

# DISTRICT OF SEHELDT

## Bylaw No. 436, 2005

### A bylaw to regulate damage to trees by cutting or other act, within Parks in the District of Sechelt

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**WHEREAS** the Community Charter provides that a local government may regulate tree cutting in any portions of the municipal boundaries it deems appropriate;

**AND WHEREAS** the District of Sechelt wishes to prohibit tree cutting and other actions affecting trees in designated parks within the District of Sechelt by anyone other than designated persons;

**NOW THEREFORE** the Council of the District of Sechelt in open meeting assembled enacts as follows:

#### **TITLE**

This bylaw may be cited as "District of Sechelt Parks Tree Protection Bylaw No. 436, 2005"

#### **DEFINITIONS**

1. In this Bylaw:

"Certified Arborist" means a person holding a current certification of "certified arborist" issued by the International Society of Arboriculture.

"Council" means the Council of the District of Sechelt

"Cutting" or "Cut down" means the cutting down, knocking down, or cutting so as to cause the destruction of any tree.

"Director of Engineering and Public Works" means the person duly appointed by Council to serve as the Director Engineering and Public Works and includes any person lawfully acting under his or her authority.

"District" means the District of Sechelt or the geographical area within the boundaries of the District of Sechelt, as the context may require.

"Park" means any land or property owned or managed by the District of Sechelt that is designated or considered by the District of Sechelt as park, including Sechelt Heritage Forest.

"Parks Foreman" means the person duly appointed by the Superintendent of Public Works to serve as the Parks Foreman and includes any person lawfully acting under his or her authority.

"Pruning" means the responsible trimming (pruning directed or guided by a Certified Arborist according to ISA guidelines) of branches (dead or alive) on any tree.

"Superintendent of Public Works" means the person duly appointed by Council to serve as the Superintendent of Public Works and includes any person lawfully acting under his or her authority.

"Tree" means any woody plant which is:

- i) 3 metres (9.84ft) or more in height, including any which have been reduced in height to less than 3 metres (9.84 ft) as a result of topping; or
- ii) 10 centimetres (3.9 inches) dbh or more in diameter\*; or
- iii) A replacement tree planted pursuant to Section 13 of this bylaw; or
- iv) A replacement tree planted as a condition of a permit issued under this bylaw;
- v) A slow growing species such as Yew, Vinemaple and Cascara that are smaller than the size indicated above and that will be reviewed on a case by case basis with respect to size, their size not being consistent with their age as other faster growing species;

and having one or more self supporting trunks and including the roots, branches, trunk, crown or any part of the tree.

\*The diameter of a tree shall be determined by dividing the circumference of the trunk measured 1.4 metres (4.5 feet) above the ground by 3.142. The diameter of all trunks of trees with multiple trunks will be measured and an average will be taken to determine whether the tree is considered.

"Wildlife Trees" means any tree that is currently the home of wildlife including nesting birds, squirrels and other animal life normally living in this type of vegetation.

## **GENERAL PROVISIONS**

2. The provisions of this bylaw apply to any public lands designated by subdivision as park by the District of Sechelt, or considered by the District of Sechelt as park.
3. No person shall cut, or cause, permit or allow the cutting or pruning of a tree within a park.

## **TREE REMOVAL/PRUNING BY DISTRICT STAFF**

4. District of Sechelt staff may from time to time remove or prune a tree or trees within a designated park area if determined by the District Arborist that the tree must be removed for safety or other reasons in the public interest.

## **EMERGENCY TREE REMOVAL/PRUNING**

5. An authorized District of Sechelt employee or authorized employee of BC Hydro and/or other levels of government in connection with their duties may cut down or prune a tree otherwise prohibited under this bylaw if:
  - i. The tree or limb of the tree has been severely damaged by a natural cause, and
  - ii. The tree or limb is in imminent danger of falling and injuring persons or property.

Every effort will be made to inform the District of Sechelt of an emergency tree removal or pruning event.

## **PROTECTION OF WILDLIFE TREES**

6. No trees within parks in the District of Sechelt shall be cut down or pruned if deemed by District of Sechelt staff to be trees that are habitat for wildlife. If the wildlife habitat tree must be removed for reasons of emergency, every effort will be made to ensure the relocation of the nest or other wildlife home located in the tree. Tree removal or pruning should be delayed where possible until the wildlife has moved to another location.

## **ENFORCEMENT**

7. The Director of Engineering and Public Works or his or her designate or other persons being designated to act for the purposes of this bylaw, are authorized to examine an area within a park on which an infraction is suspected, to determine whether the provisions of this bylaw are being observed or have been violated.

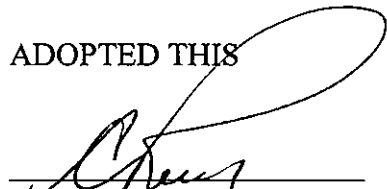
## **PENALTIES**


8. Every person who violates any provision of this bylaw or who suffers or permits any act or thing to be done in violation of any provision of this bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this bylaw shall be deemed to have committed an offence and upon summary conviction therefore, shall be liable for one or more of:
  - a. A fine of not more than \$1000 for the first tree unlawfully cut or damaged for a first offence and for each subsequent offense to a fine of not more than \$1000 for each tree unlawfully cut or damaged pursuant to the *Local Government Act* and applied by way of a Municipal Ticket;
  - b. A fine of up to \$10,000 for each offense;
  - c. The cost of restoring all trees that were unlawfully removed or damaged.

Unlawful cutting of individual trees shall be deemed to constitute a separate offense.

9. In addition to any other remedy, any person who cuts down or damages a tree in contravention of this bylaw may be required to:
  - a. Plant a replacement tree or trees to completely replant the area of damage, of the same species or equivalent in approximately the same location as the tree (s) removed of a size or sizes to be determined by the Director of Engineering in consultation with the Superintendent of Public Works and the Parks Foreman.
  - b. Water, fertilize and maintain the replacement tree or trees strictly in accordance with the requirements as determined by the Director of Engineering and Public Works in consultation with the Superintendent of Public Works and the Parks Foreman;
  - c. Provide to the District security in the amount of 100% of the total cost of replacing and maintaining the tree for a period of 3 years in the form of cash or letter of credit to guarantee performance of the requirements of this section;
  - d. Reimburse the District of Sechelt for any legal fees incurred.
  
10. No person shall cut down any tree planted in a park that has been planted as a replacement tree pursuant to Section 9 of this bylaw.

READ A FIRST TIME THIS	16th	DAY OF	March,	2005
READ A SECOND TIME THIS	16th	DAY OF	March,	2005
READ A THIRD TIME THIS	6th	DAY OF	April,	2005
ADOPTED THIS	20th	DAY OF	April,	2005

  
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 Mayor

  
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 Corporate Officer

I hereby certify this to be a true and accurate copy of  
 "District of Sechelt Parks, Tree Protection Bylaw No. 436, 2005"

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 Corporate Officer