

CITY OF COQUITLAM

BYLAW NO. 4091, 2010

A Bylaw to regulate the conservation, removal and replacement of trees throughout the City.

WHEREAS the Community Charter, including Sections 8(3) (c), 16, 17, 258 and 260, authorizes Council by Bylaw to preserve trees, regulate the cutting and removal of trees, require the replacement of trees cut down; and, also allow for enforcement in relation to these matters.

NOW THEREFORE, the Council of the City of Coquitlam, in open meeting lawfully assembled, ENACTS AS FOLLOWS:

Part 1 – Introduction

Title

1. This Bylaw may be cited for all purposes as “Tree Management Bylaw No. 4091, 2010”.

Repeal

2. Bylaw No. 3855, 2007 and all amendments hereto are hereby repealed.

Definitions

3. In this Bylaw, unless the context otherwise requires, each of the following words has the meaning set out below:

“ACCESSORY BUILDING” means a subordinate building located on the same lot as the principal building as defined by the *Zoning Bylaw*.

“BUILDING ENVELOPE” means that part of a lot on which the principal building, an addition to a building, or *accessory building* may be sited under the setback requirements of the *Zoning Bylaw*, or any successor bylaw, as varied by any variances to a setback distance approved by Development Variance Permit, Development Permit or the Board of Variance.

“CITY ARBORIST” means an employee of the City of Coquitlam certified with the International Society of Arboriculture and any successor in title to that position.

“CITY STANDARDS” means the City of Coquitlam Tree Resource Guide Book.

“COUNCIL” means the Council of the City of Coquitlam.

“CUT DOWN” means to fell, remove or alter a *protected tree* or *protected tree part*, including roots, such that the *protected tree* is no longer considered biologically or structurally viable by the *General Manager*.

“DAMAGE” means to alter a *protected tree* or its growing environment in a manner detrimental to its present and future health and development.

“DEVELOPMENT APPLICATION” means an application to the City for Subdivision, Rezoning or Development Permit.

“GENERAL MANAGER” means the *General Manager* Leisure and Parks Services for the City of Coquitlam and any successor in title to that position, or designee.

“GEOTECHNICAL ENGINEER” means a qualified professional who is a registered member of the Association of Professional Engineers and Geoscientists of British Columbia and who has geotechnical or geoscientific expertise in slope hazard assessment and management.

“NEIGHBOURHOOD PLAN AREA” means the smallest geographic area for which land use plans are developed. The Neighbourhood Plans, their boundaries and supporting policies are contained within the Citywide Official Community Plan.

“OCCUPIER” means the occupier of property on which *protected trees* are located.

“OWNER” means the owner of property on which *protected trees* are located.

“PROTECTED TREE” means:

- (a) any living, erect, woody plant that is 20 centimetres or more in diameter measured 1.4 metres from the base of the tree stem, or on a *steep slope*, measured 5 or more metres in height; or
- (b) a *replacement tree*, planted in accordance with current BCSLA/BCNTA Landscape Standards; or
- (c) a tree planted or retained as a requirement of a Subdivision Application, Development Permit, Development Variance Permit, Building Permit, Demolition Permit or Tree Cutting Permit.

“PRUNING” means to remove one or more branches from a tree in a manner consistent with the International Society of Arboriculture pruning standards.

“QUALIFIED TREE EXPERT (Q.T.E.)” means a person who has graduated from an accredited college or university with a diploma or degree in Urban Forestry, Arboriculture or the equivalent and satisfies at least one of the following requirements:

- (i) is certified with either the International Society of Arboriculture, or the Industry Training Authority of British Columbia;
- (ii) is currently accredited as a consulting arborist with the American Society of Consulting Arborists;
- (iii) is a Registered Professional Forester (R.P.F.) as recognized by the Association of BC Forest Professionals.

“REPLACEMENT TREE” means a tree required to be planted to replace a tree cut, removed or damaged in accordance with this Bylaw.

“STREAMSIDE PROTECTION AND ENHANCEMENT AREA” or “SPEA” means a streamside protection and enhancement area, as described in the Riparian Areas Regulation, Part 5, Section 523 of the *Zoning Bylaw*.

“STEEP SLOPE” means any part of a parcel of land where the grade of the incline is 20 degrees (36 percent) or greater.

“TREE CUTTING PERMIT” means a permit as issued under this Bylaw, and includes any requirements under Part 3.

“TREE RISK ASSESSMENT” means an assessment of risk relating to tree failure prepared by a *Qualified Tree Expert*.

“ZONING BYLAW” means the City of Coquitlam Zoning Bylaw No. 3000, 1996, as amended or superseded from time to time.

Part 2 – Regulations

Requirement for Permit

4. Except as otherwise provided in this Bylaw, no person shall *cut down* or *damage*, and must not cause or permit the cutting down or damaging of a *protected tree* without first completing the required application form and obtaining a *Tree Cutting Permit* and must carry out the activity strictly in accordance with the permit.

Permits Required in High Risk Areas

5. Notwithstanding any other section in this Bylaw, all persons cutting *protected trees* in areas designated as *steep slopes* and *SPEA* must obtain a *Tree Cutting Permit* except for the emergency modification or removal of trees or tree parts that are in imminent danger of falling and injuring persons or property.

Permit Issuance

6. Subject to Part 6 of this Bylaw, *Council*, or the *General Manager* may do any of the following:
 - (a) refuse to issue a *Tree Cutting Permit* and the *General Manager* shall provide written notice of the reasons for refusal within 15 days of the date of refusal;
 - (b) issue a *Tree Cutting Permit* including terms, conditions, and *City Standards* as are deemed appropriate.

Part 3 – Tree Cutting Permits

Application Requirements

7. The *General Manager* may require the applicant to submit one or more of the following as part of the application:
 - (a) a tree survey drawing to illustrate the existing *protected trees*;
 - (b) a report prepared by a *Q.T.E.*;
 - (c) a tree retention, cutting and replacement plan prepared by a *Q.T.E.*;
 - (d) a work plan for the clearing and risk-management of forest-grown trees satisfactory to the *City Arborist*;
 - (e) for slopes greater than 60%, a detailed site assessment prepared by a *Geotechnical Engineer*.

Expiration of Permit

8. Unless otherwise specified in the *Tree Cutting Permit*, where the holder of a *Tree Cutting Permit* does not substantially complete the tree cutting and planting of *replacement trees* specified in the *Tree Cutting Permit* within one year after the date it is issued, the *Tree Cutting Permit* lapses.

Replacement Trees

9.
 - (a) The *General Manager* may require a tree replacement plan as part of a *Tree Cutting Permit* application.
 - (b) The *owner or occupier* is required to replace trees as required by the tree replacement plan. The total number of *replacement trees* will be determined in accordance with *City Standards*.
 - (c) If the *General Manager* determines that it is not feasible to replace the trees on the same parcel where the tree removal occurred, the *replacement trees* may be planted offsite, including on City lands, in a location approved by the *General Manager*.
 - (d) Where Part 5, section 506 of the *Zoning Bylaw* applies; or where Part 12, Apartment Residential Zones of the *Zoning Bylaw* applies, the tree replacement plan shall be consistent with those landscaping standards.

Part 4 – Fees and Security Deposits

Application

10. An application for a *Tree Cutting Permit* shall be accompanied by the appropriate fee as authorized in the current Fees and Charges Bylaw No. 4076, 2009 as amended or superseded from time to time.

Security Deposit

11. (a) Where *replacement trees* are required, the applicant is required to submit a security deposit in the form of a cash deposit or irrevocable letter of credit drawn upon a chartered bank in a form acceptable to the *General Manager* for full and proper compliance with all terms and conditions in the *Tree Cutting Permit* including provision of all replacement trees and materials required for site reinstatement.
- (b) The amount of the security shall be 100% of the estimated value of the *replacement trees* and site restoration measures required by the *General Manager*, as reasonably estimated by the *General Manager*.
- (c) Release schedule: Provided no deficiencies are found, 90% security released after a post-planting inspection, and the remaining 10% after a one year post-planting inspection.
- (d) Should the permit holder fail to comply with the terms and conditions of the *Tree Cutting Permit* in the opinion of the *General Manager*, the City may retain all or a portion of this security.

Part 5 – Exemptions from Tree Cutting Permits

Exemptions

12. Subject to Part 3, a *Tree Cutting Permit* under this Bylaw is not required for:
 - (a) the *pruning of protected trees* that does not interfere with the safe and healthy development of the tree;
 - (b) cutting of up to two *protected trees* per year on lots with less than 40 *protected trees*;
 - (c) cutting up to five percent of the *protected tree* resource per year on parcels with more than 40 *protected trees*;
 - (d) the cutting or removal of *protected trees* within a property under *development application* that is within an approved *neighbourhood plan area*;
 - (e) the cutting or removal of *protected trees* within a *building envelope* for the purpose of constructing a building where a property owner has submitted a completed development application, showing such buildings, and received notice of the approved application;
 - (f) the cutting or removal of *protected trees* that is undertaken by a utility for the purpose of safety, maintenance or operation of the utility's infrastructure;

- (g) emergency modification or removal of *protected trees* where the tree or tree limb has been severely *damaged* by a natural cause; and the tree or tree limb is in imminent danger of falling and injuring persons or property; and provided the *owner or occupier* notifies in writing, the *City Arborist* within three business days after they have modified or removed a *damaged* tree;
- (h) *protected trees* on land where Section 21 of the Private Managed Forest Land Act S.B.C. 2003, c.80 applies to the land; and
- (i) the installation, repair or maintenance of public works or services carried out by or under the authority of the City.

Part 6 – City Powers and Enforcement

City’s Powers to Delegate, Issue or Refuse Tree Cutting Permit

- 13. Pursuant to s.154 (1) (b) of the Community Charter, *Council* delegates to the *General Manager*, the power of *Council* under s.8 (3) (c) of the Community Charter to issue or refuse to issue a *Tree Cutting Permit* under this Bylaw, including the powers of *Council* to require that the applicant provide a security deposit as provided in section 11 (b) of this Bylaw.
- 14. Notwithstanding section 13, the *General Manager*, may refer any application for a *Tree Cutting Permit* to *Council*. The *Council* may at its discretion, request a public meeting be held prior to making a decision on the issuance of a *Tree Cutting Permit*.

Right of Appeal

- 15. (a) The *owner or occupier* of the real property that is subject to a decision of the *General Manager* to grant or refuse a *Tree Cutting Permit*, or to impose conditions on the granting of a *Tree Cutting Permit* is entitled to apply to *Council* to have the decision reconsidered.
- (b) An application for reconsideration must be made in writing to the City Clerk.
- (c) There is no fee for an application for reconsideration.

Inspections

- 16. (a) The *General Manager* may enter at all reasonable times on any property to make an assessment or inspection for any purpose under this Bylaw, including an inspection visit after planting, and one year following so as to authorize release of security deposits paid to the City of Coquitlam.
- (b) A person must not prevent or obstruct, or attempt to prevent or obstruct, an entry authorized under section 16(a).

Enforcement

17. The *General Manager* may suspend work carried out under any *Tree Cutting Permit* if the work under the permit is not being undertaken in accordance with the terms and conditions of the permit.

Offences


18. (a) Every person who violates any of the provisions of this Bylaw is subject to the penalties imposed by the Offence Act, R.S.B.C. 1996, c.338.
(b) The cutting or damaging of each *protected tree* shall constitute a separate offence.
(c) Each offence is a ticketable offence.

READ A FIRST TIME this 18TH day of January, 2010.

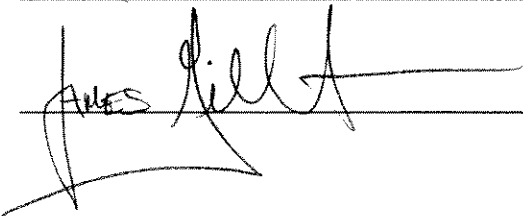
READ A SECOND TIME this 18th day of January, 2010.

READ A THIRD TIME this 18th day of January, 2010.

GIVEN FOURTH AND FINAL READING and the Seal of the Corporation affixed this 15th day of February, 2010.



MAYOR



CLERK