



COUNCIL AGENDA

Date: April 18, 2016 Item: 5.

5.

**DISTRICT OF WEST VANCOUVER**  
750 17TH STREET, WEST VANCOUVER BC V7V 3T3

## COUNCIL REPORT

Date:	April 4, 2016
From:	Chris Bishop, Manager of Development Planning James Allan, Community Planner
Subject:	Tree Protection in West Vancouver and Proposed Interim Tree Bylaw
File:	2515-08

### RECOMMENDATION

THAT:

1. Staff undertake community consultation on tree protection in West Vancouver and report back to Council in fall 2016;
2. Proposed "Interim Tree Bylaw No. 4892, 2016" be read a first, second and third time;
3. Proposed "Bylaw Notice Enforcement Bylaw No. 4368, 2004, Amendment Bylaw No. 4893, 2016" be read a first, second and third time; and
4. Proposed "Municipal Ticket Information System Implementation Bylaw No. 4383, 2004, Amendment Bylaw No. 4894, 2016" be read a first, second and third time.

#### 1.0 Purpose

To introduce an Interim Tree Bylaw for temporary tree protection that will be in place while staff undertakes community consultation on future tree protection measures.

#### 2.0 Executive Summary

Trees are important to the residents of West Vancouver. Trees are a part of the identity of West Vancouver and they help to set the community apart from other increasingly urbanized municipalities in the Metro Vancouver region.

In recent years, there has been an increased awareness by many in the community of the value that trees bring to the District including positive ecological and environmental benefits as well as community, social, economic and personal benefit. With this increased awareness, many residents are concerned that there is no specific bylaw in West Vancouver for the protection of trees on private lands.

This concern has been exacerbated by the now, more common practice of the complete clearing of lots for new or redevelopment. This practice results in the

loss of significant tree cover generally and the loss of signature trees within West Vancouver neighbourhoods. The District has heard continued and increasing concern from the community regarding the loss of trees within the community.

At the same time, the District also recognizes and manages the effects of tree growth on amenities such as access to sunlight, views and safety.

In response, the District will undertake community consultation regarding tree protection on private lands and report back to Council in the fall of 2016. During this consultation period, an Interim Tree Bylaw is proposed (see Appendix A) to protect identified trees until Council considers a long-term strategy for tree protection on private lands.

The proposed bylaws would:

1. provide for interim tree protection for trees with a diameter of 75cm or greater, or Garry Oaks and Arbutus with a diameter of 20cm or greater, on private lands. Trees less than these diameters are not protected by the proposed interim bylaw;
2. allow tree cutting to provide for site development (within the permitted building envelope, for garages and driveway access);
3. exempt properties from the bylaw that are already subject to a development permit (e.g. future neighbourhoods in Upper Lands and environmental development permit areas) and heritage areas (Lower Caulfield) as tree protection is already subject to development permit or heritage alteration permit process;
4. apply equally throughout the District. This means that areas where private tree covenants exist will be subject to the bylaw; and
5. include protection and enforcement measures e.g. tree fencing and fines under the bylaw of up to \$1,000.

Tree protection on private lands is delegated to the Director of Planning and Development Services, with a right of appeal to Council. On public property, tree protection will remain in effect and unchanged.

In the interim, fees will not be charged for tree permits. Potential fees and charges will be considered during the community consultation and incorporated in the report back to Council.

It should be noted that the District will not be exposed to claims to provide compensation due to the implications of the proposed bylaw. In order for such a claim to be valid the regulations would have to reduce the development potential

(i.e. the permissible floor area) of a property. The bylaw does not limit development in such a manner and variances to remove trees can be granted at Council's discretion through a variance application or by the Board of Variance.

### **3.0 Legislation / Bylaws / Policy**

#### **Legislation**

Under *Section 8* of the *Community Charter*, a Council may, by bylaw, regulate, prohibit and impose requirements relative to trees and protection of the natural environment.

#### **Bylaws**

West Vancouver does not currently have a bylaw for the regulation and management of trees on private property. The proposed Interim Tree Bylaw is intended to become a temporary regulatory framework for the community during public consultation on long term steps on private property tree protection.

Relative to public lands including parks and boulevards, the District has the "Parks Regulation Bylaw No. 4867, 2015" bylaw, which governs the use and management of parks through regulations (including trees).

The "Bylaw Notice Enforcement Bylaw No. 4368, 2004" is a bylaw that implements the enforcement of bylaw notices in conjunction with North Shore Bylaw Adjudication Registry.

The "Municipal Ticket Information System Implementation Bylaw No. 4383, 2004" is a bylaw that implements the Municipal Ticket Information System pursuant to the *Community Charter S.B.C. 2003*.

The fines in the Bylaw Notice Enforcement Bylaws and the Municipal Ticket Information System Implementation Bylaw are regulated by provincial law. They are limited to \$500 per offence in the Bylaw Notice Enforcement Bylaw and up to \$1,000 per offence in the Municipal Ticket Information System Implementation Bylaw. Beyond this and under the *Offence Act* fines of up to \$10,000.00 are possible upon conviction.

#### **District Policy**

The Official Community Plan recognises the importance of views and access to sunlight for the community and states the following about trees in the Natural Environment section:

##### *Policy NE 9*

*Encourage a "Good Neighbour" approach through education to mitigate*

*instances of trees on private properties that block sunlight and significant views.*

#### *Policy NE 11*

*In planning for development, recognise and manage the effects of tree growth on amenities such as access to sunlight, views and safety.*

## **4.0 Background**

### 4.1 Previous Decisions

#### Previously Proposed Tree Bylaw 4823, 2015

At the March 2, 2015 Council meeting, Council considered but did not adopt the following motions:

*THAT*

- 1. Proposed "Tree Bylaw No. 4823, 2015" be read a first, second, and third time; and*
- 2. Proposed "Bylaw Notice Enforcement Bylaw No. 4368, 2004 Amendment Bylaw No. 4824, 2015" be read a first, second, and third time; and*
- 3. Proposed "Municipal Ticketing Information System Implementation Bylaw No. 4383, 2004 Amendment Bylaw No. 4825, 2015" be read a first, second and third time.*

The proposed Tree Bylaw 4823, 2015, was to formalize existing tree protection within parks, boulevards and private lands where trees were already protected under the Official Community Plan and covenants. It was not adopted by Council.

#### Parks Regulation Bylaw 4867, 2015

At the January 11, 2016 Council meeting Council passed the following motion:

*THAT*

*Proposed "Parks Regulation Bylaw No. 4867, 2015" be adopted.*

This bylaw, amongst other matters, clarified the management and regulation of trees on public lands within West Vancouver.

### 4.2 History – none.

## **5.0 Analysis**

### 5.1 Discussion

Trees are a very important element that define the character of West Vancouver neighbourhoods and the municipality as a whole. They also contribute to long-

term environmental sustainability. Policies and statements related to tree management in the Official Community Plan reflect a strong interest by the community to retain access to views and sunlight. However, tree management on private property has been left unmonitored and unregulated in the past.

Recently, there is an increased awareness and interest by the community to review tree protection both on public and private lands. In part, this increased awareness of the importance of trees is related to the large body of research that illustrates the value and importance that trees bring to the community including positive ecological and environmental impacts, community, social, economic and personal benefit.

#### Development on Private lands

Awareness of the importance of trees to the community has risen partly due to the accelerated level of development in West Vancouver. With increasing property values, there has been an increase in the number of redevelopments of older, smaller houses on private lands. These developments tend to maximise their building footprint. There is no restriction on the removal of trees on private lands except in riparian areas; areas with preservation covenants; areas under a Development Permit or areas subject to Heritage Alteration Permits. Consequently and primarily within residential areas, there are developments in which all of the trees are removed to facilitate redevelopment.

Other municipalities in the region are increasing the level of tree protection both on private and public lands using regulatory bylaws and are monitoring tree canopy percentages in their communities. The goal of monitoring tree canopy coverage is generally to set targets to maintain or increase a municipality's existing tree canopy.

#### Proposed Interim Tree Bylaw

Proposed Interim Tree Bylaw No. 4892, 2016 (**Appendix A**) will regulate the cutting of trees within the District of West Vancouver.

The proposed interim bylaws would:

1. provide for interim tree protection for trees with a diameter of 75cm or greater, or Garry Oaks and Arbutus with a diameter of 20cm or greater, on private lands. Trees less than these diameters are not protected by the proposed interim bylaw;
2. allow tree cutting to provide for site development (within the permitted building envelope, for garages and driveway access);
3. exempt properties from the bylaw that are already subject to a

development permit (e.g. future neighbourhoods in Upper Lands and environmental development permit areas) and heritage areas (Lower Caulfield).

Private lands that are the subject of required development permits (e.g. watercourse protection) or Heritage Alteration Permits are required to obtain the respective approval prior to site development, land alteration or tree cutting. As such, these lands would not be required to obtain an additional tree cutting permit under the proposed regulation.

4. apply equally throughout the District. This means that areas where private tree covenants exist will be subject to the interim bylaw; and
5. include protection and enforcement measures e.g. tree fencing and fines under bylaw of up to \$1,000.

The proposed interim bylaw includes measures regarding tree management (including allowing routine maintenance of trees), management of hazard trees, replacement of trees, permitting requirements and the delegation of permit issuance to staff (the Director of Planning and Development Services or designate). Finally, the bylaw includes a process regarding reconsideration of the Director's decisions by Council as required under the *Community Charter*.

Staff considered the inclusion of a repeal date within the proposed Interim Tree Bylaw and an automatic repeal date is not recommended. Staff recommend that the protection afforded by the bylaw be in place until such a time as a more permanent position is achieved.

#### Corresponding Amendments to Enforcement Bylaws

Amendments are proposed to the Bylaw Notice Enforcement Bylaw (**Appendix B**) and the Municipal Ticket Information System Implementation Bylaw (**Appendix C**). The amendments will enable the District to issue fines of up to \$1000 for contraventions related to tree management across all land tenure types as necessary. In addition, the *Offence Act* allows a fine of up to \$10,000 to be imposed via a legal process undertaken by the District.

## 5.2 Sustainability

Trees contribute the sustainability of the community. The value of trees includes their ecological and environmental values, their community, social and personal values, and their economic value.

## 5.3 Public Engagement and Outreach

Moving forward, staff will develop and undertake a community consultation

process for the review of tree policies and bylaws for the protection and management of trees on private property. Once this is complete, staff will report back to Council with the results of the consultation and will make recommendations for any future tree management strategies as necessary.

#### 5.4 Other Communication, Consultation, and Research

This interim bylaw was developed as directed by Council and in collaboration with various District departments. If adopted, staff will advise the community (residents, home builders, etc. . .) that an interim bylaw is in place related to tree protection via our website, handouts and other measures as deemed appropriate. A consultation plan will be developed and implemented regarding future tree protection strategies.

### 6.0 Options

#### 6.1 Recommended Option

Council direct staff to undertake community consultation on tree protection on private lands in West Vancouver and, in order to provide for interim tree protection during that time, give readings to the proposed Interim Tree Bylaw, Bylaw Notice Enforcement Bylaw and Municipal Ticket Information System Implementation Bylaw amendments.

#### 6.2 Considered Options

- a) give three readings to the proposed bylaws; or
- b) defer readings of the proposed bylaws pending the receipt of additional information (to be specified). This information would be provided and available to assist in consideration of the bylaws; or
- c) not give readings to the proposed bylaws.

These above options are presented should Council give readings to the proposed bylaws, request further information or not consider the bylaws.

### 7.0 Conclusion

The proposed Interim Tree Bylaw would serve to manage the cutting and alteration of trees on private lands within West Vancouver.

The recommended approach seeks to provide interim measures to reduce the unregulated cutting of trees within West Vancouver on private lands. The proposed changes do not limit or preclude Council's discretionary authority to direct future changes.

Date: April 4, 2016  
From: Chris Bishop, Manager of Development Planning  
Subject: Community Consultation on Tree Protection in West Vancouver and Proposed Interim Tree Bylaw

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Author:



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Chris Bishop, Manager of Development Planning



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James Allan, Community Planner

Appendices:

- A. Interim Tree Bylaw No. 4892, 2016
- B. Bylaw Notice Enforcement Bylaw No. 4368, 2004, Amendment Bylaw No. 4893, 2016
- C. Municipal Ticket Information System Implementation Bylaw No. 4383, 2004, Amendment Bylaw No. 4894, 2016





District of West Vancouver

APPENDIX 'A'

**Interim Tree Bylaw**  
**Bylaw No. 4892, 2016**

Effective Date:

# Interim Tree Bylaw No. 4892, 2016

## Table of Contents

---

Part 1	Citation.....	1
Part 2	Severability.....	1
Part 3	Application of Bylaw .....	1
Part 4	Interpretation .....	2
Part 5	Protection of Trees from Damage .....	4
Part 6	Tree Cutting Permits .....	5
Part 7	Replacement Trees.....	6
Part 8	Tree Cutting Permit Procedures.....	7
Part 9	Reconsideration by Council.....	8
Part 10	Offence and Penalties.....	8
	Schedule A – Protected Tree Species.....	11

District of West Vancouver

## **Interim Tree Bylaw No. 4892, 2016**

A bylaw to regulate, prohibit and impose requirements in relation to trees

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for the management of tree cutting and tree damaging activities;

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

### **Part 1 Citation**

1.1 This bylaw may be cited as Interim Tree Bylaw No. 4892, 2016.

### **Part 2 Severability**

2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

### **Part 3 Application of Bylaw**

3.1 This bylaw does not apply to the cutting of any tree:

- 3.1.1 by the District or its contractors in a Municipal Park, highway or statutory right of way or lot used for utility purposes;
- 3.1.2 on land owned by School District No. 45 (West Vancouver);
- 3.1.3 in a Greater Vancouver Regional District park;
- 3.1.4 by a utility, on land owned or held by the utility including a statutory right of way, undertaken for the purpose of safety, maintenance or operation of the utility's infrastructure;
- 3.1.5 on land that is within the scope of a development permit;

- 3.1.6 on land within a heritage conservation area designated in the District's official community plan;
- 3.1.7 on land in the CD24 Zone established by the Zoning Bylaw; or
- 3.1.8 on any lot in respect of which a complete building permit application was made prior to April 18, 2016, until the earlier of the date of issuance of a Certificate of Occupancy in respect of the building authorized by the permit and the date that is 18 months after the date on which the application was made.

## Part 4 Interpretation

- 4.1 References in this bylaw to the cutting of trees must be interpreted to include:
  - 4.1.1 The removal of a tree by any means from the land on which it is growing;
  - 4.1.2 The topping of trees, including the re-topping of trees that have previously been topped; and
  - 4.1.3 The removal of the limbs of trees, other than such removal of limbs as is reasonably required in the course of ordinary landscape maintenance practices to maintain the health of the tree.
- 4.2 For the purposes of this bylaw, a tree is located on a lot or in an area, if any portion of the trunk of the tree above the natural ground level adjacent to the tree is on the lot or in the area.
- 4.3 In this bylaw:
  - "Arborist" means a person certified by the International Society of Arboriculture.
  - "Building Permit" means a permit issued pursuant to the Building Bylaw to authorize the construction of a building.
  - "Building Site" means a parcel of land in respect of which a building permit application has been made to the District pursuant to the Building Bylaw.
  - "Certificate of Occupancy" means a certificate issued pursuant to the Building Bylaw to authorize the occupancy of a building.
  - "DBH" means diameter measured 1.4 m above the highest immediately adjacent natural ground level.

"Director" means the Director of Planning and Development Services of the District and any other person designated by the Director to perform duties under this bylaw.

"District" means the District of West Vancouver.

"Environmental Protection Officer" means the person appointed by the District to that position.

"Municipal Park" means any land dedicated as such by bylaw of the District or by designation on a plan deposited in the Land Title Office, and any other land held or used by the District for park, public recreation or environmental protection or conservation purposes.

"Permitted Building Envelope" means that portion of a lot on which the Zoning Bylaw permits the construction of a principal building or structure.

"Protected Wildlife Species" means a wildlife species listed in a Schedule to the *Species at Risk Act* (Canada), or a threatened or endangered wildlife species listed, respectively, in Schedule D or E to the Designation and Exemption Regulation under the *Wildlife Act*,

"Security" means cash or an unconditional, irrevocable letter of credit issued by a bank or credit union with a business office in the District

"Tree" means a woody perennial plant having one or more stems, with at least one stem having DBH of 10 centimetres or more;

"Tree Protection Barrier" means a barrier constructed in accordance with specifications issued by the Environmental Protection Officer, erected and maintained so as to protect trees from tree cutting, excavation, demolition or construction activities on adjacent land.

"Tree Survey" means a drawing or plan of a building site prepared by a B.C. Land Surveyor or a person having other qualifications approved in advance by the Director, showing the location, DBH and species of each tree on the site or a portion of the site specified in advance by the Director, and indicating the location of the Permitted Building Envelope and the trees that are proposed to be cut in order to permit the construction of a driveway or accessory building outside the Permitted Building Envelope.

## **Part 5 Protection of Trees from Damage**

- 5.1 No person shall damage a tree by doing any of the following:
- 5.1.1 Except to the extent that such work is reasonably required to construct a driveway or accessory building described in Section 6.4, cutting or damaging the roots of the tree or blasting, compacting the soil or placing concrete or other hard surfacing within the drip line of a tree;
  - 5.1.2 Depositing within the drip line of a tree any substance that is toxic to the tree;
  - 5.1.3 Girdling or ringing the trunk of the tree or burning any part of the tree; or
  - 5.1.4 Pruning the tree so excessively as to cause the tree to decline or die.
- 5.2 No person shall carry out or authorize or permit any other person to carry out any tree cutting, site preparation, demolition, excavation or construction work on a building site unless a tree protection barrier has been installed to protect:
- 5.2.1 Trees outside the Permitted Building Envelope on the building site, other than trees that are being cut to permit the construction of a driveway or accessory building;
  - 5.2.2 Trees on any boulevard that abuts the building site; and
  - 5.2.3 Trees on any portion of a municipal park that is within 3 metres of the building site.
- 5.3 A person who has installed a tree protection barrier shall:
- 5.3.1 Arrange for inspection by the Environmental Protection Officer prior to carrying out or authorizing any work described in Section 5.2;
  - 5.3.2 Keep the area within the tree protection barrier free of all construction materials, litter and debris throughout the course of the work;
  - 5.3.3 Maintain the tree protection barrier in good condition until the work has been completed and the Environmental Protection Officer has authorized the removal of the barrier; and

- 5.3.4 Remove any tree protection barrier from a boulevard or municipal park within 14 days of being authorized to do so, and leave the boulevard or park in a clean and tidy condition.

## **Part 6 Tree Cutting Permits**

- 6.1 No person shall cut any tree that has a DBH of 75 cm or more, or in the case of a tree with multiple stems a combined stem DBH of 75 cm or more, unless a tree cutting permit has been issued in respect of the tree.
- 6.2 Section 6.1 does not apply to any tree that presents an imminent danger to persons or property, but any person who, under the authority of this section, cuts a tree without obtaining a permit must report the cutting of the tree to the Director within one business day of cutting the tree and must not remove the tree from the location at which it was cut until the Director has authorized such removal.
- 6.3 The Director may issue a permit under this Part to authorize the cutting of:
  - 6.3.1 a tree that an Arborist has certified has been damaged by natural causes to the extent that it is unusually vulnerable to disease or premature death;
  - 6.3.2 a tree that an Arborist has certified to be hazardous;
  - 6.3.3 a tree that an Arborist has certified is causing damage to property, including roofs, retaining walls or paved areas, which cannot be addressed by pruning, but for these purposes the accumulation of leaves or needles does not constitute damage; or
  - 6.3.4 a tree that an Arborist has certified, is interfering, in a manner than cannot be addressed by pruning, with utility wires or other utility infrastructure or with access to such wires or infrastructure.
- 6.4 The Director must issue a tree cutting permit under this Part in respect of a tree that does not come within the scope of Section 6.3 and that is located:
  - 6.4.1 within a Permitted Building Envelope;
  - 6.4.2 within an area outside a Permitted Building Envelope with a maximum width of 4.5 m and indicated in a building permit or specified by the Director as the location of a driveway;

- 6.4.3 located within an area outside a Permitted Building Envelope but indicated in a building permit or specified by the Director as the location of an accessory building used for motor vehicle parking accessed from a lane; or
  - 6.4.4 within 2 m of an area described in Section 6.4.2 or 6.4.3.
- 6.5 The Director may, after review of a building permit application and the applicant's tree survey, require the relocation of a driveway or accessory building indicated in a building permit to minimize the number of trees that will have to be cut to accommodate it.
- 6.6 The Director may, but is under no obligation to, issue a tree cutting permit under this Part in respect of a tree that does not come within the scope of Section 6.3 or 6.4, provided that all of the following apply:
- 6.6.1 The tree does not contain the nest of an eagle or heron, or constitute the habitat of a protected wildlife species;
  - 6.6.2 The cutting of the tree does not contravene a covenant granted to the District under s. 219 of the *Land Title Act* or predecessor legislation;
  - 6.6.3 The cutting of the tree does not, in the written opinion of a geotechnical engineer provided to the Director in circumstances where the Director requires such an opinion to be provided, detrimentally affect the stability of a natural slope; and
  - 6.6.4 The tree is not a specimen of the protected tree species listed in Schedule A to this bylaw with a DBH of 20 cm or more.

## Part 7 Replacement Trees

- 7.1 The Director may order any person who cuts a tree in contravention of this bylaw to:
- 7.1.1 plant a replacement tree of a species and DBH specified in the order for each tree that has been cut, at the location indicated in the order;
  - 7.1.2 maintain the replacement tree in accordance with generally accepted landscape maintenance practices to ensure that it survives transplantation, and replace the replacement tree if it should fail to survive transplantation; and
  - 7.1.3 provide security to the District in the amount of \$5000 per replacement tree, which security shall forfeit to the District if the



replacement tree in respect of which the security is provided is not planted or fails to survive transplantation, and shall otherwise be returned to the owner not later than two years after the planting of the replacement tree.

- 7.2 The issuance of an order under this Part does not preclude the District from enforcing this bylaw in any manner set out in Part 10.

## **Part 8 Tree Cutting Permit Procedures**

- 8.1 The Director may prescribe the form of tree cutting permits and tree cutting permit applications under this bylaw.
- 8.2 A permit application made under this bylaw must be accompanied by the application fee specified in the Fees and Charges Bylaw.
- 8.3 In the case of an application in respect of a tree on a strata lot, the Director may require the applicant to provide confirmation from the strata corporation that the applicant has the right to apply for a tree cutting permit in respect of the tree.
- 8.4 In the case of an application from a person who is not the owner of the land described in the application, the Director may require the applicant to provide confirmation that the owner has authorized the person to make the application.
- 8.5 No person shall engage another person to cut a tree to which this bylaw applies, other than a tree described in Section 6.3, without providing to that person a copy of the tree cutting permit issued pursuant to this bylaw that authorizes the cutting of the tree.
- 8.6 The permit holder must, before cutting the tree, post a tree cutting permit issued under Part 6 in a location on the lot to which the permit pertains that is visible from the abutting street, and keep the permit posted until all cutting authorized by the permit has been completed.
- 8.7 The Director may revoke a tree cutting permit if it appears to the Director that the permit was issued in error or on the basis of incorrect, false or misleading information, or the permit holder has failed to comply with the permit.
- 8.8 A tree cutting permit expires and is of no further force or effect if the tree to which it pertains has not been cut within 6 months of the date of issuance of the permit.

## **Part 9 Reconsideration by Council**

- 9.1 A person who is dissatisfied with a decision of the Director under Part 6 or Part 7 of this bylaw may apply to the Council for reconsideration of the decision.
- 9.2 An application for reconsideration shall be made in writing to the Municipal Clerk within 10 days of the decision being communicated to the applicant, and shall include the information that the person provided to the District with respect to their application, a copy of the decision, a statement of the decision that the applicant wishes the Council to substitute for the original decision, the applicant's reasons for requesting reconsideration, and the application fee specified in the Fees and Charges Bylaw.
- 9.3 A person who applies for reconsideration under this Part shall be provided a reasonable opportunity to make written or oral representations to the Council with respect to their application at a regular meeting of Council within 3 calendar months of the application for reconsideration being made, and the Council may require the Director to provide information with respect to the decision.
- 9.4 On reconsideration, the Council may confirm the decision of the Director, or substitute for that decision any other decision that the Director could have made under this bylaw.

## **Part 10 Offence and Penalties**

- 10.1 The Director, the Environmental Protection Officer, a Land Development Technician, a Bylaw Enforcement Officer and a member of the West Vancouver Police Department may at all reasonable times enter on any real property to inspect and determine whether this bylaw is being complied with.
- 10.2 The Director may order or direct any person to discontinue or refrain from proceeding with any work that contravenes this bylaw, and to carry out any work that is required by a tree cutting permit, in each case within the time specified in the order or direction.
- 10.3 Every person who:
- 10.3.1 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,

- 10.3.2 Fails to comply with any condition of a permit issued pursuant to this bylaw,
- 10.3.3 Prevents or obstructs an entry on real property authorized by Section 10.1; or
- 10.3.4 Fails to comply with an order or direction of the Director under Section 10.2

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.

- 10.4 For certainty, in the case of offences involving the cutting or damaging of more than one tree, an offence is committed in respect of each individual tree and the maximum penalties imposed under this bylaw apply to each such offence.
- 10.5 For certainty, in the case of offences of a continuing nature, an offence is committed on each day during which the offence continues, and the maximum penalties imposed under this bylaw apply to each such offence.
- 10.6 Every person who commits an offence is liable:
  - 10.6.1 On summary conviction to a fine of up to \$10,000;
  - 10.6.2 To pay the applicable fine established in Bylaw Notice Enforcement Bylaw No. 4368, 2004; or
  - 10.6.3 To pay the applicable fine established in Municipal Ticket Information Bylaw No. 4383, 2004.

## **Schedules**

### **Schedule A to Bylaw No. 4892, 2016 – Schedule of Protected Tree Species**

READ A FIRST TIME on [Date]

READ A SECOND TIME on [Date]

READ A THIRD TIME on [Date]

ADOPTED by the Council on [Date].

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Mayor

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Municipal Clerk



## **Schedule A – Protected Tree Species**

1. Arbutus (*Arbutus Menziesii*)
2. Garry Oak (*Quercus Garryana*)

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District of West Vancouver

**APPENDIX** 'A'

**Bylaw Notice Enforcement Bylaw**  
**Bylaw No. 4368, 2004**  
**Amendment Bylaw No. 4893, 2016**

Effective Date:

District of West Vancouver

**Bylaw Notice Enforcement Bylaw  
No. 4368, 2004,  
Amendment Bylaw No. 4893, 2016**

**Table of Contents**

---

Part 1	Citation .....	1
Part 2	Severability .....	2
Part 3	Bylaw Amendment .....	2



District of West Vancouver

## **Bylaw Notice Enforcement Bylaw No. 4368, 2004, Amendment Bylaw No. 4893, 2016**

A bylaw to amend *Bylaw Notice Enforcement Bylaw No. 4368, 2004* to add bylaw contraventions and penalties in relation to Boulevard Bylaw No. 4886, 2016 and Interim Tree Bylaw No. 2892, 2016.

Previous amendments:

<b>Amendment Bylaw</b>	<b>Effective Date</b>
Bylaw No. 4868, 2015	January 11, 2016
Bylaw No. 4762, 2013	December 9, 2013
Bylaw No. 4725, 2012	July 2, 2012
Bylaw No. 4718, 2012	March 26, 2012
Bylaw No. 4700, 2011	November 28, 2011
Bylaw No. 4681, 2011	May 9, 2011
Bylaw No. 4583, 2008	December 8, 2008
Bylaw No. 4559, 2008	June 2, 2008
Bylaw No. 4536, 2008	February 18, 2008
Bylaw No. 4521, 2007	October 22, 2007
Bylaw No. 4501, 2007	July 16, 2007
Bylaw No. 4482, 2006	July 24, 2006
Bylaw No. 4481, 2006	June 26, 2006
Bylaw No. 4448, 2005	September 19, 2005
Bylaw No. 4429, 2005	June 13, 2005
Bylaw No. 4416, 2005	January 24, 2005

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to amend *Bylaw Notice Enforcement Bylaw No. 4368, 2004*;

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

### **Part 1 Citation**

- 1.1 This bylaw may be cited as *Bylaw Notice Enforcement Bylaw No. 4368, 2004, Amendment Bylaw No. 4893, 2016*.

## Part 2 Severability

2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

## Part 3 Bylaw Amendment

3.1 *Bylaw Notice Enforcement Bylaw No. 4368, 2004* is by inserting the following in Schedule A in appropriate alphabetical order:

Amendment Bylaw No.	Section	Description	A1 Penalty	A2 Early Penalty	A3 Late Penalty	A4 Compliance Agreement Available (*Maximum 50% Reduction in Penalty Amount Where Compliance Agreement is shown as "Yes")
<b>Boulevard Bylaw No. 4886, 2016</b>						
4893, 2016	5.2	Obstruct boulevard	\$150.00	\$135.00	\$160.00	Yes
4893, 2016	5.3	Fail to maintain boulevard improvements	\$150.00	\$135.00	\$160.00	Yes
4893, 2016	10.1.4	Fail to comply with removal order under s. 5.7	\$150.00	\$135.00	\$160.00	Yes
4893, 2016	6.1	Debris on boulevard	\$150.00	\$135.00	\$160.00	No
4893, 2016	6.2	Plant invasive species on boulevard				No
4893, 2016	6.3	Unauthorized construction on boulevard	\$500.00	\$475.00	\$500.00	No
4893, 2016	7.11	Fail to arrange transfer of encroachment permit	\$150.00	\$135.00	\$160.00	Yes
4893, 2016	8.1	Unauthorized cutting of boulevard tree	\$500.00	\$475.00	\$500.00	No
4893, 2016	9.5	Fail to post tree cutting permit	\$150.00	\$135.00	\$160.00	Yes
4893, 2016	10.1.5	Damage boulevard	\$150.00	\$135.00	\$160.00	No
<b>Interim Tree Bylaw No. 4893, 2016</b>						
4893, 2016	5.1	Damage tree	\$500.00	\$475.00	\$500.00	No
4893, 2016	5.2	Construct without tree barrier	\$500.00	\$475.00	\$500.00	Yes
4893, 2016	5.3	Fail to maintain tree barrier	\$500.00	\$475.00	\$500.00	Yes
4893, 2016	5.3.4	Fail to remove tree barrier	\$250.00	\$212.50	\$287.50	Yes
4893, 2016	6.1	Tree cutting without permit	\$500.00	\$475.00	\$500.00	No
4893, 2016	8.6	Fail to post tree cutting permit	\$250.00	\$212.50	\$287.50	Yes
4893, 2016	10.3.3	Obstruct inspection	\$500.00	\$475.00	\$500.00	No

READ A FIRST TIME on [Date]

READ A SECOND TIME on [Date]

READ A THIRD TIME on [Date]

ADOPTED by the Council on [Date]

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Municipal Clerk

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District of West Vancouver

APPENDIX 'C'

**Municipal Ticket Information  
System Implementation  
Bylaw No. 4383, 2004,  
Amendment Bylaw No. 4894, 2016**

Effective Date:

District of West Vancouver

**Municipal Ticket Information  
System Implementation  
Bylaw No. 4383, 2004,  
Amendment Bylaw No. 4894, 2016**

**Table of Contents**

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Part 1	Citation .....	2
Part 2	Severability.....	2
Part 3	Bylaw Amendments .....	2

District of West Vancouver

# **Municipal Ticket Information System Implementation Bylaw No. 4383, 2004, Amendment Bylaw No. 4894, 2016**

A bylaw to amend the *Municipal Ticket Information System Implementation Bylaw No. 4383, 2004* to add enforcement officers and ticket information for the Boulevard Bylaw and the Interim Tree Bylaw

Previous amendments:

<b>Amendment Bylaw</b>	<b>Effective Date</b>
Bylaw No. 4869, 2015	January 11, 2016
Bylaw No. 4521, 2007	October 22, 2007
Bylaw No. 4449, 2005	September 19, 2005
Bylaw No. 4428, 2005	June 13, 2005
Bylaw No. 4392, 2004	July 29, 2004

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for an amendment to the *Municipal Ticket Information System Implementation Bylaw No. 4383, 2004*;

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

## Part 1 Citation

- 1.1 This bylaw may be cited as Municipal Ticket Information System Implementation Bylaw No. 4383, 2004, Amendment Bylaw No. 4894, 2016.

## Part 2 Severability

- 2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

## Part 3 Bylaw Amendments

- 3.1 Municipal Ticket Information System Implementation Bylaw No. 4383, 2004 is amended as follows:

- 3.1.1 by inserting the following columns into Schedule A in appropriate alphabetical order:

Column 1 Designated Bylaws	Column 2 Designated Bylaw Enforcement Officer
Boulevard Bylaw No. 4886, 2016	Bylaw Enforcement/Compliance Officer Municipal Police Officer Environmental Protection Officer Land Development Technician District Arborist Development Services Engineer Manager of Land Development Building Inspector
Interim Tree Bylaw No. 4892, 2016	Bylaw Enforcement/Compliance Officer Municipal Police Officer Environmental Protection Officer Land Development Technician District Arborist Development Services Engineer Manager of Land Development Building Inspector



3.1.2 by inserting the following schedule, "Schedule B17 – Boulevard Bylaw No. 4886, 2016" after Schedule B16:

### **Schedule B17 – Boulevard Bylaw No. 4886, 2016**

Schedule inserted by Municipal Ticket Information System Implementation Bylaw No. 4894, 2016.

<b>Column 1 Designated Expression</b>	<b>Column 2 Section</b>	<b>Column 3 Fine</b>
Obstruct boulevard	5.2	\$1000
Fail to maintain boulevard improvements	5.3	\$1000
Fail to comply with removal order under s. 5.7	10.1.4	\$1000
Debris on boulevard	6.1	\$1000
Plant invasive species on boulevard	6.2	\$1000
Unauthorized construction on boulevard	6.3	\$1000
Fail to arrange transfer of encroachment permit	7.11	\$1000
Unauthorized cutting of boulevard tree	8.1	\$1000
Fail to post tree cutting permit	9.5	\$1000
Damage boulevard	10.1.5	\$1000

3.1.3 by inserting the following schedule, "Schedule B18 – Interim Tree Bylaw No. 4892, 2016" after Schedule B17:

### **Schedule B18 – Interim Tree Bylaw No. 4892, 2016**

Schedule inserted by Municipal Ticket Information System Implementation Bylaw No. 4894, 2016.

<b>Column 1 Designated Expression</b>	<b>Column 2 Section</b>	<b>Column 3 Fine</b>
Damage tree	5.1	\$1000
Construct without tree barrier	5.2	\$1000
Fail to maintain tree barrier	5.3	\$1000
Fail to remove tree barrier	5.3.4	\$1000
Tree cutting without permit	6.1	\$1000
Fail to post tree cutting permit	8.6	\$1000
Obstruct inspection	10.3.3	\$1000

READ A FIRST TIME on [Date]

READ A SECOND TIME on [Date]

READ A THIRD TIME on [Date]

ADOPTED by the Council on [Date].

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Mayor

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Municipal Clerk