

**CITY OF PARKSVILLE**

**BYLAW NO. 1415**

**A BYLAW TO MANAGE THE CUTTING AND REMOVAL OF TREES  
WITHIN THE CITY OF PARKSVILLE**

**WHEREAS** Sections 8, 73 and 923 of the "*Community Charter*" authorize Council to regulate matters pertaining to tree management;

**NOW THEREFORE** the Municipal Council in open meeting assembled, enacts as follows:

**1. TITLE:**

This Bylaw may be cited for all purposes as the City of Parksville "Tree Management Bylaw, 2006, No. 1415".

**2. APPLICABILITY:**

This Bylaw is applicable to all properties within the City of Parksville.

**3. DEFINITIONS:**

In this Bylaw, unless the context otherwise requires, the following means:

"Arborist" means a person certified by the International Society of Arboriculture as an arborist or arboriculturist;

"Breast Height" means a point on the trunk of a tree as measured 1.5 metres above the natural grade of the land from the base of the tree.

"Dead Tree" means a tree which is declared as such by a certified arborist or by the Parks Foreman or the Parks Chargehand/Arborist.

"Drip Line" means a vertical line extending down from the outer most branches of a tree to the ground.

"Hazardous tree" is a tree which is considered, by a certified arborist, to be in imminent danger of falling.

"Municipality" means the City of Parksville.

"Owner" means the registered owner of the property.

"Protected Tree" means all Garry Oak, Arbutus or Dogwood trees; all species of trees which have a diameter at breast height greater than 50 centimeters (20 inches); and Douglas Fir trees which have a diameter greater than 30 centimeters (12 inches).

"Significant Tree" means the Monkey Puzzle tree which is located on Lot 11, District Lot 106, Nanoose District, Plan 21422 (611 Morison Avenue).

"Tree Protection Area" means all properties within the City of Parksville except those properties which are zoned or used for single family residential purposes and are 0.6 ha/6,000 m<sup>2</sup> or less in lot size and in all cases, includes trees within 30 metres of the sea or any watercourses and on any lot abutting the sea or any watercourse.

#### **4. PROHIBITIONS:**

- 4.1 No person shall cut, remove or damage any Significant Tree, Protected Tree within the Tree Protection Area, unless City authorization has been granted.
  - i.) City permission may be granted in the form of a Tree Permit or through a development approval process, where development is to occur.
- 4.2 No excavation or construction works shall occur within 5 metres of the Drip Line of any Significant or Protected tree without City authorization.
- 4.3 A tree categorized as "Significant" may not be removed.
- 4.4 In no case shall any tree of any size which is located on any lot of any size which abuts or is within 30 metres of the sea or watercourse, be cut, removed, damaged or altered, without City permission pertaining to development permit requirements and/or Riparian Area regulations.

#### **5. EXEMPTIONS:**

- 5.1 Work authorized by the City for purposes associated with the provisions of Municipal services or other utility services is exempt from this Bylaw.
- 5.2 Trees of sizes and types which do not fall within the definition of "protected" or "significant" trees, or which are not within the defined "tree protection area" are not protected.

5.3 Trees for which the City has accepted the findings of a certified arborist, indicating that a tree is dead, hazardous or dangerous, is not protected.

**6. OFFENCE:**

6.1 Any person who contravenes the Bylaw or who causes, suffers or permits actions contrary to this Bylaw is guilty of an offence against this Bylaw and is liable to penalties imposed under this Bylaw.

**7. PENALTY:**

7.1 Any person who damages a tree is subject to a fine of \$250.00, through issuance of an MTI ticket.

7.2 Any person who cuts a tree without a permit is subject to a fine of \$500.00, through issuance of an MTI ticket.

7.3 Despite the above, any person who commits an offence against this bylaw is liable to a fine and penalty of not more than \$10,000.00 for each tree unlawfully cut or damaged as pursued through the Courts.

7.4 In addition to any penalty that may otherwise be imposed under the Bylaw, Council may require specific equivalent replacement trees to be planted for the purpose of restoring a damaged site.

**8. PERMITS:**

8.1 Where trimming, cutting or altering work is requested by an owner or agent who wants to work on a protected tree a tree permit must be obtained prior to undertaking such work.

8.2 A permit may or may not be issued depending on an evaluation by the City of Parksville of the individual circumstance.

8.3 Except where the City can substantiate that a tree requiring removal is dead, all permit applications must be accompanied by the report of a certified arborist.

8.4 Where tree removal is authorized by City permit and where such removal may have an impact on public lands, the requirements set out in Schedule A apply.

8.5 Issued tree permits must be posted on the work site or made available at the request of the City's Bylaw Compliance Officer.

- 8.6 The fee for a tree permit is \$50.00 per tree.
- 8.7 The issued permit shall be valid for 12 months.

**9. GENERAL PROVISIONS:**

- 9.1 All Schedules referred to herein form part of this Bylaw.
- 9.2 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.
- 9.3 The Bylaw Compliance Officer or Senior Building Inspector is authorized to enter property, at all reasonable times, to ascertain whether the regulations of this Bylaw are being or have been complied with.

**10. REPEAL**

"City of Parksville Tree Protection Bylaw, 1993, No. 1166" and all amendments are hereby repealed.

READ A FIRST TIME this 15<sup>th</sup> day of May 2006

READ A SECOND TIME this 15<sup>th</sup> day of May 2006

READ A THIRD TIME this 15<sup>th</sup> day of May 2006

THIRD READING RESCINDED this 19<sup>th</sup> day of June 2006

READ A THIRD TIME as amended this 19<sup>th</sup> day of June 2006

ADOPTED this day of 9<sup>th</sup> day of August 2006

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Mayor

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Deputy Clerk

SCHEDULE "A"

A.1 Wherever in this bylaw trees may be cut or removed the following regulations apply:

- (a) all works are to be carried out in strict accordance with the Workers Compensation Board Regulations.
- (b) all works pertaining to removal and felling shall only be performed under the guidance of an arborist or forester.
- (c) If, in the opinion of the Manager of Operations, the works will encroach on public properties the owner/applicant will be required to:
  - (i) show proof of liability insurance in the amount of \$2,000,000.00 with the City of Parksville named as an additional insured;
  - (ii) notify the Operations Department a minimum of 48 hours in advance of the intention to carry out the works;
  - (iii) provide a plan showing the intended method of safeguarding the users of the public owned property during the works that is acceptable to the Manager of Operations;
  - (iv) provide a refundable bond in the amount of \$500.00, acceptable to the Director of Finance, to cover damages incurred to the public owned lands;
  - (v) remove any and all debris associated with the works on the same day as the works are carried out to the satisfaction of the Manager of Operations.

Schedule "A" attached to and forming part of Bylaw No. 1415

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Clerk