



District of West Vancouver

Tree Bylaw No. 4892, 2016

Effective Date: April 20, 2016

Consolidated for Convenience Only

This is a consolidation of the bylaws below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaw on this subject.

Amendment Bylaw	Effective Date
Bylaw No. 5322, 2024	June 30, 2024
Bylaw No. 5202, 2022	May 31, 2022
Bylaw No. 5133, 2022	April 11, 2022
Bylaw No. 5162, 2021	November 22, 2021
Bylaw No. 5089, 2020	November 2, 2020
Bylaw No. 4913, 2016	July 25, 2016

The bylaw numbers in the margin of this consolidation refer to the bylaws that amended the principal bylaw (Tree Bylaw No. 4892, 2016). The number of any amending bylaw that has been repealed is not referred to in this consolidation.

District of West Vancouver

Tree Bylaw No. 4892, 2016

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District of West Vancouver

Tree Bylaw No. 4892, 2016

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

Previous amendments: Amendment bylaw 4913, 5089, 5133, 5162, 5202, and 5322.

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

Amendment Bylaw
No. 5089, 2020

1.1 This bylaw may be cited as 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;

Amendment Bylaw
No. 5089, 2020

3.1.2 which is authorized by a permit issued pursuant to Boulevard Bylaw No. 4886, 2016;

3.1.3 on land owned by School District No. 45 (West Vancouver);

Amendment Bylaw
No. 5089, 2020

3.1.4 in a Greater Vancouver Regional District park;

- 3.1.5 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;
- 3.1.6 on land that is within the scope of a development permit;
- 3.1.7 within a required yard abutting a road or public property in a heritage conservation area designated in the District’s official community plan;
- 3.1.8 on land in the CD24 Zone established by the Zoning Bylaw.

Amendment Bylaw
No. 5162, 2021

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 any limb of a tree that requires ascending the tree to complete the removal.
- 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:

Amendment Bylaw
No. 5089, 2020

Amendment Bylaw
No. 5089, 2020

“**Arborist/Tree Risk Assessor**” 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.

Amendment Bylaw
No. 5089, 2020

“**Caliper**” means the diameter of a tree measured at a height of 15 cm above the natural grade at the base of the tree.

“**Certificate of Occupancy**” means a certificate issued pursuant to the Building Bylaw to authorize the occupancy of a building.

Amendment Bylaw
No. 5089, 2020

“Critical root zone” means the minimum spatial extent of a tree(s) root system that is required to maintain the health and stability of the tree(s).

Amendment Bylaw
No. 5089, 2020

“Crown cleaning” means removing dead, dying, diseased, and broken branches from the crown of a tree.

Amendment Bylaw
No. 5089, 2020

“Crown thinning” means removing lateral branches to reduce the crown density of a tree, but only in order to allow for air circulation, light penetration, and to reduce excessive end weight on scaffold branches.

Amendment Bylaw
No. 5089, 2020

“Crown reduction” or **“Perimeter reduction”** is a method of pruning used to reduce the height and/or spread of the crown (the foliage bearing portions) of a tree. Compared to topping, reduction helps maintain the form and structural integrity of the tree. This technique is best accomplished by cutting branches back to a healthy growing lateral branch. The process reduces long, heavy, or overextended branches, as well as removing any branches with significant defects.

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

Amendment Bylaw
No. 5089, 2020

“Difficult terrain” means land with a slope angle greater than 35% over a vertical distance of three metres or more.

“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.

Amendment Bylaw
No. 5089, 2020

“District arborist” means the person appointed by the District to that position.

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

Amendment Bylaw
No. 5133, 2022

“Foreshore Protection Area” means the land within 15 metres of the current natural boundary of the ocean.

Amendment Bylaw
No. 5089, 2020

“Hazardous” means, in respect of a tree, assessed to be in a condition (e.g., dead, dying, unstable, root damage, diseased) dangerous to people or property, by a certified Tree Risk Assessor adhering to the “Tree Risk Assessment in Urban Areas and the Urban/Rural Interface Manual” or an industry-recognized equivalent acceptable to the District.

Amendment Bylaw
No. 5089, 2020

“Heritage tree” means a tree listed on the West Vancouver Community Heritage Registrar.

“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.

Amendment Bylaw
No. 5133, 2022

“Natural Boundary” means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself.

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

Amendment Bylaw
No. 5089, 2020

“Pollarding” is a method of pruning that keeps trees and shrubs smaller than they would naturally grow. It is usually started when the tree is young and involves the regular pruning back of epicormic shoots of a tree to the head or knuckle of the main stem or trunk to maintain the tree at a certain size.

Amendment Bylaw
No. 5133, 2022

“Protected tree” means any of the following:

- a) Any tree greater than 75 cm DBH, or in the case of a tree with multiple stems, a combined stem DBH of 75 cm or more;
- b) Any replacement tree;
- c) Any retained tree;
- d) Any heritage tree;
- e) Any tree located within a Watercourse Protection Area or Foreshore Protection Area;
- f) Any tree of the following species, greater than 20 cm DBH:
 - i. *Arbutus (Arbutus menziesii)*;
 - ii. *Garry Oak (Quercus garryana)*;
 - iii. *Pacific yew (Taxus brevifolia)*;
 - iv. *Pacific dogwood (Cornus nuttallii)*;
 - v. *Yellow cedar (Cupressus nootkatensis)*;
 - vi. *Shore pine (Pinus contorta var contorta)* that lie within the protected shoreline area as defined using the Provincial ecosystem zone mapping;
- g) Any tree that contains an active nest of any bird, or the nest, whether active or not, of an eagle, peregrine falcon, gyrfalcon, heron, osprey, or burrowing owl;
- h) Any tree that constitutes the habitat of a protected wildlife species under the Provincial *Wildlife Act* or Federal *Migratory Bird Act*.

“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*,

Amendment Bylaw
No. 5089, 2020

“Qualified Professional” means a Professional with appropriate education, training and experience, fully insured and in good standing with the relevant Professional association, and means:

- a. for the purpose of slope hazard assessments, a Professional Engineer, or Professional Geoscientist, as appropriate, with experience or training in geotechnical and geohazard assessments; and
- b. for the purpose of wildfire hazard assessments, a Registered Forest Professional Qualified by training, with at least two years experience in the assessment, fuel management prescription and mitigation of wildfire hazards in British Columbia.

Amendment Bylaw
No. 5089, 2020

“Replacement tree” means a tree required by this Bylaw to be planted to replace a tree that has been cut, removed, or damaged, or a tree planted as a condition of the approval of a development permit application.

Amendment Bylaw
No. 5089, 2020

“Restoration pruning” is a method of pruning performed to improve structure, form, and the appearance of trees that have been severely topped, vandalized, or storm damaged. The intent is to re-establish an apical dominant or a central leader over time. This occurs over a number of successive pruning cycles.

Amendment Bylaw
No. 5089, 2020

“Retained tree” means a tree that must be permanently protected pursuant to a registered covenant or development permit.

Amendment Bylaw
No. 5089, 2020

“Re-topping” means the topping of a previously topped tree.

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

Amendment Bylaw
No. 5089, 2020

“Structural pruning” is pruning that influences tree orientation, spacing, growth rate, strength of attachments, and size of branches.

Amendment Bylaw
No. 5089, 2020

“Top of watercourse bank” means the first significant break in a slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break.

Amendment Bylaw
No. 5089, 2020

“Topping” means the removal of large portions of the crown of a tree.

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

Amendment Bylaw
No. 5089, 2020

“Tree Protection Barrier” means a barrier erected and maintained so as to protect trees, including tree roots, from tree cutting, and from damage due to excavation, demolition, or construction activities on adjacent land.

Amendment Bylaw
No. 5089, 2020

“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 protected tree on a site, or on a portion of a 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 of the Permitted Building Envelope.

Amendment Bylaw
No. 5089, 2020

“Vista pruning” means the selective removal or reduction of branches in the tree’s crown to allow a specific view of an object from a predetermined point.

Amendment Bylaw
No. 5089, 2020

“Watercourse” means a ditch, creek, pond, lake, river, or stream that is connected by surface flow to fish habitat, whether it contains water or not.

Amendment Bylaw
No. 5089, 2020

“Watercourse Protection Area” means the land within 15 metres of the Top of a Watercourse Bank.

Part 5 Protection of Trees from Damage

5.1 No person shall damage a tree by doing any of the following:

Amendment Bylaw
No. 5089, 2020

- 5.1.1 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.

Amendment Bylaw
No. 5089, 2020

5.2 No person shall carry out or authorize or permit any other person to carry out any tree cutting, or any site preparation, demolition, excavation, or construction work on a property unless a tree protection barrier in accordance with Schedule A of this Bylaw has been installed to protect:

Amendment Bylaw
No. 5089, 2020

- 5.2.1 All protected trees located outside of the Permitted Building Envelope on the property, other than trees that are being cut to permit construction of a driveway or accessory building;
- 5.2.2 In relation to trees located on land adjacent to the property with the building site, the portion of a critical root zone located on or within the building site.
- 5.2.3 Trees on any boulevard that abuts the building site; and
- 5.2.4 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:

Amendment Bylaw
No. 5089, 2020

5.3.1 Ensure that no construction activity occurs within the tree protection barrier except to the extent that those activities are monitored by an Arborist for the duration of any required construction activities impeded by the tree protection barrier. A letter of commitment must be submitted by the Arborist undertaking the responsibility of monitoring the activities.

Amendment Bylaw
No. 5089, 2020

5.3.2 Arrange for inspection by the District Arborist prior to carrying out or authorizing any work described in Section 5.2;

5.3.3 Keep the area within the tree protection barrier free of all construction materials, litter, and debris throughout the course of the work;

Amendment Bylaw
No. 5089, 2020

5.3.4 Maintain the tree protection barrier in good condition until the work has been completed and the District Arborist has authorized the removal of the barrier; and

5.3.5 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

Amendment Bylaw
No. 5133, 2022

6.1 No person shall cut any protected tree unless a tree cutting permit has been issued in respect of the tree; and in the case of a tree that is a protected tree because it is within a Watercourse Protection Area or Foreshore Protection Area, an Environmental Development Permit or Foreshore Development Permit authorizing the tree to be cut is deemed to be a tree cutting permit if the tree meets the criteria set out in section 6.3.

6.2 Section 6.1 does not apply to any tree that presents an imminent danger to persons or property, as certified by an Arborist, 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.

Amendment Bylaw
No. 5089, 2020

6.3 The Director may issue a permit under this Part to authorize the cutting of:

6.3.1 a tree where cutting is limited to removing limbs using acceptable pruning practices including crown cleaning, crown thinning, crown reduction, restoration pruning, vista pruning, pollarding, and structural pruning;

Amendment Bylaw
No. 5089, 2020

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;

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;

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6.3.5 a tree that a Qualified Professional has certified as a wildfire hazard risk.

Amendment Bylaw
No. 5089, 2020

6.3.6 A tree located on difficult terrain, provided that the removal of the tree does not detrimentally affect the stability of a natural slope, in the written opinion of a Qualified Professional, provided to the Director in circumstances where the Director requires such an opinion to be provided.

Amendment Bylaw
No. 5089, 2020

6.3.7 A tree that contains an active nest of any bird, or the nest, whether active or not, of an eagle, peregrine falcon, gyrfalcon, heron, osprey, or burrowing owl or a tree that constitutes the habitat of a protected wildlife species under the Provincial *Wildlife Act* or Federal *Migratory Bird Act*, if the applicant receives all necessary federal and provincial permits prior to commencing tree work and complies with any terms and conditions of that legislation or permits issued thereunder while completing the tree work.

- Amendment Bylaw
No. 5089, 2020

6.4 If acceptable pruning methods rather than removal of the tree can address the risk from that tree, as certified by an Arborist, the Director may issue a permit, only for pruning of the tree.
- 6.5 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:

 - Amendment Bylaw
No. 4913, 2016

6.5.1 within a Permitted Building Envelope and indicated in a building permit;
 - 6.5.2 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;
 - 6.5.3 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.
- 6.6 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.
- 6.7 The Director may withhold issuing a tree cutting permit until the end of the nesting season, if the tree is within the buffer area of a nest of a protected wildlife species, as defined by the Provincial Guidelines for *Raptor Conservation during Urban and Rural Land Development in British Columbia* (2013) or that the tree cutting tree cutting must not occur except on or after a date specified in the permit
- Amendment Bylaw
No. 5089, 2020

6.8 Notwithstanding Section 6.2, no tree over 15.24 cm DBH and over 1.8 m in height can be removed from lands in the CD77, CD81, and CD82 zones unless a tree cutting permit in accordance to Sections 6.3, 6.4, and 6.5 of this Bylaw has been issued in respect of the tree.

 - Amendment Bylaw
No. 5202, 2022

6.8.1 **Schedule C** - A Tree Survey pertaining to CD77 – Comprehensive Development Zone 77 (5500 Block Parthenon Place & 5490 Marine Drive) identifies retained trees to remain.
 - Amendment Bylaw
No. 5322, 2024

6.8.2 For lands in CD77 new tree species planted as of June 30, 2024, shall not grow to exceed a height 2.4 metres; except where a planted tree is to replace a retained tree identified on **Schedule C** in the same location.

Part 7 Replacement Trees

- 7.1 The Director will require any person to whom a tree cutting permit is issued to:

Amendment Bylaw
No. 5089, 2020

- 7.1.1 a replacement tree with a minimum caliper of 5 cm (deciduous tree) or height of 3 m (coniferous tree) for removal of any protected tree, with the exception of trees removed in relation to sections 6.3.1, 6.3.2, and 6.3.3. A permit for removal of a protected tree species shall require a replacement tree from Schedule B or a species approved by the Director.

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No. 5089, 2020

- 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 a security to the District in the amount of \$1,000 per replacement tree to a maximum of \$10,000, which shall be forfeited to the District if the replacement tree in respect of which the security is provided is not planted or fails to survive transplantation, or shall otherwise be returned to the owner not later than one year after the planting of the replacement tree.

Amendment Bylaw
No. 5089, 2020

- 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, and the Director's authority under this section includes the authority to require an applicant to provide any information the Director considers necessary to determine whether or not to issue the requested permit.

Amendment Bylaw
No. 5089, 2020

- 8.2 In addition to any requirements under section 8.1, an application for a tree cutting permit, other than under section 6.5 shall be accompanied by a report from a certified Arborist/Tree Risk Assessor. The report must contain the following:

- i. Civic address, date of site visit and date it was submitted;
- ii. Name of certified Arborist / Tree Risk Assessor, company address, phone number and email address;
- iii. Arborist's ISA certification number and tree risk assessor number (for hazardous tree evaluations);
- iv. Business Licence number;

- v. Name, phone number and email for property owner;
- vi. Description of the proposed work and site conditions including photographs;
- vii. Site plan derived from a survey drawing indicating:
 - a. the location of tree(s) to be cut or removed and on-site and off-site tree(s) proposed for retention;
 - b. species (scientific and common names);
 - c. tag number listed in numerical order;
 - d. diameter at breast height (DBH) to the nearest 1 cm;
 - e. live crown ratio;
 - f. height; and
 - g. critical root zone;
- viii. Risk rating or rationale if not included;
- ix. Description of the cutting and/or removal methods to be used;
- x. Description of the tree protection measures that shall be used to protect any retained trees;
- xi. Identification and discussion of probable tree impacts; and
- xii. Replanting specifications, if required.

The report for a tree that is certified as dead by an Arborist for a tree cutting permit under section 6.1, must contain i to v, vii (a to d), and viii.

- 8.3 A permit application made under this bylaw must be accompanied by the application fee specified in the Fees and Charges Bylaw.
- 8.4 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.
- 8.5 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.
- 8.6 No person shall engage another person to cut a tree to which this bylaw applies, other than a tree that presents an imminent danger to persons or property, without providing to that person a copy of the tree cutting permit issued pursuant to this bylaw that authorizes the cutting of the tree.
- 8.7 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.

- 8.8 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.
- 8.9 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 one year of the date of issuance of the permit. If a permit expires, a new application and applicable fees will be required for a new permit.

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No. 5089, 2020

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 District Arborist, 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 a person who cuts a tree in contravention of this bylaw to 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 and maintain the tree in accordance with generally acceptable maintenance practices to ensure that it survives transplantation, and replace the replacement tree if it should fail to survive transplantation.
- 10.3 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.
- 10.4 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,
 - 10.4.2 Fails to comply with any condition of a permit issued pursuant to this bylaw,
 - 10.4.3 Prevents or obstructs an entry on real property authorized by Section 10.1; or
 - 10.4.4 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.
- 10.5 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.
- 10.6 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.
- 10.7 Every person who commits an offence is liable:
- 10.6.1 On summary conviction to a fine of up to \$10,000;
 - 10.7.2 To pay the applicable fine established in Bylaw Notice Enforcement Bylaw No. 4368, 2004; or

- 10.7.3 To pay the applicable fine established in Municipal Ticket Information Bylaw No. 4383, 2004.

Schedules

Schedule A – Tree Protection Specifications

Schedule B – Replacement Tree Species

Schedule C – Tree Survey to CD77 (5500 Block Parthenon Place & 5490 Marine Drive)

READ A FIRST TIME on April 18, 2016

READ A SECOND TIME on April 18, 2016

READ A THIRD TIME on April 18, 2016

ADOPTED by the Council on April 20, 2016.

Mayor

Municipal Clerk

Schedule A – Tree Protection Specifications

To ensure tree protection barrier(s) are placed around any tree(s) which are not to be cut or removed. To ensure that the trunk, branches and root structure are not damaged by any construction operations. Subject to any additional specifications imposed by the Director, all tree protection barriers required to be constructed pursuant to this bylaw must meet the following requirements:

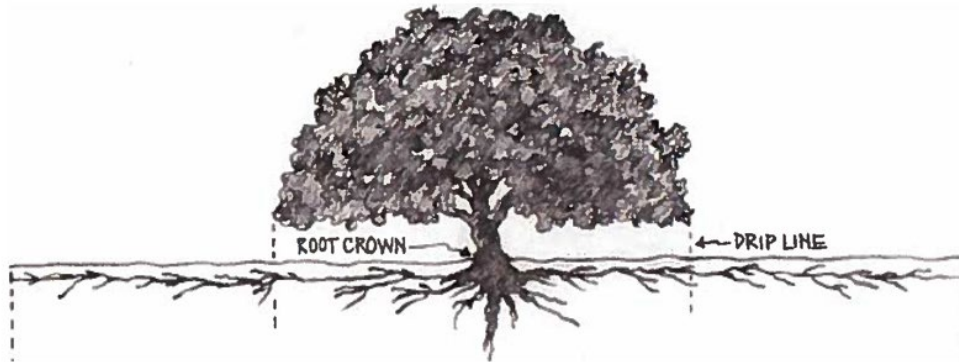
1. The tree protection barrier must be 1.2 m in height.
2. 2x 4"s must be used for vertical posts, top and bottom rails and cross-bracing (in an "X") construction with continuous snow fence and staked to the ground. The structure must be sturdy and staked to the ground and remain intact for the entire period of demolition and/or construction.
3. Signage must be displayed indicating that the area within the protection barrier is a "protection zone" and stating that no encroachment, storage of materials or damage to trees is not permitted within the "protection zone".
4. Any work that needs to occur near or inside the tree protection barrier shall be supervised onsite by an ISA Certified Arborist.
5. located at distances based on tree diameter, using the table below:

Trunk Diameter (DBH) Measured at 1.4 m from natural grade	Protection Zone Minimum Fence Distance
20 cm	1.2 m
25 cm	1.5 m
30 cm	2.1 m
35 cm	2.4 m
40 cm	2.7 m
50 cm	3.0 m
55 cm	3.3 m
60 cm	3.6 m
75 cm	4.5 m
90 cm	5.4 m
100 cm	6.0 m

TREE PROTECTION

SHARED OWNERSHIP TREES AND NEIGHBOUR'S TREES

The distance table on the previous page must be used to determine location of tree protection fencing for shared trees and trees on properties adjacent to the development, of any size.



Root Protection Zone

- A tree's root system grows within the top 60 cm of the surface of good quality, well drained and uncompacted soil.
- The root system can extend to more than two to three times the drip-line distance.



Tree fencing-wood framed snow fence

Amendment Bylaw
No. 5089, 2020

Schedule B – Replacement Tree Species

Botanical Name	Common Name	Type
<i>Abies balsamea</i>	Balsam Fir	Conif
<i>Abies concolor</i>	White Fir	Conif
<i>Abies fraseri</i>	Fraser's Fir	Conif
<i>Abies grandis</i>	Grand Fir	Conif
<i>Abies lasiocarpa</i>	Alpine Fir	Conif
<i>Abies procera</i>	Noble Fir	Conif
<i>Acer campestre</i>	Hedge Maple	Decid
<i>Acer capilipes</i>	Stripebark Maple	Decid
<i>Acer cappadocicum</i>	Coliseum Maple	Decid
<i>Acer circinatum</i>	Vine Maple	Decid
<i>Acer davidii</i>	Snakebark Maple	Decid
<i>Acer ginnala</i>	Amur Maple	Decid
<i>Acer glabrum</i>	Douglas Maple	Decid
<i>Acer griseum</i>	Paperbark Maple	Decid
<i>Acer negundo</i>	Manitoba Maple	Decid
<i>Acer palmatum</i>	Japanese Maple	Decid
<i>Acer platanoides</i>	Norway Maple	Decid
<i>Acer pseudoplatanus</i>	Sycamore Maple	Decid
<i>Acer rubrum</i>	Armstrong Maple	Decid
<i>Acer rubrum</i>	Autumn Flame Maple	Decid
<i>Acer rubrum</i>	Bowhall Maple	Decid
<i>Acer rubrum</i>	Morgan Maple	Decid
<i>Acer rubrum</i>	October Glory Maple	Decid
<i>Acer rubrum</i>	Red Sunset	Decid
<i>Acer rubrum</i>	Scanlon Maple	Decid
<i>Acer rubrum 'Scarlet Sentinel'</i>	Scarlet Sentinel Maple	Decid
<i>Acer saccharinum</i>	Silver Maple	Decid
<i>Acer saccharum</i>	Sugar Maple	Decid
<i>Acer truncatum</i>	Shantung Maple	Decid
<i>Albizia julibrissin</i>	Silk Tree	Decid
<i>Amelanchier grandiflora</i>	Serviceberry	Decid
<i>Aralia elata</i>	Japanese Angelica Tree	Decid
<i>Araucaria araucana</i>	Monkey Puzzle Tree	Conif
<i>Betula albo-sinensis septentrionalis</i>	Chinese White Birch	Decid
<i>Betula jacquemontii</i>	Himalayan Birch	Decid
<i>Betula Lanciniata</i>	Weeping Birch	Decid

<i>Betula nigra</i>	River Birch	Decid
<i>Calocedrus decurrens</i>	Incense Cedar	Conif
<i>Carpinus betulus</i>	European Hornbeam	Decid
<i>Carpinus japonica</i>	Japanese Hornbeam	Decid
<i>Catalpa bignonioides</i>	Common Catalpa	Decid
<i>Catalpa speciosa</i>	Northern Catalpa	Decid
<i>Cedrus libani</i>	Cedar of Lebanon	Conif
<i>Celtis occidentalis</i>	Hackberry	Decid
<i>Cercidiphyllum japonicum</i>	Katsura Tree	Decid
<i>Cercis canadensis</i>	Eastern Redbud	Decid
<i>Chamaecyparis nootkatensis</i>	Nootka Cypress	Conif
<i>Chamaecyparis obtusa</i>	Hinoki False Cypress	Conif
<i>Cladastrus lutea</i>	American Yellowwood	Decid
<i>Cornus 'Eddie's White Wonder'</i>	Eddie's White Wonder	Decid
<i>Cornus chinensis</i>	Chinese Dogwood	Decid
<i>Cornus controversa</i>	Giant Dogwood	Decid
<i>Cornus florida</i>	Flowering Dogwood	Decid
<i>Cornus kousa</i>	Kousa Dogwood	Decid
<i>Cornus mas</i>	Cornelian Cherry	Decid
<i>Cornus nuttallii</i>	Pacific Dogwood	Decid
<i>Corylus maxima</i>	Giant Filbert	Decid
<i>Crataegus lavalleyi</i>	Lavalle Hawthorne	Decid
<i>Davidia involucreta</i>	Dove Tree	Decid
<i>Fagus crenata</i>	Japanese Beech	Decid
<i>Fagus sylvatica</i>	European Beech	Decid
<i>Fraxinus americana</i>	White Ash	Decid
<i>Fraxinus excelsior</i>	European Ash	Decid
<i>Fraxinus nigra</i>	Black Ash	Decid
<i>Fraxinus ornus</i>	Flowering Ash	Decid
<i>Fraxinus oxycarpa</i>	Claret Ash	Decid
<i>Ginkgo biloba</i>	Ginkgo	Decid
<i>Gleditsia triacanthos</i>	Honey Locust	Decid
<i>Gleditsia triacanthos inermis</i>	Thornless Honey Locust	Decid
<i>Gymnocladus dioica</i>	Kentucky Coffeebean	Decid
<i>Halesia carolina</i>	Carolina Silverbell	Decid
<i>Koelreuteria paniculata</i>	Golden Rain Tree	Decid
<i>Laburnum watereri</i>	Golden Chain Tree	Decid
<i>Larix decidua</i>	European Larch	Conif
<i>Liquidambar styraciflua</i>	American Sweetgum	Decid

<i>Liriodendron tulipifera</i>	Tulip Tree	Decid
<i>Magnolia 'Caerhay's Belle'</i>	Caerhay's Belle Magnolia	Decid
<i>Magnolia 'Elizabeth'</i>	Elizabeth Magnolia	Decid
<i>Magnolia 'Forest Pink'</i>	Forest Pink Magnolia	Decid
<i>Magnolia 'Galaxy'</i>	Galaxy Magnolia	Decid
<i>Magnolia acuminata</i>	Cucumber Tree	Decid
<i>Magnolia cordata</i>	Yellow Cucumber Tree	Decid
<i>Magnolia denudata</i>	Yulan Magnolia	Decid
<i>Magnolia grandiflora</i>	Southern Magnolia	Decid
<i>Magnolia kobus stellata</i>	Star Magnolia	Decid
<i>Malus species</i>	Crabapple	Decid
<i>Metasequoia glyptostroboides</i>	Dawn redwood	Conif
<i>Morus alba</i>	White Mulberry	Decid
<i>Notofagus antartica</i>	Antartic Beech	Decid
<i>Nyssa sylvatica</i>	Sour Gum Tree	Decid
<i>Oxydendron arboreum</i>	Sorrel Tree	Decid
<i>Parrotia persica</i>	Persian Parrotia	Decid
<i>Paulownia tomentosa</i>	Empress Tree	Decid
<i>Phellodendron amurense</i>	Amur Corktree	Decid
<i>Picea abies</i>	Norway Spruce	Conif
<i>Picea glauca</i>	White Spruce	Conif
<i>Picea omorika</i>	Serbian Spruce	Conif
<i>Picea pungens</i>	Colorado Spruce	Conif
<i>Picea sitchensis</i>	Sitka Spruce	Conif
<i>Pinus contorta</i>	Shore Pine	Conif
<i>Pinus densiflora pendula</i>	Weeping Red Pine	Conif
<i>Pinus monticola</i>	Western White Pine	Conif
<i>Pinus nigra</i>	Austrian Pine	Conif
<i>Pinus radiata</i>	Monterey Pine	Conif
<i>Pinus resinosa</i>	Red Pine	Conif
<i>Pinus strobus</i>	Eastern White Pine	Conif
<i>Pinus thunbergii</i>	Japanese Black Pine	Conif
<i>Pinus wallichiana</i>	Himalayan White Pine	Conif
<i>Platanus occidentalis</i>	American Sycamore	Decid
<i>Platanus orientalis</i>	Oriental Plane Tree	Decid
<i>Platanus x acerfolla</i>	London Plane Tree	Decid
<i>Prunus sargentii</i>	Sargent Flowering Cherry	Decid
<i>Prunus serotina</i>	Black Cherry	Decid
<i>Prunus serrulata</i>	Japanese Flowering Cherry	Decid

<i>Prunus subhirtella</i>	Higan Cherry	Decid
<i>Prunus yedoensis</i>	Yoshino Cherry	Decid
<i>Pyrus calleryana</i>	Callery Pear	Decid
<i>Quercus acutissima</i>	Sawtooth Oak	Decid
<i>Quercus coccinea</i>	Scarlet Oak	Decid
<i>Quercus garryans</i>	Garry Oak	Decid
<i>Quercus palustris</i>	Pin Oak	Decid
<i>Quercus robur</i>	English Oak	Decid
<i>Quercus rubra</i>	Red Oak	Decid
<i>Quercus shumardii</i>	Shumard Oak	Decid
<i>Robinia ambigua</i>	Pink Locust	Decid
<i>Robinia pseudoacacia' frisia'</i>	Golden Locust	Decid
<i>Salix alba</i>	White Willow	Decid
<i>Salix babylonica 'tortuosa'</i>	Corkscrew Willow	Decid
<i>Sciadopitys verticillata</i>	Umbrella Pine	Conif
<i>Sequoia sempervirens</i>	Redwood	Conif
<i>Sequoiadendron giganteum</i>	Giant Sequoia	Conif
<i>Sophora japonica</i>	Japanese Pagoda Tree	Decid
<i>Sorbus aucuparia</i>	European Mountain Ash	Decid
<i>Stewartia monadelphica</i>	Tall Stewartia	Decid
<i>Stewartia pseudocamillia</i>	Japanese Stewartia	Decid
<i>Styrax japonica</i>	Japanese Snowbell	Decid
<i>Styrax obassia</i>	Fragrant Snowbell	Decid
<i>Tilia cordata</i>	Little Leaf Linden	Decid
<i>Tilia euchlora</i>	Crimean Linden	Decid
<i>Malus Species</i>	Apple	Decid
<i>Prunus Cerasus</i>	Sour Cherry	Decid
<i>Prunus Avium</i>	Sweet Cherry	Decid
<i>Ficus Carica</i>	Fig	Decid
<i>Pyrus Communis</i>	Pear	Decid
<i>Prunus 'Italian Prune'</i>	Italian Prune Plum	Decid
<i>Prunus Salicina</i>	Japanese Plum	Decid
<i>Cydonia Oblonga</i>	Quince	Decid

