



**CITY OF KAMLOOPS**

**TREE PROTECTION BYLAW NO. 50-1**

**Effective Date – December 19, 2017**

*Consolidated for Convenience Only*

This is a consolidation of “Tree Protection Bylaw No. 50-1, 2017”. The amendment bylaws listed below have been combined with the original bylaw for convenience only. This consolidation is not a legal document. The original bylaws should be consulted for all interpretations and applications on this subject.

**Amendment Bylaw**

**Effective Date**

Bylaw No. 50-2

Amendments to prohibitions.

December 13, 2022

## CITY OF KAMLOOPS

BYLAW NO. 50-1A BYLAW FOR THE MANAGEMENT AND PROTECTION OF TREES  
WITHIN THE CITY OF KAMLOOPS

WHEREAS pursuant to Section 8(3)(c) and Sections 50 to 52 of the *Community Charter* (SBC 2003) Chapter 26, Council may, by bylaw, regulate, prohibit, and impose requirements in relation to trees.

THEREFORE BE IT RESOLVED that the Municipal Council of the City of Kamloops in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "Tree Protection Bylaw No. 50-1, 2017."
2. City of Kamloops Tree Protection Bylaw No. 24-35, 1998, and all amendments thereto, are hereby repealed.
3. This Bylaw is divided in the following divisions:

Division One	Interpretation
Division Two	Definitions
Division Three	Delegation
Division Four	Prohibitions
Division Five	Exemptions
Division Six	Tree Cutting Permits
Division Seven	Removal of Hazardous Trees
Division Eight	Reconsideration
Division Nine	Boulevard Trees
Division Ten	Replacement Trees
Division Eleven	Root Damage or Interference
Division Twelve	Offences and Penalties

DIVISION ONE - INTERPRETATION

- 1.1 Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated, or replaced from time to time, and any bylaw referred to herein is a reference to an enactment of the Council of the City of Kamloops, as amended, revised, consolidated, or replaced from time to time.
- 1.2 Unless otherwise defined herein, all words or expressions used in this bylaw shall have the same meaning as defined in the *Local Government Act*, the *Community Charter*, the *Interpretation Act*, or any successor legislation when used in this bylaw.

- 1.3 If any provision of this bylaw is held to be invalid by a court of competent jurisdiction, the provision may be severed from the bylaw, and such invalidity shall not affect the validity of the remaining portions of this bylaw.
- 1.4 The headings contained in this bylaw are for convenience only and are not to be construed as defining or in any way limiting the scope or the intent of the provisions of this bylaw.
- 1.5 Schedule "A" is attached to and forms part of this bylaw and is enforceable in the same manner as this bylaw.

## DIVISION TWO - DEFINITIONS

- 2.1 In this bylaw, unless the context otherwise requires:

"ACTUAL COST" means, in relation to work conducted by the City or its agents pursuant to this bylaw, the value of all direct costs of work, including, without limitation, wages, contracted services, materials, and supplies plus an additional 15% of the value of such direct costs to cover administration and indirect costs.

"APPROVING OFFICER" means the Person duly appointed by Council in accordance with the *Land Titles Act* and includes that Person's deputy.

"BOULEVARD" means that portion of a highway between the curb line or the lateral line of a roadway and the adjoining property or roadway and includes curbs, sidewalks, slopes and ditches, flat lands, and cycle paths.

"CERTIFIED ARBORIST" means a Person certified by the International Society of Arboriculture and/or the National Arborist Association and/or a Person certified as an Arborist Technician by the Industry Training Authority of BC.

"CITY" means the City of Kamloops.

"CITY COUNCIL" means the municipal Council of the City of Kamloops.

"CITY LANDS" means all areas or lands within the municipal boundaries of the City of Kamloops that are under the care, management, or jurisdiction of the City of Kamloops and/or that are vested in or owned or held by the City of Kamloops.

"CUT DOWN" or "CUTTING" means to cut down, kill, or remove a Tree by any means and includes to pull up, push, pull over, or otherwise fall a Tree.

"DIRECTOR" means the Person appointed by the City as the Parks, Recreation, and Cultural Services Director and any duly authorized delegate.

"HAZARDOUS TREE" means a Tree that, due to its location, condition, health, or any other circumstance, the Director, taking into account information provided by a Certified Arborist, has determined to be a hazard to the safety of Persons on city Lands, or is damaging or interfering with, or is likely to damage or interfere with City

improvements, roads, sidewalks, pathways, or utility infrastructure or with private utility infrastructure located on, over, or under a Boulevard or City Lands.

"PERSON" includes a natural Person, a company, corporation, partnership, firm, association, society, or party as well as the personal or other legal representatives of a Person to whom the context can apply according to law.

"PRIVATE LANDS" means all lands within the municipal boundaries of the City of Kamloops that are not City Lands.

"REPLACEMENT COST AMOUNT" means:

- a) the Actual Cost of planting Replacement Trees, as determined by the Director in accordance with the standards set out in the *Guide for Plant Appraisal* (9th edition or as replaced from time to time), published by the Council of Tree and Landscape Appraisers and the International Society of Arboriculture for determining the value of tree(s); plus
- b) the estimated Actual Cost of maintaining the Replacement Trees for a period of one (1) year, as determined by the Director.

"REPLACEMENT TREES" means two (2) replacement Trees for each Tree that is Cut Down in contravention, which replacement Trees shall be planted in as close as viably possible to the same location as the Trees that are Cut Down, shall be of a species and size to be determined by the Director, and shall generally be of the largest available stock that can be viably planted in the circumstances.

"TREE" means a member of any coniferous or deciduous species having one or more self-supporting trunks/stems and includes the roots, branches, trunk/stems, crown, or any part thereof.

"TREE CUTTING PERMIT" means a Tree Cutting Permit issued pursuant to Division Six of this bylaw by the City's Parks, Recreation, and Cultural Services Department to allow the Cutting, removal, and replacement of Tree(s) under conditions stipulated in the Tree Cutting Permit.

"TREE-DAMAGING ACTIVITY" means any activity or action that causes a Tree to die or to decline in health to the extent that it will die sooner than it would have had the activity or action not occurred, including, but not limited to the following:

- a) Girdling, ringing, or poisoning a Tree or removing bark, denting, gouging, or damaging the trunk of a Tree;
- b) Excessive pruning, crown raising, or topping of a Tree or pruning a Tree in a manner not in accordance with the Standards for Tree Care Operations as set out in the most recent edition of *American National Standards Institute Publication* (ANSI) A300, as amended or replaced from time to time;
- c) Cutting or damaging the roots inside a Tree Protection Zone;

- d) Placing fill, building materials, or asphalt or depositing concrete washout or other liquid or chemical substances harmful to a Tree on land inside a Tree Protection Zone;
- e) Operating trucks, backhoes, excavators, or other heavy equipment over the roots inside a Tree Protection Zone;
- f) Constructing or placing a building or structure on land inside a Tree Protection Zone;
- g) Removing soil from land inside a Tree Protection Zone;
- h) Blasting inside or outside a Tree Protection Zone so as to damage roots or disturb soil inside a Tree Protection Zone; or
- i) Undermining the roots inside a Tree Protection Zone.

"TREE PROTECTION ZONE" means the area around a Tree, including, but not limited to, the area occupied by the canopy and root zone and is to be determined by the Director.

"TREE RISK ASSESSOR" means a Certified Arborist who has obtained a current Tree Risk Assessment Qualification from the International Society of Arboriculture.

### DIVISION THREE - DELEGATION

- 3.1 City Council hereby delegates authority to the Director for the purposes of carrying out and enforcing the provisions of this bylaw.

### DIVISION FOUR - PROHIBITIONS

- (50-2) 4.1 No Person shall:

- a) Cut Down any Tree or permit a Tree to be Cut Down; or
- b) undertake any Tree-damaging Activity or permit any Tree-damaging Activity to occur,

unless the Person:

- i) is specifically exempt from these prohibitions in accordance with Division Five of this bylaw with respect to a Tree;
- ii) has first obtained a Tree Cutting Permit that specifically permits the Person to Cut Down a Tree, and the Person strictly complies with all terms and conditions of the Tree Cutting Permit and the provisions of this bylaw; or

- iii) is complying with a requirement of the Director to Cut Down a Hazardous Tree in accordance with Division Seven of this bylaw.
- 4.2 No Person shall cause or allow leaves or debris from a Tree to accumulate on roadway or lane adjoining Private Lands or a Boulevard.
- 4.3 No Person shall cause or allow roots from a Tree located on Private Lands to damage or interfere with City improvements, roads, sidewalks, pathways, or utility infrastructure or private utility infrastructure located on, over, or under a Boulevard or City Lands. For the purposes of this provision, a Tree shall be considered to be located on Private Lands if fifty percent (50%) or more of its trunk is located on Private Lands.

#### DIVISION FIVE - EXEMPTIONS

- 5.1 The provisions of Section 4.1 shall not apply to any Person on their own Private Lands in respect of Tree(s) (inclusive of limbs) on those Private Lands that are any of the following:
- a) Hazardous and present an immediate danger to the safety of Persons or are likely to damage City Lands or Private Lands, as determined by a Tree Risk Assessor;
  - b) Located on lands defined as "managed forest land" in the *Assessment Act*;
  - c) Less than five metres (5 m) in height and less than ten centimetres (10 cm) in diameter;
  - d) Located on parcels of land less than two hectares (2 ha) in size and zoned Residential in accordance with the City's Zoning Bylaw;
  - e) Located on lands that are undergoing development for which preliminary or final approval of a subdivision has been approved by the Approving Officer, or a Development Permit or a Building Permit has been issued by the City, to the extent that in order to be carried out, the approved subdivision, development, or building requires Trees to be Cut Down;
  - f) Requested to be Cut Down by the Approving Officer or the Building and Engineering Development Manager in accordance with the City's Urban/Wildland Interface Policy;
  - g) Located in a watercourse where a Person has obtained a permit to Cut Down the Tree(s) in accordance with the City's Watercourses Regulations Bylaw; or
  - h) Any of the following invasive species:
    - i) Russian olive (*Elaeagnus angustifolia*);
    - ii) Siberian elm (*Ulmus pumila*); or

iii) Tree of Heaven (*Ailanthus altissima*).

5.2 The provisions of this bylaw shall not apply to work carried out by or under the authority of the City on City Lands or the installation, repair, or maintenance of any public works or service carried out by or under the authority of the City, or the Cutting Down or removal of a portion of Hazardous Tree carried out by or under the authority of the City in accordance with this bylaw, provided that whenever it is proposed by the City to Cut Down a Tree or carry out a Tree-damaging Activity, the proposed work shall first be reviewed and approved by the Director.

#### DIVISION SIX - TREE CUTTING PERMITS

6.1 Every application for a Tree Cutting Permit shall be made to the Director on the application form determined by the Director and shall be accompanied by a non-refundable fee as follows:

- a) Fifty Dollars (\$50.00) for a permit relating to five Trees or less; and
- b) One Hundred and Fifty Dollars (\$150.00) for a permit relating to six Trees or greater;

provided that there shall be no Tree Cutting Permit fee charged in respect of Hazardous Trees pursuant to Division Seven of this bylaw. A separate Tree Cutting Permit shall be required for each parcel or property affected.

6.2 The Director, upon receiving an application for a Tree Cutting Permit together with the required fee, may, at his or her discretion, issue a permit, refuse to issue a permit, or issue a permit subject to such terms and conditions as may be deemed appropriate.

6.3 The Director, in considering an application for a Tree Cutting Permit, may:

- a) inspect the site upon which the Trees are located;
- b) require the applicant to submit more information at the applicant's cost, including, but not limited to the following:
  - i) a site plan;
  - ii) a Tree location plan;
  - iii) a contour plan;
  - iv) a geotechnical report identifying the impact of the proposed Tree removal; or
  - v) a report by a Certified Arborist, landscape architect, professional forester, or other qualified professional identifying the impact of the proposed Tree Cutting or removal; or
- c) refer the application to other City departments or government agencies for their input.

- 6.4 The Director, in considering an application for a Tree Cutting Permit, may at his or her discretion, refuse to issue a Tree Cutting Permit for any reason, including, but not limited to the following:
- a) the Trees are located on slopes of a grade of thirty percent (30%) or greater;
  - b) the Trees are within a riparian area (as that term is defined in the *Riparian Areas Regulation*), unless a development permit has been issued under the City's Riparian Areas Regulation Development Permit Area Guidelines, which authorize development in the riparian area that requires Trees to be Cut Down;
  - c) the Trees are within a seven and one half metre (7.5 m) wide buffer zone abutting an established neighbourhood; or
  - d) large stands of Trees will be clear-cut, creating a significant visual impact or affecting wildlife habitat.
- 6.5 If the Director issues a Tree Cutting Permit, Tree(s) identified in the permit may only be Cut Down strictly in accordance with the Tree Cutting Permit, and any Tree-damaging Activity may only be undertaken strictly in accordance with the Tree Cutting Permit.

#### DIVISION SEVEN - REMOVAL OF HAZARDOUS TREES

- 7.1 If the Director determines that any Tree growing or standing on Private Lands is a Hazardous Tree, the Director shall forthwith notify the owner of the Private Lands in writing of such condition and require that the owner have such Hazardous Tree Cut Down, or a portion of Hazardous Tree removed, within twenty-one (21) days from the date of delivery of such notice. A notice under this division shall be deemed to be validly given if delivered by personal service or by registered mail to the most recent address for the owner as shown on the current assessment roll. If the notice is sent by registered mail, it shall be deemed to be received five (5) business days after the date of posting.
- 7.2 If the owner does not Cut Down or remove a portion of the Hazardous Trees as required within the time period referred to in Section 7.1, the Director may, without further notice to the owner, request that City Council impose a remedial action requirement in accordance with Part Three, Division Twelve (Remedial Action Requirements) of the *Community Charter* in order to, without limiting the foregoing, require the owner to Cut Down or remove a portion of the Hazardous Tree(s) and permit the City do so at the owner's cost if the owner does not comply by the date specified for compliance.



DIVISION EIGHT - RECONSIDERATION

- 8.1 Any Person who is subject to a decision by the Director under Section 6.4 or Section 7.1 may request that Council reconsider the decision by submitting a written request for reconsideration to the City's Corporate Officer in accordance with Section 8.2 of this bylaw.
- 8.2 All requests for reconsideration must:
- a) be submitted in writing to the Corporate Officer within fourteen (14) days of the owner's receipt of the notice referred to in Section 7.1 or within fourteen (14) days of receiving notice that the Director is refusing to issue a Tree Cutting Permit in accordance with Section 6.4; and
  - b) include the address for delivery of the Person applying for reconsideration, the particulars of the Trees involved, and the reason for requesting reconsideration of the Director's decision.
- 8.3 Upon receipt of a written request for reconsideration, the Corporate Officer shall schedule the time, date, and place for Council to hear the matter.
- 8.4 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.
- 8.5 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.

DIVISION NINE - BOULEVARD TREES

- 9.1 The owner or occupant of Private Lands adjoining a Boulevard shall water the Trees on the Boulevard adjoining the Private Lands.
- 9.2 No Person shall Cut Down, plant, prune, or spray any Tree or undertake any Tree-damaging Activity on any Boulevard.
- 9.3 Planting, pruning, spraying, or Cutting Down of Trees located on Boulevards or undertaking any Tree-damaging Activity on a Boulevard shall only be undertaken by the City's Parks, Recreation, and Cultural Services Department. Any requests in this regard shall be made to the Parks, Recreation, and Cultural Services Department for evaluation and appropriate action taken, if any.

- 9.4 Where the City has been asked to Cut Down a Tree pursuant to Section 9.3 where the Tree was not planted by the City, or the Tree is a result of it self-seeding, or the Tree straddles the property line, then any work shall be undertaken only after the entering into of a cost-sharing agreement between the City and the owner of adjacent Private Lands, with the City paying a portion of the Actual Cost and the owner of adjacent Private Lands paying a portion of the Actual Cost. Such costs shall be calculated by the City taking into account the percentages of the Tree on the Boulevard and on Private Lands, respectively. The City may be required to determine the exact location of the property line, in which case, the City may obtain a survey, and the City will bear the cost of such survey.
- 9.5 All Trees located on a Boulevard or otherwise on City Lands that are near to or may be affected by any excavation or construction of any building, structure, street, or utility works occurring on adjacent Private Lands shall be protected in accordance with the Tree Protection Guidelines as set out in Schedule "A".

#### DIVISION TEN - REPLACEMENT TREES

- 10.1 In addition to any other offence or penalty that may be imposed by this bylaw, any Person who commits any act or permits any act or thing to be done in contravention of this bylaw that attributes to or results in a Tree being Cut Down shall, within twenty-one (21) days of receiving written notice from the Director:
- a) if the Trees Cut Down were on Private Lands:
    - i) plant Replacement Trees on those Private Lands; and
    - ii) maintain those Replacement Trees for a period of one (1) year;
  - b) if the Trees Cut Down were on City Lands:
    - i) pay the Replacement Cost Amount to the City, to be used by the City to plant and maintain Replacement Trees on the City Lands affected.

#### DIVISION ELEVEN - ROOT DAMAGE OR INTERFERENCE

- 11.1 In addition to any other offence or penalty that may be imposed by this bylaw, any Person who causes or allows roots from a Tree located on Private Lands to damage or interfere with City improvements, roads, sidewalks, pathways, or utility infrastructure or private utility infrastructure located on, over, or under a Boulevard or City Lands, such that the Director deems it necessary to repair the damage or interference, shall, within twenty-one (21) days of receiving written notice from the Director, pay the City for its Actual Cost of repairing the damage or interference caused by the roots. For the purposes of this provision, a Tree shall be considered to be located on Private Lands if fifty percent (50%) or more of its trunk is located on Private Lands.

DIVISION TWELVE - OFFENCES AND PENALTIES

- 12.1 No Person shall do any act or permit any act or thing to be done in contravention of this bylaw.
- 12.2 Every Person who violates any provision of this bylaw, or who permits any act or thing to be done in contravention of this bylaw, or who fails to do any act or thing required by this bylaw, shall be deemed to have committed an offence against this bylaw and shall be liable to the following:
- a) a fine set out in the City of Kamloops Municipal Ticket Utilization Bylaw No. 43-6, 2003, as amended from time to time;
  - b) a fine and/or penalty provided under the *Community Charter* of not less than One Thousand Dollars (\$1,000) and not more than Ten Thousand Dollars (\$10,000), plus the costs of prosecution, and any other order imposed pursuant to the *Community Charter* including, without limitation, the order(s) referenced in Section 12.5; or
  - c) any combination of the above.
- 12.3 Each day that an offence against this bylaw continues shall be deemed a separate and distinct offence.
- 12.4 Where one or more Trees are Cut Down or is the subject of a Tree-damaging Activity, other than as authorized by this bylaw, or one or more Tree(s) are not replaced or maintained as required by this bylaw, a separate offence is committed in respect of each Tree.
- 12.5 In addition to any other offence or penalty that may be imposed by this bylaw, the City may seek court order(s) to make a Person convicted of an offence against this bylaw subject to the additional sentencing powers in subsection 263.1 of the *Community Charter* (Additional sentencing powers in relation to *Offence Act* prosecutions) to, without limiting the foregoing, require a Person to:
- a) take an action the court considers appropriate to remedy the harm that resulted from commission of the offence; or
  - b) pay to the City compensation, in an amount that is not more than the monetary limit specified under the *Small Claims Act*, for any damage or loss sustained by the City because of the commission of the offence.

ORIGINAL SIGNED BY K.L. CHRISTIAN  
MAYOR

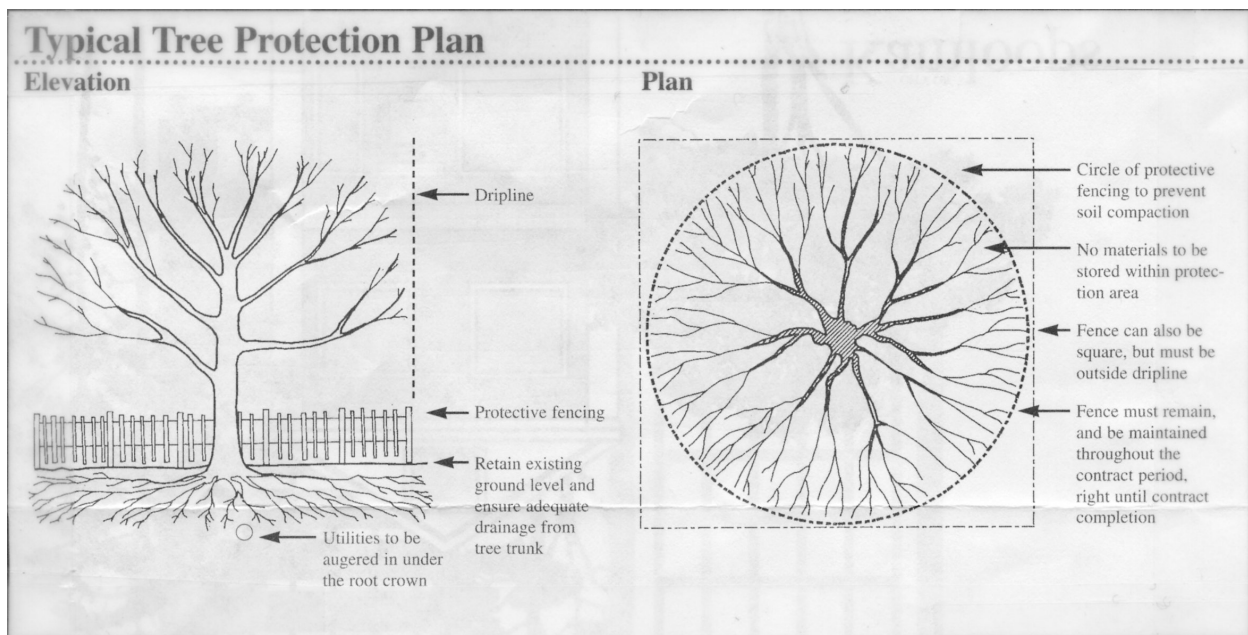
ORIGINAL SIGNED BY M. MAZZOTTA  
CORPORATE OFFICER

### TREE PROTECTION GUIDELINES

The following guidelines must be followed in the protection of and survival enhancement of Trees on Boulevards or other City Lands where a potentially Tree-damaging Activity or construction or development activity is taking place adjacent to the Trees:

- No Person shall Cut Down a Tree or cause any Tree-damaging Activity on Boulevards or other City Lands.
- Any Person undertaking construction adjacent to a Tree will be required to undertake Tree protection measures in accordance with this Schedule at his/her expense as well as providing security for the Replacement Cost Amount of the Tree and Tree removal costs should the Tree die from construction-related activities.
- Where a Tree can be relocated with the prior written consent of the Director, the Person undertaking construction must pay for all costs to successfully relocate such Trees and maintain them for a period of one (1) year, including posting security with the City for such costs.
- If all attempts to protect, relocate, or maintain Trees fail, the City will use the security provided in order to undertake Replacement Tree planting and maintenance.

For further information or to determine whether a Tree is City-owned, please call the Parks, Recreation, and Cultural Services Department at 250-828-3551.



When Trees are to be protected on a construction site, the following guidelines must be followed to help ensure the longevity of those Trees:

- Prior to issuing a Building Permit, open mesh "see-through" fencing shall be erected around the Tree at drip line<sup>1</sup>.

The basic requirement is for a setback of thirty centimetres (30 cm) (twelve inches [12"]) from the base of the Tree for each two and one half centimetres (2.5 cm) (one inch [1"]) of tree diameter (dbh<sup>2</sup>) as outlined in the following table:

<b>Tree Diameter</b>	<b>Setback Distance</b>
2.5 cm (1")	30 cm (1')
5 cm (2")	60 cm (2')
7.5 cm (3")	90 cm (3')
10 cm (4")	1.2 m (4')
12.5 cm (5")	1.5 m (5')
15 cm (6")	1.8 m (6')
18 cm (7")	2.1 m (7')
20 cm (8")	2.4 m (8')
23 cm (9")	2.7 m (9')
25 cm (10")	3.0 m (10')
30 cm (12")	3.6 m (12')
35 cm (14")	4.2 m (14')
40 cm (16")	4.8 m (16')
45 cm (18")	5.4 m (18')
50 cm (20")	6.0 m (20')
62.5 cm (25")	7.5 m (25')
80 cm (30" +)	9.0 m (30')

- No heavy equipment shall be driven over the area within the drip line to alleviate soil compaction around the tree roots.
- Stockpiling of soil, construction materials, or excavated materials shall not be permitted within the drip line.
- No utility or service lines, including temporary lines, shall be allowed to interfere with the Trees.
- The Trees shall not be used to support signs, lights, cables, fencing, or any other structures.
- Necessary precautions shall be taken to protect the Trees where their proximity would expose them to construction works that would jeopardize their health (e.g. heat, liquid contaminants, concrete, asphalt, paint, etc.).

<sup>1</sup> Drip line is the area of ground immediately below the canopy of a Tree and is defined by the tips of the longest branches.

<sup>2</sup> dbh - diameter of tree at 1.4 m (4.5') above ground.

- Where excavation is necessary, or where existing grades cannot be maintained in close proximity to the Trees, hydro-excavating, pushing/pulling of services, or hand excavating shall be carried out to protect the Trees.
- Where tunnelling has been used, extreme care must be taken when backfilling to ensure that no air pockets remain.
- Where Tree roots over twenty-five millimetres (25 mm) (one inch [1"]) in diameter are cut or left exposed, they shall be cut to have straight edges to minimize root injury.
- When backfilling trenches near Trees, a high-quality top soil or soil mixture that is approved by the City must be used to promote the growth of roots.
- All Trees that are to be retained shall be kept watered during the months of June, July, August, and September, in accordance with applicable watering guidelines and restrictions.