

**DISTRICT OF LANTZVILLE
BYLAW NO. 358**

A Bylaw to Prohibit the Cutting of Trees

WHEREAS Section 8(3)(c) of the *Community Charter* allows a local government to prohibit and/or regulate the cutting of trees;

AND WHEREAS the Council of the District of Lantzville wish to regulate the cutting of Trees in the District;

NOW THEREFORE the Council of the District of Lantzville in open meeting assembled enacts as follows:

1. TITLE

This Bylaw may be cited for all purposes as "District of Lantzville Tree Protection and Management Bylaw No. 358, 2023".

2. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

“Cut Down or Cutting” means to remove a Tree or Trees by any means or the undertaking of any action which results in the death of a Tree or Trees or could reasonably be expected to result in the death of a Tree or Trees.

“Dangerous Tree” means a Tree, identified by a certified arborist who has training in tree risk assessment, which could reasonably be expected to present an imminent hazard to the safety of persons or to the public or to private property.

“Developed Property” means any parcel of land that contains a dwelling or commercial or industrial building affixed to a foundation.

“Designated Tree” means a tree identified in Schedule “A” to this Bylaw, as amended from time to time.

“Greenfield Property” means any parcel of land that does not contain a dwelling or commercial or industrial building affixed to a foundation.

“Tree” means a woody perennial plant of any size with a trunk greater than 20 centimetres in diameter measured at a breast height of 1.4 metres above the undisturbed grade of the land where the Tree is located.

3. SCOPE AND PROHIBITION

3.1 This Bylaw applies to all Designated Trees and to all Greenfield Properties in the District of Lantzville.

3.2 Subject only to the exceptions set out in Section 4, no person shall Cut Down, or permit the Cutting Down of any Designated Tree or Tree on a Greenfield Property.

4. EXCEPTIONS

This Bylaw does not apply to:

- a) Trees authorized to be removed in accordance with a Development Permit or Building Permit issued by the District;
- b) Trees identified for Cutting by the Ministry of Forests due to disease or pest infestation;
- c) Dangerous Trees;
- d) Trees required to be Cut Down to meet any B.C. Hydro or Workers' Compensation Board safety regulation;
- e) Trees required to be Cut Down to allow the creation and maintenance of a public service corridor or highway, except the cutting down of such trees 18 inches in diameter at breast height requires Council approval;
- f) Municipal employees, or their agents, during the discharge of duties that involve maintenance, surveying of the creation and upkeep of walkways and trails, except the cutting down of such trees 18 inches in diameter at breast height requires Council approval;
- g) Trees on Crown land or land subject to the *Private Managed Forest Land Act*;
- h) Trees on Developed Property.

5. GENERAL PROVISIONS

- a) A tree management plan shall be provided as required in the “District of Lantzville Development Approval Information Area Bylaw No. 183, 2019” in order to determine trees authorized to be removed by a Development Permit or Building Permit issued by the District.
- b) Should any provision of this Bylaw be declared by any Court to be invalid the outcome shall not affect the validity of this Bylaw, as a whole or parts thereof, other than the provisions(s) declared to be invalid.

6. CONTRAVENTION AND PENALTIES

- a) Any person who:
 - i. violates or fails to comply with any provision of this bylaw;
 - ii. permits, suffers, or allows any action or thing to be done in violation of this bylaw; or

- iii. fails or neglects to do anything required to be done under this bylaw,
- contravenes this bylaw, and when the contravention is a continuing one, each day that the contravention continues constitutes a separate contravention, and when the contravention impacts more than one Tree, the impact on each Tree constitutes a separate contravention.
- b) Any person who contravenes this bylaw commits an offence and, upon conviction by way of a proceeding under the *Offence Act*, is liable to a penalty of not less than ten thousand dollars (\$10,000.00) and not more than fifty thousand dollars (\$50,000.00) for each offence and the costs of prosecution.
- c) This bylaw may be enforced by a fine up to three thousand dollars (\$3,000.00) if a ticket is issued under the “District of Lantzville Municipal Ticket Information Bylaw No. 100, 2012,” and any amendments thereto.
- d) In addition to the payment of a penalty or fine in relation to an offence, a person violating any of the provisions of this bylaw may be liable to civil proceedings by the District to recover expenses, loss, or damage incurred by the District resulting from such violation.

READ A FIRST TIME this 24th day of April, 2024.

READ A SECOND TIME this 8th day of May, 2024.

READ A THIRD TIME this 8th day of May, 2024.

ADOPTED this 26th day of June, 2024.

ORIGINAL SIGNED

Mark Swain, Mayor

ORIGINAL SIGNED

Delcy Wells, Director of Corporate Administration

Schedule “A”

District of Lantzville Tree Protection and Management Bylaw No. 358, 2023

List of Designated Trees

Location	Description