of Williams Lake Tree Protection Bylaw No. 2404, 2024".

REPEALS

- 1.2** Bylaw No. 2400, being "City of Williams Lake Tree Protection Bylaw No. 2400, 2023", and all amendments thereto, is hereby repealed.

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PART 1 – INTRODUCTION

PURPOSE

- 1.3** This Bylaw is enacted for the purposes of regulating the damaging, removal and replacement of trees within the City of Williams Lake and to preserve the overall ecological function of the Urban Forest by:
- a) Regulating the altering, cutting, damaging or removing of trees within the City of Williams Lake; and
 - b) Describing the conditions under which permits will be granted for the altering, cutting, or removal of trees.

BYLAW SCHEDULES

- 1.4** Attached as integral parts of this Bylaw are the following Schedules:
- a) SCHEDULE “A” – Geotechnical Hazard Areas
 - b) SCHEDULE “B” – Tree Protection Practices
 - c) SCHEDULE “C” – Replacement Tree Stock and Planting Requirements

PART 2 – DEFINITIONS AND APPLICATION OF BYLAW

DEFINITIONS

- 2.1** In this Bylaw the following words and terms shall have the meanings hereinafter assigned to them:

BOULEVARD	means an improved portion of land, within a highway dedication adjacent to a road surface, sidewalk, or Lot.
CERTIFIED ARBORIST	means an Arborist or Utility Arborist who is certified and in good standing with the International Society of Arboriculture.
CITY	means the City of Williams Lake.
CONIFEROUS	means a tree that bears cones and needle-like or scale-like leaves that are typically evergreen.
COUNCIL	means the municipal Council of the City of Williams Lake.
CROWN	means the entire system of branches, leaves and reproductive structures of a Tree extending away from the trunk or main stem(s).

CUT	means to limb, trim, Top, or prune any parts of a Tree, or by any mechanical means remove any branch, foliage, root, stem, or other part of a Tree, and “Cutting” shall have a corresponding meaning.
DAMAGE	means to take any action that may cause a Tree to die or decline, including, but not limited to: a) girdling; b) ringing; c) poisoning; d) burning; e) soil compaction; f) depositing soil, undermining, or removing soil from, around the Tree; g) depositing toxins on any part of a Tree or into groundwater taken up by a Tree; h) placing concrete or any other hard surface within the Protected Root Zone of a Tree without authorization from the City; i) blasting within 5 metres of the Protected Root Zone; j) penetrating or removing any part of the bark of the Tree; k) excessive Crown lifting, excessive pruning of the Crown, branches, limbs and/or roots; or l) any other pruning in a manner not in accordance with Sound Arboricultural Practices as set out by the International Society of Arboriculture.
DECIDUOUS	means a Tree which sheds all leaves annually at the end of the growing season followed by a dormant period without leaves.
DEPOSIT	means place, move, discharge, spray, spill, leak, seep, pour, emit, store, stockpile, or release directly or indirectly into or onto the land, air, soil and groundwater such that Damage to a Tree results, and Depositing has a corresponding meaning.

DEVELOPMENT	means an activity which requires a building permit, rezoning, or subdivision.
DEVELOPMENT TREE DENSITY	means the number of Replacement or Retained Trees on each lot subject to or created by Development, totaling no less than 30 Trees per hectare.
DIAMETER AT BREAST HEIGHT or DBH	means diameter of the stem of a Tree measured at breast height, except where the Tree has multiple stems at such a point, in which case the DBH of such Tree shall be the sum of 100% of the diameter of the largest stem and 60% of the diameter of each additional stem, all measured at breast height, and breast height for the purposes of such measurements shall be deemed to be 1.3 metres above the natural grade on the uphill side of the Tree.
DIRECTOR	means the person appointed by the City as Director of Development Services, their deputy, or a person authorized by the Director to perform duties of the Director under this bylaw.
GEOTECHNICAL HAZARDS	means those areas identified by the City Official Community Plan "Geotechnical Hazard Areas" mapping attached as Schedule A, and/or other geotechnical/engineering reports and maps as determined by the Director.
GEOTECHNICAL PROFESSIONAL	means a qualified, experienced professional engineer or geoscientist licenced to practice in British Columbia.
HAZARDOUS TREE	means a Tree or a portion of a Tree that: a) in the opinion of a Certified Arborist, tree risk assessor or the Director, poses an unacceptable level of risk to people or property because of location, lean, physical damage, overhead hazards, deterioration of limbs, stem or root system, or a combination thereof; or b) in the opinion of the utility having jurisdiction, interferes with, or is in such proximity to, utility wires as to create a dangerous situation; or c) in the opinion of the Director, interferes with, blocks, or damages a drainage, water or sewer system or other parts of an improvement.

HEDGE	means a row of three or more Trees that through growth and pruning form a continuous dense screen of vegetation from ground level which provides privacy, fencing, windbreaking, and/or boundary definition.
HERITAGE TREE	means a designated Tree that has been determined to be of significant value to the community because of special characteristics such as uniqueness of species, uniqueness of ecosystem, historical, cultural or landmark value.
LANDSCAPE ARCHITECT	means a Landscape Architect registered with the British Columbia Society of Landscape Architects.
LOT	means a Lot as defined in the Zoning Bylaw.
NATIVE SPECIES	means a Tree species that occurred naturally in the City of Williams Lake prior to European contact.
NATURAL ASSET	means a feature or features in the natural environment that perform a civil function.
OWNER	means Legal owner, agent, or representative of a subject property.
PERMIT	means a written, conditional approval to remove or cut a Protected Tree. Depending on the proposed removal type, the permit may either be standard type, for general removals, or development type, for removals related to building permits, subdivision, or rezoning.
PROTECTED ROOT ZONE	means: a) the area of land surrounding the trunk of a Tree that contains the bulk of the critical root system of the Tree which has been specifically delineated on a Tree plan prepared by a Certified Arborist and approved by the Director; or b) in the absence of such information, the area of land surrounding the trunk of a Tree contained within a circle having a radius which is calculated by multiplying the DBH of the Tree by 18.
PROTECTED TREE	means: a) any Tree having a DBH of 10 cm or more on Sloping

Terrain and/or within a Lot subject to Geotechnical Hazards .

- b) Any Tree having a DBH of 10 cm or more on a Lot with significant tree removal proposed, at the discretion of the Director.
- c) Any Tree on a Lot proposed for significant Tree removal, at the direction of the Director.
- d) any Replacement, Retained, Specimen, Heritage or Wildlife Tree, or Tree in a Riparian Area;
- e) any Tree with evidence of nesting or use that is protected under federal or provincial regulations, including the *BC Wildlife Act*, *Migratory Birds Convention Act*, and *Species at Risk Act*;

QUALIFIED ENVIRONMENTAL PROFESSIONAL

means an experienced, qualified individual holding one of the following designations:

- a) Agrologist;
- b) Professional biologist;
- c) Professional engineer;
- d) Professional forester;
- e) Professional geoscientist; and
- f) Registered forest technologist.

REMOVE

means to entirely sever the main stem of a Tree, and "Removed", "Removal" and "Removing" shall have corresponding meanings.

REPLACEMENT TREE

means a Tree required in accordance with this Bylaw to be planted to replace a Tree that has been Cut, Removed or Damaged, or a Tree planted as a condition of Subdivision or other municipal approval.

RETAINED TREE

means a Tree not to be Cut, Removed or Damaged and that must be permanently protected.

RIPARIAN AREA	means an area of sufficient width to include any significant natural attribute and adjacent ecosystem (e.g. vegetation, water features, fish and wildlife habitat, escarpments, terraces, steep valley sides and cliffs) adjacent to a water course, linking aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential adjacent upland vegetation that exerts an influence on the stream.
SLOPING TERRAIN	means land with a slope angle greater than 20%, measured over a horizontal distance of 6.0 m (19.7 ft) or more at the location of the Tree.
SOUND ARBORICULTURAL PRACTICE	means in accordance with the Best Management Practices Series of the International Society of Arboriculture (ISA).
SPECIMEN TREE	means a Tree of any size which a Certified Arborist, Landscape Architect, or the Director deems to be of exceptional value because of its species, condition, form, age or size.
SUBDIVISION	means: a) a Subdivision as defined in the <i>Land Title Act</i> , or b) a Subdivision under the <i>Strata Property Act</i> .
TOP	means to entirely sever the stem of a Tree such that the upper stem and branches of the Tree are completely removed, resulting in an abruptly truncated stem, and "Topping" and "Topped" shall have corresponding meanings.
TREE	means a woody perennial plant having one or more stems and includes any part of the Tree or root system which is above or below ground.
TREE CUTTING PERMIT	means a permit issued pursuant to this Bylaw by the Director authorizing the pruning, Cutting or Removal of one or more Protected Trees.
TREE PROTECTION BARRIER	means a sturdy temporary or permanent fence or barrier at least 1.2 metres in height, with wood-framed top and side rails or equivalent.
URBAN FOREST	means the Trees, forests, greenspace, and related abiotic, biotic, and cultural components located within the City.

- WILDLIFE TREE** means any standing dead or live Tree having special characteristics that provide valuable habitat for the conservation or enhancement of wildlife, as determined and classified by the Director, in accordance with criteria contained in the “Wildlife/Danger Tree Assessor’s Course Workbook – Parks and Recreation Sites”.
- ZONING BYLAW** means the City of Williams Lake Zoning Bylaw No. 1825, 2002, as amended or replaced from time to time.

APPLICATION OF BYLAW

- 2.2** This Bylaw applies to all land within the City.
- 2.3** 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.

PART 3 – RESTRICTIONS AND EXEMPTIONS

RESTRICTIONS

- 3.1** No person shall Cut, Remove, or move any Protected Tree, or cause, suffer or permit any Protected Tree to be Cut, Removed or moved, except in accordance with the terms and conditions of a valid Tree Cutting Permit issued under this Bylaw.
- 3.2** Except to the extent granted by a Tree Cutting Permit, or as provided for in Section 3.6, a person must not perform any of the following actions:
- a) Damage a Protected Tree;
 - b) Top a Protected Tree except if the Protected Tree forms part of a Hedge;
 - c) Attach a sign or poster to a Protected Tree in any manner that may Damage the Protected Tree.

PUBLIC LANDS

- 3.3** Any Tree on land owned by or under the jurisdiction of the City, including, without limitation, a Tree in a park or on a Boulevard, road, lane allowance or right-of-way is considered a Protected Tree.
- 3.4** No person shall plant a Tree or Hedge on City lands or cause Trees or Hedges to be planted on City lands without prior written authorization from the Director.

EXEMPTIONS

- 3.5** A Tree Cutting Permit is not required to Cut or Remove a Protected Tree where the Cutting or Removal:
- a) Constitutes normal pruning of Trees in accordance with Sound Arboricultural Practice;
 - b) Is located on parcels of land less than 1 hectare (ha) in size and zoned Residential in accordance with the City's Zoning Bylaw;
 - c) Is less than 5m in height and less than 10cm DBH.

HAZARDOUS TREES

- 3.6** In the event that a Tree is in imminent danger of falling, the Owner may Cut the Tree or have it Cut prior to obtaining a permit.
- 3.7** The Owner shall not remove the Tree from the Lot until the Director has attended the site and has confirmed the Tree was in imminent danger of falling.
- 3.8** If the Director determines that the Tree was not in imminent danger of falling, or was in imminent danger of falling due to reasons other than natural causes, the Owner may be found to have acted in contravention of this bylaw and be subject to the penalties identified in Part 7.

PART 4 – TREE CUTTING PERMIT APPLICATION

GENERAL CONDITIONS OF TREE CUTTING PERMIT

- 4.1** An application for a Tree Cutting Permit shall be in the form prescribed for that purpose by the Director, as updated from time to time.
- 4.2** A Tree Cutting Permit issued under this Bylaw is non-transferable.
- 4.3** The Tree Cutting Permit shall be displayed in an accessible and conspicuous location on the Lot to which it pertains no less than 72 hours prior to and during Tree Cutting or Removal operations.

APPLICATION REQUIREMENTS

- 4.4** Every application for a Tree Cutting Permit shall include:
- a) A non-refundable application fee in the amounts as follows:
 - i. \$50.00 for a permit relating to five Trees or less, and

- ii. \$150.00 for a permit relating to six Trees or greater, and for Developments.

Provided that there shall be no Tree Cutting Permit fee charged in respect of Hazardous Trees.

- b) Notwithstanding Section 4.4(a), no permit fee is required where any of the following conditions apply:
 - i. The Protected Tree is located within the building envelope of a Lot and the Cutting or Removal of the Protected Tree is deemed by the Director to be necessary for the purpose of lawfully constructing a building or accessory building, or an addition to a building or accessory building in respect of an approved Building Permit; or
 - ii. The removal of a Protected Tree is to facilitate the installation of roads or services in respect of a Subdivision and as shown on an engineering drawing approved by the City; or
 - iii. The Tree is dead, dying, severely Damaged, unstable or deemed to be Hazardous; or
 - iv. The roots of the Protected Tree are interfering with, or presenting a hazard to, underground or overhead services and utilities where, in the opinion of the Director, removal of the tree is the only means to address the issue.
- c) The following documents, plans and information relating to the proposed Tree Cutting or Removal, including, but not limited to:
 - i. A statement of purpose and rationale for the proposed Tree Cutting or Removal;
 - ii. A site plan;
 - iii. The proposed methods for disposal of wood waste and other debris;
 - iv. The proposed methods of noise and dust control during the Tree Cutting or Removal operation;
 - v. The proposed completion dates for Tree Cutting or Removal;
 - vi. Where the Tree(s) proposed to be Cut or Removed are on Sloping Terrain or are on or adjacent to Geotechnical Hazard Areas, a report signed by a Geotechnical Professional certifying that the proposed Cutting or Removal shall not result in an increased risk or danger of flooding, erosion or slope instability;

- vii. The proposed location, species, and DBH of Replacement Trees required in accordance with Part 5 – Regulations: *'Replacement Trees'*;
 - viii. A report certifying that the proposed Tree Cutting or Removal will not create an adverse impact including flooding, erosion, land slip or contamination of a watercourse prepared by a Qualified Environmental Professional qualified to provide such certification, and methods proposed for control of drainage and erosion impacts during and after the Tree Cutting or Removal;
 - ix. Such further and other information as the Director determines is necessary to adequately describe the nature and extent of the Tree Cutting or Removal operation.
- d) Where the Tree Cutting or Removal is for a Tree that the applicant purports to be a Hazardous Tree:
- i. Evidence that the Tree is in imminent danger of falling, as requested by the Director, or
 - ii. 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
 - iii. In the event that it is not possible for reasons of safety to obtain a report 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 30 days, along with a photograph of the tree prior to such cutting.

4.5 In addition to the requirements in Section 4.4 above, any Lot undergoing Subdivision or Development shall place a Tree Protection Barrier around any Tree or Trees which are not to be Cut or Removed, in such a manner to ensure that the trunk, branches and Protected Root Zone are not Damaged by the Cutting or Removal operations, which Tree Protection Barrier must be constructed prior to the issuance of the Tree Cutting Permit and must remain intact for any construction or demolition throughout the entire period of construction or demolition.

PERMIT ISSUANCE OR REFUSAL

- 4.6** The Director, in considering an application for a Tree Cutting Permit, may, at their discretion, issue or refuse to issue a Tree Cutting Permit if the Director deems the proposed activity is necessary where any of the following apply:
- a) The Tree Removal or Cutting is directly necessary to facilitate the lawful construction of a building or building addition in respect of an approved Building Permit or other uses permitted in the Zoning Bylaw;

- b) Any part of the Tree is causing damage or may be reasonably expected to cause damage to a permanent building and where removal of the Tree is the only means to address the issue;
- c) The roots of the Protected Tree are interfering with, or presenting a hazard to, underground or overhead services and utilities where removal of the tree is the only means to address the issue;
- d) The Tree Removal or Cutting is directly necessary to facilitate installation of a driveway permitted by the City's Subdivision and Development Servicing Bylaw;
- e) The Tree Removal or Cutting is directly necessary to facilitate the installation of roads or services in respect of a Subdivision and as shown on an engineering drawing approved by the City;
- f) The Tree is one of several Trees on the property and Removing one or more Trees will promote the health and safety of the remainder, or minimize wildfire risk; or
- g) The Proposed Tree Removal or Cutting will not, in the opinion of the Director, cause an unacceptable impact on engineered infrastructure, other Trees or other Natural Assets.

4.7 Notwithstanding Section 4.6, issuance of a Tree Cutting Permit shall be subject to the observance or fulfilment of additional conditions specified in the Tree Cutting Permit which in the opinion of the Director are necessary to achieve the purposes of this Bylaw.

4.8 The issuance of a Tree Cutting Permit does not authorize the permit holder to undertake any work that will contravene the *Wildlife Act* or any other legislation of applicable regulators.

PERMIT EXPIRY, RENEWAL, EXTENSION OR MODIFICATION

4.9 The duration of a Tree Cutting Permit will be determined by the Director to be up to a maximum of 12 months.

4.10 The Director may renew, extend, or modify a Tree Cutting Permit upon written request of the permit holder, subject to the following:

- a) The Director may require that the permit holder provide additional information authorized by this Bylaw as a precondition to considering an application for a Tree Cutting Permit renewal, extension, or modification; and
- b) All terms and conditions set out in the original permit shall apply to each renewal, extension, or modification of the Tree Cutting Permit, except as amended or modified by the renewal, extension, or modification.

PART 5 – REGULATIONS

TREE CUTTING OR REMOVAL

- 5.1** Every Cutting or Removal of a Protected Tree shall comply with, and every Tree Cutting 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 Director:
- a) Flag or mark with red or orange paint each Tree proposed to be Cut or Removed;
 - b) Mark on the ground with paint, stakes or flagging the Protected Root Zones of all Trees on the Lot and the boundaries of the areas within such Protected Root Zones on which the Tree Removal or Cutting activities are proposed to be carried out;
 - c) Tree parts and wood waste shall be removed from the land and properly disposed of;
 - d) Precautions shall be taken to ensure that Trees which are not to be Cut or Removed are not subject to any Damage;
 - e) All damage to drainage facilities, watercourses, highways or other public or private property arising from an activity in respect to the Cutting or Removal of a Tree shall be promptly and properly repaired to the satisfaction of the Director at the expense of the permit holder;
 - f) All watercourses, groundwater aquifers, waterworks, ditches, drains, sewers and other established drainage facilities shall be kept free of all wood waste arising from the activity in respect of which a Tree Cutting Permit was issued under this Bylaw;
 - g) All hazards or potential hazards associated with the Tree Cutting or Removal operation shall be adequately fenced or otherwise barricaded to ensure the safety of the public;
 - h) Tree Cutting or Removal operations must not encroach upon, undermine, damage or endanger any adjacent Lot or any setback area prescribed in the Tree Cutting Permit or a City Bylaw or other regulation; and
 - i) Tree Cutting or Removal operations shall be limited only to the area specified in the Tree Cutting Permit which shall be clearly marked according to Section 4.4(c)(ii) and such markings maintained for the duration of the Tree Cutting Permit.

- 5.2** For any Subdivision or Development, every Cutting or Removal of a Protected Tree or Specimen Tree shall comply with, and every Tree Cutting Permit issued under this Bylaw shall be subject to, the observance or fulfilment of the requirements, restrictions and regulations outlined in Section 5.1, to the satisfaction and approval of the Director, as well as the practices outlined in Schedules "B" and "C" of this Bylaw.

REPLACEMENT TREES

- 5.3** As a condition of permit issuance under this Bylaw, the Owner shall plant and maintain Replacement Trees in accordance with the requirements of Schedule "C" of this Bylaw, per the following:
- a) Standard Permit – Two Replacement Trees for each Protected Tree Cut or Removed on the subject Lot.
 - b) Development Permit – Upon development completion, each lot subject to or created by development shall achieve a Development Tree Density of 30 Trees per hectare, and/or as specified in any other applicable bylaws or development approval processes, whichever is greater.
- 5.4** Pursuant to Section 5.3(b), an applicant may achieve the required Development Tree Density by:
- a) Retaining existing trees that are in good health and not hazardous having a DBH of 10cm or greater on the parcel or parcels of land where trees were removed, and any existing retained tree having a DBH of 30cm or greater may be counted as two trees in any calculation of tree density;
 - b) By providing and planting replacement trees in accordance with Schedule "C" of this Bylaw.
- 5.5** Where the planting and maintenance of a Replacement Tree is required pursuant to this Bylaw, the Owner shall provide to the City prior to issuance of a Tree Cutting Permit a security deposit in the amount of \$300 cash for each Replacement Tree to be planted and maintained.
- 5.6** If at any time the Owner fails to comply with the provisions of this Bylaw relating to the planting and maintenance of Replacement Trees, the City may, by its employees or contractors, enter upon the subject Lot to fulfil the obligations of the Owner and for such purposes the City may draw upon the security deposit to cover any costs of doing so.
- 5.7** The security deposit or portion remaining thereof, if any, shall be released to the Owner 24 months after planting, provided the Director is satisfied the Tree is in good health.
- 5.8** If, in the opinion of the Director, Replacement Trees cannot, or need not, be

accommodated because of the configuration of buildings or proposed buildings on the Lot, or constraints due to lack of acceptable planting areas, the Director may accept from the Owner payment in lieu in an amount of \$300 per Tree into the Tree Planting and Replacement Reserve for each Replacement Tree not planted.

- 5.9** Replacement Trees shall be planted and maintained in accordance with Sound Arboricultural Practice to the satisfaction of the Director.
- 5.10** Replacement Trees are not required for Removal or Cutting of a Hazardous Tree, where such Removal or Cutting is approved by the Director in accordance with this Bylaw.

PART 6 – ADMINISTRATION

INSPECTION

- 6.1** The Director 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 Tree Cutting Permit issued under this Bylaw are being observed, and to assess or inspect, or cause an assessment or inspection to be made of any Protected Trees to which this Bylaw applies.
- 6.2** No person shall prevent or obstruct or attempt to prevent or obstruct the Director from entering upon lands and carrying out the activities authorized by Section 6.1.
- 6.3** Where a Protected Tree has been Cut or Damaged in contravention of this Bylaw or the terms of a Tree Cutting Permit, no person shall remove from a Lot the stem, limbs, roots and remains of a tree Cut or Damaged until an investigation and assessment by the Director is complete and the Director has expressly authorized the removal of the remains of the Tree.

NOTICE OF NON-COMPLIANCE

- 6.4** The Director may give notice to any person of a breach of, or noncompliance with, any of the provisions of this Bylaw or a Tree Cutting 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 Director, and every Owner of real property shall refuse to suffer or permit further Tree Cutting or Removal operations upon the real property until such time as the breach or non-compliance is remedied to the satisfaction of the Director.

FAILURE TO REMEDY NON-COMPLIANCE

- 6.5** In the event that a person having received notice under Section 6.4 fails within the time specified therein to remedy such breach, the City or its appointed agents may enter upon the real property and undertake, at the Owner's expense, the works required to remedy the breach.

NOTICE OF REMEDIAL REQUIREMENT

- 6.6** In addition to any other provision of this Bylaw, where a person Cuts, Removes or Damages, or causes, suffers or permits any Protected Tree to be Cut, Removed, or Damaged in contravention of this Bylaw or in violation of any term or condition of a Tree Cutting Permit issued under this Bylaw, that person, within 30 days of receiving notice of such requirement from the Director, shall:
- a) Submit for the Director's approval a Tree Cutting and Replacement Plan specifying the location and species of all Replacement Trees;
 - b) Provide twice the number of Replacement Trees required by Sections 5.3, 5.4 and 5.5;
 - c) Provide a security deposit in accordance with Section 5.5 of this Bylaw; and
 - d) Plant and maintain Replacement Trees in accordance with Part 5 – Regulations: '*Replacement Trees*' of this Bylaw and the Tree Cutting and Replacement Plan approved by the Director.

SUSPENSION OR CANCELLATION OF PERMIT

- 6.7** Without limiting the application of Part 7 – Offences and Penalties, if:
- a) There is a contravention of any term, condition, requirement or restriction of this Bylaw or a Tree Cutting Permit issued under this Bylaw; or
 - b) A Tree Cutting 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 Director may:
- i. Suspend in whole or in part the rights of the permit holder under the Tree Cutting Permit;
 - ii. Cancel the Tree Cutting Permit; or

- iii. Amend or attach new conditions to a Tree Cutting Permit.

RIGHT OF RECONSIDERATION

- 6.8** Any Person who is subject to a decision by the Director under this Bylaw may request that Council reconsider the decision by submitting a written request for reconsideration to the City's Corporate Officer in accordance with Section 6.9 of this bylaw.
- 6.9** All requests for reconsideration must:
- a) Be submitted in writing to the Corporate Officer within fourteen days of the owner's receipt of the notice referred to in Section 6 or within fourteen days of receiving notice that the Director is refusing to issue a Tree Cutting Permit; and
 - b) Include the address for delivery of the person applying for reconsideration, the particulars of the Tree(s) involved, and the reason for requesting reconsideration of the Director's decision.
- 6.10** Upon receipt of a written request for reconsideration, the Corporate Officer shall schedule the time, date, and place for Council to hear the matter.
- 6.11** At the reconsideration hearing, the applicant may address Council, and Council may question the applicant and have the Director present to be questioned by Council and the applicant.
- 6.12** In reconsideration of a decision made by the Director, Council may confirm, set aside, or alter the decision as it may deem appropriate in the circumstances.

RECOVERY OF COSTS AND FEES FROM REAL PROPERTY TAXES

- 6.13** The costs of actions taken by the City to remedy a default or breach of this Bylaw may be collected by the City in the same manner as real property taxes, and will be added as arrears of taxes if unpaid by December 31 in the year in which the costs are incurred.

PART 7 – OFFENCES AND PENALTIES

OFFENCES AND PENALTIES

- 7.1** Any person who contravenes or violates any provision of this Bylaw or of any Tree Cutting Permit issued under this Bylaw, or who suffers or allows any act or thing to be done in contravention or violation of any of the provisions of this Bylaw or any Tree Cutting Permit issued under this Bylaw, or who fails or neglects to obey any order,

direction or notice given under this Bylaw or any Tree Cutting Permit issued under this Bylaw, commits an offence against this Bylaw and is liable on summary conviction to the following:

- a) A fine set out in City of Williams Lake Bylaw Notice Enforcement Bylaw No. 2196, 2013, as amended from time to time; or
- b) A fine and/or penalty provided under the *Community Charter* of not less than \$1,000 and not more than \$10,000, plus the costs of prosecution, and any other order imposed pursuant to the *Community Charter*; or
- c) Any combination of the above.

7.2 Where one or more Protected Trees is Cut or Removed other than as authorized by this Bylaw, or more than one Protected Tree is not replaced or maintained in accordance with a Tree Cutting Permit issued under this Bylaw, a separate offence is committed in respect of each such Tree.

7.3 Where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

PART 8 – SEVERABILITY

SEVERABILITY

- 8.1** If any part, section, sub-section, sentence, clause or sub-clause of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid Section shall be severed and the decision that it is invalid shall not affect the validity of the remaining portions of this Bylaw.
- 8.2** Section headings do not form part of this Bylaw, they are included for convenience only and must not be used in interpreting this Bylaw.

PART 9 – ADOPTION

ADOPTION

- 9.1** This Bylaw shall come into force and take effect upon the date of final adoption by the Council of the City of Williams Lake.

READ A FIRST TIME THIS	13th	DAY OF	February	, 2024
READ A SECOND TIME THIS	13th	DAY OF	February	, 2024
READ A THIRD TIME THIS	13th	DAY OF	February	, 2024
RECONSIDERED AND ADOPTED THIS	27th	DAY OF	February	, 2024

**original signed by*

MAYOR

**original signed by*

CORPORATE OFFICER

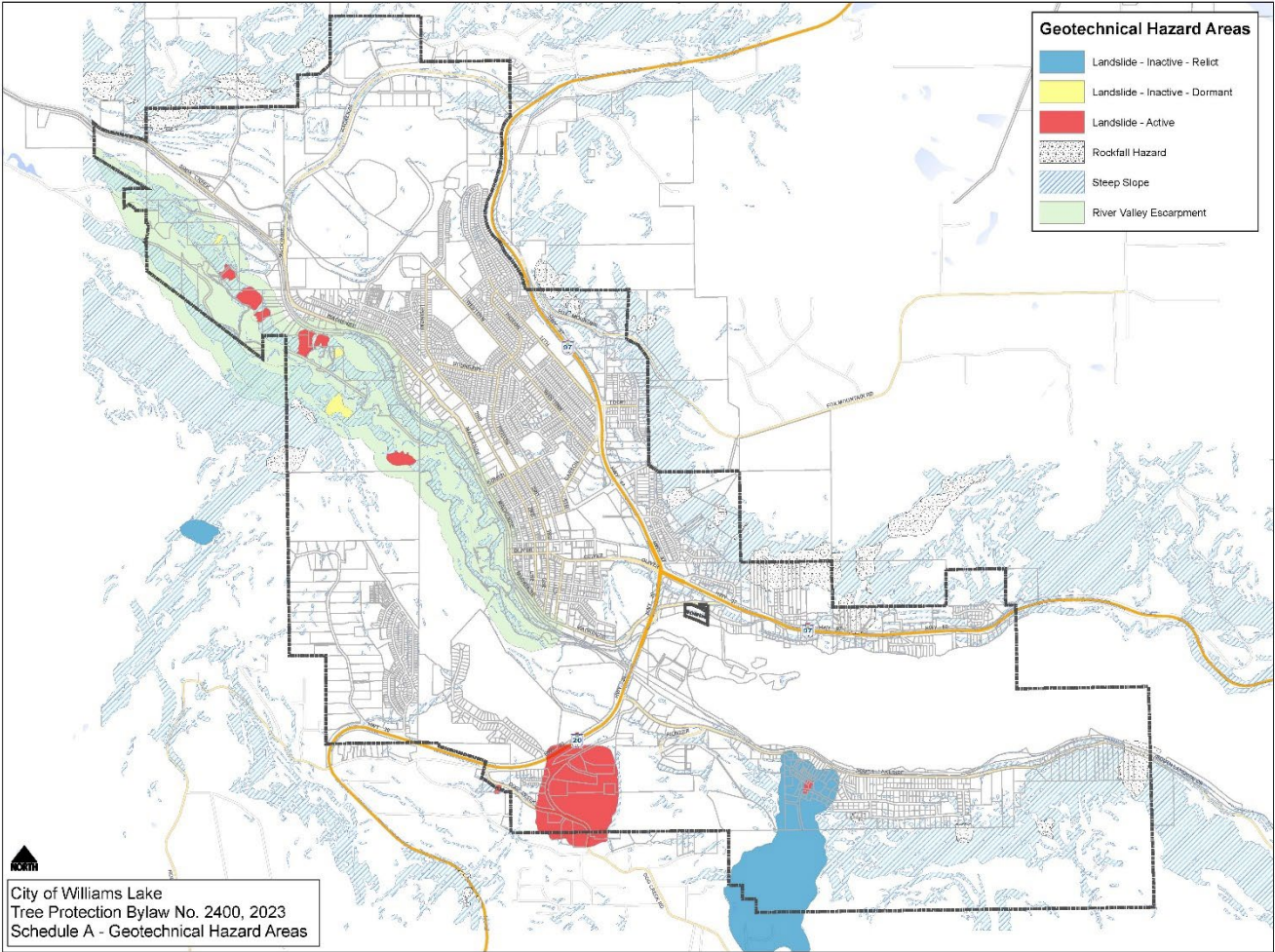


SCHEDULE 'A'

City of Williams Lake
Tree Protection Bylaw No. 2404

CORPORATE OFFICER

Geotechnical Hazard Areas





SCHEDULE 'B'

CORPORATE OFFICER

City of Williams Lake Tree Protection Bylaw No. 2404

Tree Protection Practices

- a) Ensure all Protected Trees are tagged with uniquely numbered plastic Tree tags.
- b) Have a Certified Arborist prepare a Tree Protection Plan in accordance with Schedule "C" of this bylaw, and review with Proponent, Design Consultants (particularly Civil Engineer, Architect and Landscape Architect), General Contractor and relevant sub-contractors.
- c) Erect sturdy, well-signed, Tree Protection Barriers for each Retained Tree prior to commencement of demolition, site preparation or construction and continuously maintain the fence and signage until the completion of the work proposed to be carried out on the land to which the permit applies.
- d) Conserve Trees in groups, where possible. Conserve growing soils and "placeholders" for new Trees, when planning the site.
- e) Discuss site access, storage, servicing, blasting and work-sequencing requirements with your Contractor and resolve any conflicts with the Protected Tree areas or measures.
- f) When blasting, ensure that explosive materials are selected that minimize combustible gases, which may otherwise harm roots. "Pre-shearing" and low "particle velocities" will also help to minimize root trauma.
- g) Store all excavation and building material away from Retained Trees.
- h) Use an access route to the subject site that avoids impact on the Protected Root Zones of adjacent Trees.
- i) Locate concrete washout areas away from Retained Trees (preferably down slope) and away from proposed and existing garden areas.
- j) Where Tree roots are impacted by digging or other site activities, Damaged roots should be pruned cleanly just before the point of impact with a sharp pruner or saw. Roots Cut by excavation must be immediately wrapped in a root curtain of wire mesh lined with burlap surrounded by posts, and the root curtain must be kept moist throughout the construction process.
- k) Make use of new techniques and products to broaden the number and efficiency of the proposed Tree protection options (e.g. hydraulic excavation, vertical shoring, on-grade road or sidewalk construction, pier and post construction, structural soils, permeable pavers etc.). Consult a Certified Arborist or Landscape Architect.

- I) Apply a 10cm layer of mulch to Protected Tree areas to retain moisture, improve nutrients and increase beneficial soil biology.



SCHEDULE 'C'

CORPORATE OFFICER

City of Williams Lake Tree Protection Bylaw No. 2404

Replacement Tree Stock and Planting Requirements

Where Replacement Trees are required to be provided pursuant to this Bylaw, such Replacement Trees shall be provided and planted as follows:

- a) For Removal of a Protected Tree, the Replacement Tree(s) must be of an approved Native Species that is drought resistance and meets Fire Smart principles.
- b) At least half of the total number of Trees on the property, including existing Retained and Replacement Trees, must be Native Species.
- c) For Tree Removals under Tree Cutting Permits related to construction, demolition, rezoning, development permits, Subdivisions or Building Permits:
 - i) Every Deciduous Replacement Tree shall be of the minimum DBH specified in Column 3 of Table 1 of this Schedule corresponding to the DBH of the Tree Removed,
 - ii) Every Coniferous Replacement Tree shall be a Tree of the minimum height specified in Column 2 of Table 1 of this Schedule corresponding to the DBH of the Tree Removed.
- d) Replacement Trees shall not be planted:
 - i) within 3 metres of a building foundation wall and within 1 metre of any property line of a Lot;
 - ii) within 5 metres of an overhead utility line for Trees that may grow to a maximum of 5 metres in height, and within 10 metres of an overhead utility line for Trees that may grow to a greater height;
 - iii) within an easement or statutory right of way.
- e) Every Replacement Tree shall be spaced from existing Trees and other Replacement Trees in accordance with Sound Arboricultural Practice to best ensure survival of the Replacement and existing Trees.
- f) Replacement Trees must meet the plant condition and structure requirements set out in the latest edition of the CSLA/CLNA "Canadian Landscape Standard" and the CNTA "Canadian Standards for Nursery Stock" to be considered acceptable by the Director.
- g) Replacement Trees shall be planted and maintained in accordance with the requirements set out in the latest edition of the CSLA/CLNA "Canadian Landscape Standard".

- h) Tree caging will be required in areas prone to deer browsing until the Tree is 6 feet in height.
- i) Replacement Trees shall be planted during the suitable local planting seasons generally defined as fall (September – November) and spring (February - April). Where planting must occur outside of these time periods, then a strategy for ensuring the Trees are watered (in the summer) or protected from cold weather (in the winter) must be included as part of the Tree Cutting Permit application.
- j) The following minimum specifications for topsoil or amended organic soil are required for replanting on a property unless otherwise advised against by the Arborist:
 - i) organic matter content of 15% dry weight in planting beds and 8% in turf areas;
 - ii) depth of 300 mm for turf;
 - iii) depth of 450 mm for shrubs/Trees;
 - iv) depth of 300 mm around and below the root ball of all Trees;
 - v) pH from 6.0 to 8.0 or matching that of the original undisturbed soil;
 - vi) subsoils scarified to a depth of minimum 100 mm with some topsoil being incorporated into the subsoil; and
 - vii) planting beds mulched with a minimum of 50 mm of organic materials.

TABLE 1 – Replacement Trees		
COLUMN 1	COLUMN 2	COLUMN 3
D.B.H. of Tree Cut or Removed	Minimum Height of Coniferous Replacement Tree	Minimum DBH of Deciduous Replacement Tree
Up to 30cm (12")	2.5 m (8.2 ft)	6 cm (2.5")
30-60 cm (12" – 24")	3.5 m (11.5 ft)	8 cm (3")
60cm + (24" +)	4.5 m (14.8 ft)	10 cm (4")