

# THE CORPORATION OF THE CITY OF NORTH VANCOUVER

## BYLAW NO. 8888

### A Bylaw to establish “Tree Bylaw, 2022, No. 8888”

The Council of The Corporation of the City of North Vancouver, in open meeting assembled, enacts as follows:

1. This Bylaw shall be known and cited for all purposes as “**Tree Bylaw, 2022, No. 8888**”.
2. Application
  - A. This Bylaw applies to trees on land throughout the City, but does not apply to a tree if the entire trunk of the tree is on a highway, or is on land zoned RS-1, RS-2, RS-4B, RT-1 or RT-2, or in a CD zone for which the permitted uses are based on any of the aforementioned zones.
  - B. This Bylaw only applies to trees having a DBH of 20 centimetres or more.
  - C. This Bylaw does not apply to trees on property if the City issues a building permit authorizing redevelopment of the property and either:
    - (1) A complete application for the building permit was submitted, with fees paid, before the date this Bylaw is adopted; or
    - (2) A complete zoning amendment or development permit application for the redevelopment was submitted, with fees paid, before the date this Bylaw is adopted and a complete application for the building permit is submitted, with fees paid, within 12 months of the date this bylaw is adopted,except that in either case, if the building permit expires or is cancelled or revoked, or when the construction authorized by the building permit is complete, then this Bylaw will apply to the property.

### 3. Definitions

In this Bylaw:

“Certified Arborist” means a trained arborist who has been certified and is in good standing with the International Society of Arboriculture (ISA).

“Certified Tree Risk Assessor” means a Certified Arborist with additional current training and certification in tree risk assessment determined by Worksafe BC.

“Critical Root Zone” is the area of soil immediately adjacent to the trunk where roots essential for tree health and stability are located (6 x DBH in cm), providing a radial zone extending from the tree.

“DBH” means diameter at breast height, measured 1.4 m above the highest immediately adjacent natural ground level.

“Director” means the City’s Director of Planning and Development, or any person acting in that person’s capacity or at that person’s direction.

“Hazardous Tree” means a tree which, due to structural defects or disease is likely to cause infrastructure damage or personal injury; identified in writing by a “Certified Tree Risk Assessor” as having defects sufficient to significantly increase the likelihood that all or part of the tree will fail.

“Owner” means the registered owner of land or, in the case of land that is shown as common property on a strata plan, the strata corporation.

“Permitted Building Envelope” means any part of a parcel that, under the City’s zoning bylaw, may be occupied by buildings or structures.

“Shared Tree” means a tree whose trunk is straddling the boundary between a parcel, and any other land that is not part of the parcel.

“Supportive Guidelines” means the most current version of the Tree Care Industry Association’s ANSI A300 standards.

“tree” means a woody perennial plant having one or more stems, with at least one stem having a diameter of 10 centimeters or more, measured at 1.3 metres above the natural grade on the uphill side of the tree, and includes the Critical Root Zone.

#### 4. Prohibition and Exemption

A. Except as specifically authorized by a permit issued under this Bylaw, or by a development permit issued by the City, no person shall:

- (1) Cut, remove or damage a tree, or any part of a tree;
- (2) Cause or allow a tree or any part of a tree to be cut, removed or damaged;
- (3) Take, cause or allow any other action likely to compromise the health or structural integrity of a tree.

B. Section 4.A does not apply:

- (1) To the pruning of a tree, carried out in accordance with sound arboricultural practice and 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;
- (2) To the cutting or removal of tree that, due to natural causes only, presents an imminent danger to persons or property, in which case the Owner may cut the tree, but shall report the cutting to the Director within the next business day along with at least one photograph of the tree prior to such cutting, and shall not remove the tree until authorized to do so by the Director;

- (3) To the cutting or removal of a tree that has been specifically authorized following an application made under the City's "Tree Policy for the Management of Trees on City Property", or any other policy addressing the same subject matter and adopted for the same purpose.
  - C. Trees cut under the authority of section 4.B(2) must be replaced, with security provided, as if the tree was cut pursuant to a permit under this Bylaw.
5. Application for Tree Cutting or Removal Permit
  - A. An Owner, or a person acting on behalf of the Owner with written authorization of the Owner, may apply to the Director for a permit to cut or remove a tree by paying the non-refundable application fee set out in Schedule A to this Bylaw and providing all of the following information:
    - (1) The civic address and legal description of the parcel where the tree or trees are located;
    - (2) A site plan or survey showing:
      - (a) Parcel lines and easements or rights of way;
      - (b) The location of all existing trees, including Shared Trees, on the parcel;
      - (c) Buildings and structures;
      - (d) Hard surface landscaping or pathways;
      - (e) Underground and above ground utilities and infrastructure;
    - (3) Statement of purpose and intent for tree removal, method of removal, and proposed dates for removal, excavation, and replacement;
    - (4) If the application is to cut or remove a Shared Tree, written consent from every Owner of property on which any part of the trunk of the tree is located;
    - (5) An arborist report prepared by a Certified Arborist that includes photographs of all trees on the site specifies:
      - (a) The location, size, and health of trees to be cut or removed,
      - (b) Health of trees in proximity to trees being cut or removed;
      - (c) The extent of disturbed soil, on private and public land;
    - (6) A tree protection plan showing the location of all trees on the land that are not proposed for cutting or removal, their tree protection zones, recommended protection measures, the location of tree protection fencing, any specifying any further requirements to ensure compliance with the Supportive Guidelines;

- (7) A tree replacement plan specifying:
    - (a) The location, species, caliper, and clearance of all replacement trees, to be planted, and distance to any nearby buildings or structures;
    - (b) Accessible soil volume;
    - (c) An irrigation plan for all replacement trees;
  - (8) The name of any company or individual who will do any work to be authorized by the permit, and proof that such company or individual is properly qualified and insured;
  - (9) Any further information the Director reasonably requires to decide whether or not to issue the permit, and what conditions, if any to include in the permit.
- B. The City may retain an independent arborist to review information submitted as part of a permit application, and the original reports/plans are determined to be incomplete or inaccurate, the costs of an independent arborist's report under this section will be paid by the applicant prior to issuance of tree removal permit.
6. Tree Removal Permits
- A. If a tree is located on a parcel that is the subject of an active building permit application, the Director may only issue a permit authorizing the cutting or removal of the tree if it is:
- (1) Located within the Permitted Building Envelope;
  - (2) Located such that the retention of the tree would, in the opinion of the Director having regard to site planning, architecture, engineering, cost of construction or other matters the Director considers relevant, place unreasonable constraints on development of the parcel to its permitted density, in accordance with any approved site plans;
  - (3) Within an area required to provide access during the construction of a proposed building or structure, and for this purpose the Director must rely on the determination of the City's Chief Building Official;
  - (4) Dead, dying, or hazardous, as confirmed in writing by a Certified Arborist;
  - (5) Directly interfering with utility wires, and not amenable to pruning to address the interference without compromising the health of the tree, as confirmed in writing by a Certified arborist; or,
  - (6) Directly blocking or interfering with sewer or drainage systems, as certified by an accredited plumber or civil engineer.
- B. Before issuing a permit under section 6.A(1), (2) or (3), the Director must consider whether the proposed cutting or removal could be avoided by the issue of a development variance permit under s. 498 of the *Local Government Act*.

- C. If a tree is located on a parcel that is not the subject of an active development permit or building permit application the Director may only issue a permit for the cutting or removal of the tree if it is:
  - (1) Dead, dying, or hazardous, as confirmed in writing by a Certified Arborist;
  - (2) Directly interfering with utility wires, and not amenable to pruning to address the interference without compromising the health of the tree, as confirmed in writing by a Certified Arborist; or,
  - (3) Directly blocking or interfering with sewer or drainage systems, as certified by an accredited plumber or civil engineer.

## 7. Tree Replacement and Compensation

- A. Every person who cuts or removes a tree pursuant to a permit issued under this Bylaw shall within 6 months following the issuance of the permit or within such other time as may be specified by the Director, plant replacement trees on the same parcel as the parcel from which the trees are being cut or removed, as follows (and every such tree is, for the purpose of this Bylaw, a “replacement tree”):
  - (1) 1 replacement tree for each dead, dying, or Hazardous Tree that is cut or removed;
  - (2) 3 replacement trees for each tree other than a dead, dying or Hazardous Tree that is cut or removed;
  - (3) Additional replacement trees if the applicant is seeking a reduction in the ecological compensation fee under section 7.G below.
- B. Except as may be required or authorized by the Director, having regard to the size, health and species of the tree being replaced, or based on the recommendations of a Certified Arborist, at least one replacement tree must be a conifer, and the caliper for a replacement tree must be at least 5 cm.
- C. Replacement trees shall be planted under the direction and supervision of a Certified Arborist or landscape architect retained by the applicant, and in accordance with the Supportive Guidelines.
- D. If, in the opinion of a Certified Arborist, the parcel from which trees are being cut or removed cannot accommodate some or all of the required replacement trees, the applicant shall pay cash-in-lieu to the City in the amount set out in Schedule A to this Bylaw.
- E. The permit holder shall maintain replacement trees for two years from the date of planting, or such longer period as the Director may order having regard to the species and size of the tree and the location where it is to be planted (the “maintenance period”), but in no case shall the maintenance period for a replacement tree be longer than 4 years.

- F. If a replacement tree does not survive the maintenance period the permit holder shall, as soon as possible, replace the tree with another replacement tree approved by the Director in the same manner as a replacement tree under s. 7.A., and subject to a further maintenance period in accordance with s. 7.E.
- G. The Director must not issue a permit under 6. A. (1), (2), or (3) unless the applicant first pays to the City the ecological compensation fee, as set out in Schedule A to this Bylaw, for every tree to be cut or removed pursuant to the permit, except that the ecological compensation fee shall be reduced by \$750 for each additional replacement tree the applicant agrees to plant.

8. Permit Conditions

- A. The Director must not issue a permit unless the applicant:
  - (1) Posts security for every replacement tree to be planted, in the amount set out in Schedule A to this Bylaw, with the security to be returned to the person who provided it only if, at the end of the maintenance period, the Director is satisfied the tree(s) is healthy, and otherwise the security shall be forfeited to the City; and,
  - (2) Pays to the City the inspection fee set out in Schedule A to this Bylaw, to cover the City's costs of carrying out inspections to determine whether replacement trees have survived the maintenance period.
- B. The Director may make permits subject to such other conditions as the Director deems advisable to protect other trees, vegetation, soils, watercourses, habitat, or municipal works, or for the health, safety or convenience of neighbours or other members of the community, including any of the following conditions:
  - (1) Conditions to minimize disturbance of or damage to bird nests;
  - (2) Each tree to be cut or removed shall be clearly identified with a mark of highly visible paint;
  - (3) Public notice of a permit posted on the parcel at least 2 days before trees are to be removed;
  - (4) A tree protection barrier around the Critical Root Zone of all retained trees identified in the tree protection plan;
  - (5) Tree parts and wood waste shall be properly disposed of by chipping or removal from the site;
  - (6) All watercourses, waterworks, ditches, drains, sewers, or other established drainage facilities shall be kept free of all wood waste arising from or caused by tree cutting or removal activities.

9. Right to Reconsideration by Council

- A. A person dissatisfied with the Director's decision to refuse a permit, or include a condition in a permit, may appeal the decision to council by delivering written notice to the City Clerk within 14 calendar days of the decision, with the notice to include a brief explanation of the basis for the appeal, and any further information the Clerk considers necessary to assist council in making a decision on the appeal.
- B. The Clerk will:
  - (1) Provide Council with copies of any notice delivered under s. 19, together with copies of the original tree removal permit application and the Director's reasons, if any were provided to the applicant, for the refusal or condition that is the subject of the appeal; and,
  - (2) Place the matter on an agenda for Council's consideration as soon as is reasonably possible.

10. Enforcement and Penalties for Contravention

- A. Every person who violates a provision of this Bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this Bylaw, or who neglects to or refrains from doing anything required to be done by a provision of this Bylaw, is guilty of an offence and is liable to the penalties imposed under this Bylaw, and is guilty of a separate offence each day that a violation continues to exist.
- B. Every person who commits an offence is liable on summary conviction to a fine to imprisonment, or to both a fine and imprisonment, to a maximum of \$50,000 in fines or 6 months incarceration as authorized by the Community Charter.
- C. If a person cuts, removes or damages or causes or allows a tree to be cut, removed or damaged other than as authorized by this Bylaw or a permit issued under this Bylaw, the Director or a Bylaw enforcement officer may impose, in writing, a requirement that the person do one or both of the following, by a specified date:
  - (1) Pay a fee equal to 250% of the Ecological Compensation Fee for every tree that has been cut, removed or damaged;
  - (2) Plant replacement trees that would be required under section 7, plus at least two additional replacement trees, with the type, caliper and location of the replacement trees, and any other requirements in respect of the replacement trees, to be determined either by the Director or, at the Director's discretion, by a Certified Arborist hired at the expense of the person who is subject to the requirement.

- D. If a person fails to plant trees in accordance with a requirement imposed under section 7, the City may, by its employees or others, at least 7 days after giving a further written notice of the requirement imposed under section 7, enter on land and fulfill the requirement at the expense of the Owner, and the City may recover its costs as special fees, including in the same manner as property taxes, under Division 14 of Part 7 of the *Community Charter*.

READ a first time on the 28<sup>th</sup> day of February, 2022.

READ a second time on the 28<sup>th</sup> day of February, 2022.

READ a third time on the 28<sup>th</sup> day of February, 2022.

RESCINDED third reading on the 7<sup>th</sup> day of March, 2022.

READ a third time, as amended, on the 7<sup>th</sup> day of March, 2022.

ADOPTED on the 28<sup>th</sup> day of March, 2022.

“Linda C. Buchanan”

---

MAYOR

“Karla D. Graham”

---

CORPORATE OFFICER

**SCHEDULE A  
FEES AND SECURITY AMOUNTS**

<b>Type of Fee or Charge</b>	<b>Amount</b>
Application Base Fee + Tree Removal Fee (per tree removed)	\$175 + \$75
Inspection Fee	\$130 (per site)
Replacement Tree Security	\$975 (per tree)
Tree replacement cash in lieu	\$750 (per tree)
Ecological compensation fee	\$1500 (per tree)