

## DISTRICT OF SALMON ARM

### BYLAW NO. 2305

#### **A bylaw to regulate and prohibit the cutting down and removal of trees**

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WHEREAS the Council of a municipality may by bylaw exercise certain powers to preserve and protect trees within the municipality, to regulate their cutting down and removal;

AND WHEREAS Council considers it in the public interest to provide for the protection and preservation of trees, the regulation of their cutting down and removal;

NOW THEREFORE, Council of the District of Salmon Arm in open meeting assembled, enacts as follows:

#### **Definitions:**

1. In this bylaw:

“Drip Line” means a vertical line extending down from the outermost branches of a tree to the ground;

“Landscape Tree” means any tree listed and identified on Schedule “A” to this bylaw;

“Municipality” means as the context requires the District of Salmon Arm, or the area within the boundaries of the District of Salmon Arm;

“Officer of the municipality” means any officer or employee of the District of Salmon Arm;

“Owner” means the registered owner in fee simple of a parcel of land and the trees growing on it;

“Watercourse” means:

- a) a natural flowing stream or a standing body of water which forms a wetland, marsh, pond or an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation;
- b) a natural depression in the land 0.5 metres or more in depth usually containing water;
- c) a spring, lake, dam, pond, basin, pool, river, lagoon, reservoir, brook, stream, creek, waterfall, swamp or gulch;
- d) any combination of a), b) and c) above.

“Wildlife Tree” means any tree listed and identified on Schedule “B” to this bylaw;

**Application:**

2. Except for Landscape Trees and Wildlife Trees, this bylaw does not apply to any tree:
  - a) having a trunk with a minimum circumference less than 31.5 centimetres measured at 1.5 metres above the level of the natural ground or
  - b) located on a parcel of land .4 hectares or less in area.
3. This bylaw does not apply to:
  - a) any tree that constitutes an imminent danger or hazard to persons or property;
  - b) any tree on land that is classified as managed forest land under the Assessment Act or located within a licence area under the Forest Act, so long as the land continues to be used for the production and harvesting of timber; or
  - c) any tree on any park, highway or utility right-of-way either of the municipality or of a public utility subject to public utilities legislation of Canada or any tree that is impeding, damaging or inhibiting the use of any such park, highway or utility right-of-way or utility located thereon;
  - d) any Fruit Tree or any Nut Tree;
  - e) any tree required to be cut down or removed to comply with the provisions of the District of Salmon Arm Property Maintenance Bylaw;
  - f) any tree required to be cut down or removed to comply with the provisions of the District of Salmon Arm Traffic Regulation Bylaw;
  - g) any tree required to be cut down or removed to comply with the provisions of the District of Salmon Arm Zoning Bylaw;
  - h) any tree authorized to be cut down or removed under the provisions of a valid development permit issued by the District of Salmon Arm;
  - i) any tree authorized to be cut down or removed under the provisions of the District of Salmon Arm Subdivision and Development Servicing Bylaw;
  - j) any tree required to be cut down or removed by the Fire Department or the Provincial Forest Service in conjunction with firefighting activity or as a fire prevention measure;
  - k) any tree required to be cut down or removed pursuant to the Sterile Insect Control Program of the Columbia Shuswap Regional District;
  - l) any tree required to be cut down or removed to facilitate airport operations.
  - m) any tree located on a parcel or land, or that portion of a parcel of land zoned for industrial purposes pursuant to the Zoning Bylaw;

## **Cutting and Removal of Trees**

4. A tree may only be cut down or removed where its owner holds a valid and subsisting permit to do so.
5. Notwithstanding Section 4, in any one calendar year, the owner of a parcel of land, exceeding .4 hectares in area, may, without a permit, cut down or remove one twentieth (1/20) of the total number of trees existing on the parcel of land as of the first day of January of that year; provided however that no Landscape Tree, Wildlife Tree, or tree on land with a slope in excess of thirty percent (30%), or tree located within any area designated as environmentally sensitive in the District of Salmon Arm Official Community Plan, or tree located within fifteen (15) metres of a watercourse, may be cut down or removed under this section.

### **Prohibitions:**

6. The cutting down, removal or damage of trees within the Municipality is prohibited except where permitted by and in accordance with the terms of this bylaw.
7. No person shall cut down, remove or damage any tree within the Municipality, or suffer or permit any tree to be cut down, removed or damaged except where permitted by and in accordance with the terms of this bylaw.
8. No person shall fail to comply with the terms and conditions of a permit issued pursuant to this bylaw.

### **Inspection of Infractions:**

9. An Officer of the Municipality is hereby authorized to enter, at any reasonable time, upon any parcel of land within the Municipality to carry out an inspection to ascertain whether an infraction of this bylaw has occurred.

### **Offence:**

10. Every person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done or omits to do anything required to be done in contravention or in violation of any of the provisions of this bylaw, is guilty of an offence against this bylaw and is liable to the penalties hereby imposed.
11. Where more than one tree is cut down, removed or damaged in violation of this bylaw a separate offence is committed in respect of each individual tree.
12. Refusal by any person to permit an officer of the Municipality to enter upon any parcel of land where such Officer is lawfully engaged in duties under this bylaw is an offence

against this bylaw and the person who commits same is liable to the penalties hereby imposed.

**Penalty:**

13. Every person who commits an offence against this bylaw is liable to a fine and penalty of not more than Two Thousand Dollars (\$2,000.00) for each offence.

**Other Works:**

14. Excavation, construction or engineering works of any nature, howsoever authorized or permitted, carried out on, under or above land within 2 metres of the Drip Line of any tree may be undertaken only to the extent and in a manner that does not damage the tree.

**Inspection and Assessment:**

15. When an application for a permit is made under this bylaw, an Officer of the Municipality may inspect or cause an inspection and assessment to be made of any trees and the site on which they grow and may assess the location, size, condition and species of the trees.

**Permits:**

16. A person wishing to cut down or remove a tree that is protected by this bylaw may apply to an Officer of the Municipality for a permit to cut down or remove the tree. Such application shall be in the form and shall contain the signatures, plans and information set out in Schedule "C". Where the Officer of the Municipality considers that the provision of the information referred to in Schedule "C" would be unnecessary for the proper administration of this bylaw, the Officer of the Municipality may specify the portion of the parcel in respect of which the information must be provided.
17. Where the cutting down or removal of trees is required for a purpose referred to in Section 18 of this bylaw, the applicant shall pay to the District the permit fee set out in the District of Salmon Arm Fee for Services Bylaw.
18. An Officer of the Municipality shall issue a permit generally in the form set out in Schedule "D" to cut down or remove trees where the Officer of the Municipality determines that the cutting down or removal:
  - a) is reasonably required for the construction of a building, structure, off-street vehicular parking area, driveway or septic field that is the subject of a building permit issued by the Municipality in accordance with its bylaws;
  - b) is reasonably required to enable the owner of a parcel on which an agricultural use is permitted under the District of Salmon Arm Zoning Bylaw to use the land for that purpose in so far as the cutting down and removal of trees is necessary to accommodate the agricultural use; subject to the owner filing with the Municipality an affidavit verifying the purpose prior to the issuance of the permit.

19. No application for a permit shall be complete unless the application contains all the relevant information required by Section 16 and the fee has been paid.

**General Provisions:**

20. All Schedules referred to herein form part of this bylaw.
21. The provisions of this bylaw are severable and the invalidity of any part of this bylaw shall not affect the validity of the remainder of this bylaw.

**Citation:**

22. This bylaw may be cited for all purposes as "**District of Salmon Arm Tree Removal and Protection Bylaw No. 2305**".

READ A FIRST TIME THIS                    18th    DAY OF                    December                    1995.

READ A SECOND TIME THIS                    18th    DAY OF                    December                    1995.

READ A THIRD TIME THIS                    9th    DAY OF                    February                    1996.

RECONSIDERED, FINALLY PASSED AND ADOPTED BY AT LEAST A TWO-THIRD  
MAJORITY VOTE OF THE COUNCIL MEMBERS PRESENT THIS                    12th    DAY  
OF    February                    1996.

\_\_\_\_\_  
"I D. WICKETT"  
MAYOR

\_\_\_\_\_  
"G.W. BUCHANAN"  
CLERK

**Bylaw No. 2305**

**Schedule "A"**

**Landscape Trees**

1. Willow, Poplar and Cottonwood trees adjacent to the westerly boundary of Marine Park Drive on Lot A, District Lot 4876 and Lot 1, Plan KAP48068, Section 14, Township 20, Range 10.

**Bylaw No. 2305**

**Schedule "B"**

**Wildlife Trees**

1. Cottonwood and other trees used for nesting by Herons located on Lot 2, Plan 2750, Section 4, Township 20, Range 10.

**Bylaw No. 2305**

**Schedule "C"**

**Application Form**

**DISTRICT OF SALMON ARM**

Application for Tree Cutting and Removal Permit Protection Bylaw No. 2305  
[not required for lots 0.4 hectares or less]

1. I, \_\_\_\_\_ of \_\_\_\_\_  
[print name] [mailing address]

\_\_\_\_\_, \_\_\_\_\_ in the District  
[telephone number] [fax number]

of Salmon Arm hereby make application to cut down and remove that tree [those trees]  
situate on property municipally described as

\_\_\_\_\_  
[civic address]  
in the District of Salmon Arm and legally described as

\_\_\_\_\_  
[legal description]  
identified, described and shown on the sketch of the property attached to this  
application.

2. Attached and forming part of this Application is an accurate sketch plan of the property  
drawn to a scale of \_\_\_\_\_ correctly showing:

- i) the locations species and size [circumference of trunk at 1.5 metres above natural grade at base of tree] of all trees presently on the property that are subject to Tree Removal and Protection Bylaw No. 2305;
- ii) the location of all abutting streets and lanes.
- iii) dimensions of property;
- iv) location of existing trees;
- v) species and size [circumference of trunk at 1.5 metres above natural grade at base of tree] of trees;
- vi) colour coding as required;
- vii) directional markings showing north;
- viii) the location of abutting streets and lanes.

Wherever the trunk or any part of the trunk and major root structure of any tree are situate on more than one parcel of land any application to cut down or remove such tree must be signed and consented to by all registered owners of all properties].

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Trees marked in red on the attached sketch are proposed to be cut down and removed and trees marked in green are proposed to be retained.

3. Please ensure the following items are included with the completed application:
- \$25.00 application fee [1996]
  - Current State of Title Certificate
  - Sketch plan
4. I have read a copy of Tree Removal and Protection Bylaw No. 2305 and am aware of the regulations therein.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_.

\_\_\_\_\_  
Signature of Applicant

Where Applicant is not the registered owner of the property, this Application will not be considered complete or processed until the registered owner signs below.

I/we, \_\_\_\_\_, of \_\_\_\_\_  
[print name] [mailing address]  
\_\_\_\_\_  
[telephone number] [fax number]

being the registered owner[s] of the property described in this Application hereby consent to this application being made and to the issuance of a permit to the applicant. I/we certify that the information in this application is correct and true and I acknowledge that I am the person responsible for compliance with all provisions of Tree Removal and Protection Bylaw No. 2305.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_.

\_\_\_\_\_  
Signature of Registered Owner[s]

Note: Sketch plan accompanies this application

**Bylaw No. 2305**

**Schedule "D"**

**Tree Cutting Permit**

1. This Permit is issued pursuant to District of Salmon Arm Tree Removal and Protection Bylaw No. 2305.
2. This Permit authorizes the Permittee to cut down and remove only the trees listed and described on Schedule 1 to this Permit subject to the terms and conditions hereinafter set out.
3. This Permit is issued subject to the following terms and conditions:
  - a) any tree authorized to be cut down or removed by this Permit shall only be cut down or removed in strict compliance with the provisions of the District of Salmon Arm Tree Removal and Protection Bylaw No. 2305.
4. The Authorization herein to cut down or remove trees expires and is of no further force or effect six (6) months after the date of issuance set out hereinafter.
5. The Permit is issued on the \_\_\_\_ day of \_\_\_\_\_, 199\_\_.

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Officer of the Municipality