



VILLAGE OF BELCARRA
Managing Trees, Views & Landscapes
Bylaw No. 589, 2021



A bylaw to provide for the Management of Trees, Views and Landscapes

WHEREAS the Council of the Village of Belcarra has determined it necessary to provide for the management of tree cutting and tree protection activities.

AND WHEREAS pursuant to the *Community Charter* - Part 2, Division 1, Fundamental powers, Section 8, (3) "A Council may, by Bylaw, regulate, prohibit and impose requirements in relation to the following (c) trees".

NOW THEREFORE the Council of the Village of Belcarra in open meeting assembled enacts as follows:

1. This Bylaw may be cited for all purposes as the "Village of Belcarra Managing Trees, Views & Landscapes Bylaw No. 589, 2021".

2. Definitions

In this Bylaw, unless the context indicates otherwise:

"A plan for tree planting if applicable": The Village will not allow to be planted on municipal land trees that will grow to a height that could impede utilities, signage visibility, safety and the enjoyment of views, or interfere with any municipal infrastructure in the ground.

"Affected Property Owner" means any adjacent property owner and any direct property owner as determined by the Public Works Manager whose line of sight or proximate enjoyment, including but not limited to views, aesthetics, and shade, may be affected if a tree cutting or pruning application is approved.

"Certified Arborist" means a person certified by the International Society of Arboriculture (ISA) or the National Arborist Association as an arborist.

"Crown" means the entire system of branches, leaves and reproductive structures of a tree extending away from the trunk or main stem(s).

Hazardous Tree means any tree which, due to its location, condition or any other circumstance, has been determined, by a Registered Certified Arborist, ISA approved, or as determined by the Public Works Manager, to present a hazard to the safety of persons, private property or any other tree(s).

"Permit" shall mean tree removal / pruning permit issued in the form of Schedule "C".

"Pruning" means the trimming of living or dead parts from a tree in order to reduce size, maintain the shape and health of the tree and maintain view corridors.

"Regular Maintenance Plan" is to manage tree growth and health on a schedule created and executed by the Public Works Manager in consultation with a Certified Arborist as from time to time deemed advisable and approved by Council.

"Shrub" is a woody plant which is smaller than a tree and has several main stems arising at or near the ground, less than 6 m -10 m in height.

“Tree” means a woody perennial plant having one or more stems, with at least one stem having a diameter of 20 centimetres or more, measured at 1.4 metres above the natural grade on the uphill side of the tree.

“Tree Cutting Permit” means a permit issued by the Administrator in accordance with this Bylaw, which will allow cutting or pruning of trees under conditions stipulated in the Bylaw.

A permit is only a permission pursuant to this Bylaw and does not relieve the permit holder from complying with all other laws, regulations and requirements of any public authority having jurisdiction, nor relieve the holder from complying with civil, common law or contractual obligations.

“Tree Cutting and Replacement Plan” means a plan which shows the trees proposed to be cut and the location, size (height and diameter) and approved species of replacement trees to be planted upon a subject site to ensure slope retention and/or prevent water migration.

“Hazard Tree” is a tree which is likely to fail due to Major Structural Weaknesses, adverse site conditions or other external factors under average conditions & has the Potential to Strike a Target.

“Replacement Tree” means any tree or shrub, that is shown on a Tree Cutting and Replacement Plan as a replacement for a tree which has been cut down.

“Tree Removal” means the cutting down of the entire tree.

“Tree Survey” means a plan of a subject site showing the location, species and trunk diameter of the tree to be cut or pruned.

“Tree Topping” means to entirely sever the stem of a tree such that the upper stem and branches of the tree are completely removed, resulting in an abruptly truncated stem, and topping and topped shall have corresponding meanings.

3. **Application of Bylaw**

3.1 This bylaw applies to all trees on municipal land within the Belcarra boundary, except as provided in Section 3.2.

3.2 This bylaw does not apply to:

- (a) Trees on private property.
- (b) Trees that are cut, removed, or damaged pursuant to the Hydro and Power Authority Act, RSBC 1996, c.212, or the Oil and Gas Activities Act, SBC 2008, c.36;
- (c) Trees on municipal-owned property or roadways that are cut or removed by the Municipality or its authorized agents in accordance with approved Municipal policies.
- (d) Any provisions imposed by the Sasamat Volunteer Fire Department (SVFD) relating to fire safety and immediate life safety risk.

4. **Prohibitions**

4.1 No person may cut, prune, or remove a tree on municipal land without first having obtained a Tree Cutting Permit.

4.2 No person shall breach the terms and conditions of Tree Cutting Permit as written.

5. **Exemptions**

- 5.1 Hazardous Trees as defined in Section 3 'Definitions' will be assessed and removed as deemed necessary by the Public Works Department.
- Any immediate life safety hazards involving trees, or trees and hydroelectric power must call 911.

6. **Contraventions**

- 6.1 Where a tree is cut in contravention of this Bylaw and / or conditions of a permit are breached, an offence or bylaw contravention is committed under this Bylaw:
- (a) A person who contravenes any provision of this Bylaw, or who willfully does not adhere to the bylaws, or cuts a tree on municipal property, contrary to or without a permit, is guilty of an offence or bylaw contravention and is liable to the penalties imposed under this Bylaw and may be subject of up to \$1,000 for the first offence, and \$1,000 each subsequent offence. For large scale offences, fines may be imposed up to \$10,000.

7. **Professional Assessment**

- 7.1 Prior to the issuance of a permit, the Village at its discretion, may require the applicant to provide, at the expense of the applicant, a certified report by a professional arborist and/or geotechnical engineer, stating that the proposed cutting of trees will not create any type of hazard such as flooding, erosion etc.
- 7.2 Permit conditions may specify measures that need to be undertaken by the applicant resulting from recommendations of a professional report.

8. **Application for Permit**

- 8.1 Applications for a permit on Municipal property may be submitted by any Belcarra property owner wishing to improve their views.
- 8.2 Permit Applications shall be submitted to Municipal Staff and approved by the Public Works Coordinator.
- 8.3 At the time of the permit application, the applicant shall pay to the Village an application fee as per the Fees and Charges Bylaw.
- 8.4 An applicant may re-apply to prune or trim the same tree(s) on an annual basis. The original application approval must be presented to the municipal staff and receive an updated stamp of approval.
- 8.5 If conditions of the tree or shrub cutting application change in Section 8 for any reason, or if the terms of the permit are not upheld, the CAO or Manager of Public Works may terminate the application.

9. **Tree Cutting Permit**

An example of the Tree Cutting Permit is provided in 'Schedule A' of this document.

- 9.1 No person may cut, prune or remove a tree on municipal land without first having obtained a Tree Cutting Permit.

- 9.2 The applicant shall provide a detailed description of the proposed work including a statement of purpose and rationale.
- 9.3 A clearly labelled photograph of the tree(s) must be provided, and if pruning is required, a line must be drawn on the photograph indicating the extent of the proposed pruning. The subject tree must also have a ribbon marker.
- 9.4 If relevant, a proposed replanting plan indicating location, species and size of tree, bush and shrub that is to be planted to replace the removed tree. The tree, bush or shrub may be planted in the same location or in another area agreed upon by Village Staff.
- 9.5 Non-refundable permit application fees are payable prior to issuance of a permit. Once the permit is issued, it is valid for the work to be completed within 6 months.
- 9.6 The name of the insured tree cutting contractor, must be provided with the date and time of the planned work. A plan for tree planting, if applicable, must also be submitted.
- 9.7 The Village will not allow trees to be planted that will grow to a height that could impede utilities and signage visibility, safety and the enjoyment of views, or interfere with any municipal infrastructure on municipal land.
- 9.8 The applicant shall confirm that any directly affected property owners in the area of the proposed tree pruning or cutting, have been notified and advised that any opinions they wish to express may be sent in writing to the Public Works Manager within 15 working days of their notification.
- 9.9 All written information to be attached to the application by the applicant, including if the applicant wishes to maintain a previously trimmed tree. Submission of pictures may be required.
10. **Tree Replacement**

Replacement trees may be required as a condition of the permit. Trees selected for replacement must be a low growing tree (under 35 feet tall) and conform to Belcarra's wildfire interface strategies. See Schedule 'B' for the list of accepted trees.
11. **Security Deposit**
 - 11.1 The Village may require the applicant for the permit to provide security by, at the applicant's option, an irrevocable letter of credit or the deposit of securities in a form satisfactory to the local government, in an amount stated in the permit.
12. The "Village of Belcarra Tree Cutting Bylaw No. 110, 1987" is hereby repealed.



VILLAGE OF BELCARRA
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Schedule A

Municipal Property Tree Cutting Permit
Application



Municipal Property Tree Cutting Permit Application

Name of Applicant: _____

Address of Applicant: _____

Application date: _____ Tree Permit No.: _____

Permit Application Fee: \$200 (Non-refundable payment)

Clean Up Deposit: \$300 (Refundable upon satisfactory completion of project. Payable upon granting of permit.)

Civic address: _____

(Location of work near / adjacent to municipal property)

- Describe the proposed tree work: List number and type of subject trees, proximity to creeks and relevant site information as available, including photographs.

* Note - A survey prepared by a designated British Columbia Land Surveyor may be required in consideration of this application.

Type of trees, shrubs or branches to be removed:

Remove: _____ Chip on site: _____

Photographs attached: Yes _____ No _____

Additional comments:

Applicant: Based on your proposed tree work, complete the following information in the appropriate section of either Low Impact or Moderate Impact.

LOW IMPACT:

1. Removal of up to a maximum of 4 single trees that are less than 6 meters in height

2. Removal of hedges or shrubs, (less than 5 meters in height)

3. Removal of branches from a tree/s that does not significantly alter aesthetic appearance of the area

4. Re-topping of tree that does not result in removal of more than 5 meters of new growth

MODERATE IMPACT:

1. Removal of hedge greater than 5 meters in height

2. Removal of more than 4 trees that are less than 5 meters in height

3. Pruning of branches that will result in significant Aesthetic impact to surrounding area

4. Removal of a tree greater than 6 meters in height

CONSENT REQUIREMENTS:

Owner's declaration:

I/We, _____ (Owner's name) of
_____ Owner's address Owner's

email: _____ Phone: _____

Owner's signature: _____

Confirm the appointment of _____ a Municipal
approved tree contractor, to act on my behalf, with regard to this application.

Contractor's name _____ Phone: _____

Email: _____

Contractor's Signature _____

Neighbors consent:

Name: _____

Phone Number: _____

Address: _____

Name: _____

Phone Number: _____

Address: _____

* Neighbor disagreements may be brought before Council or result in permit cancelation. *

TERMS AND CONDITIONS:

1. The applicant must provide a non-refundable permit fee of \$200.
2. The applicant is fully responsible for any damages to private or municipal property, BC Hydro or telephone infrastructure. Costs will be paid by the applicant.
3. The applicant is responsible for providing an accurate description of the location of the trees in relation to relevant property lines.
4. Any disputes between individuals over liabilities arising from tree problems or the work authorized by this permit, shall be settled by the individuals involved, and at their expense.
5. The applicant agrees to indemnify and save the Municipality harmless from all cost, claims, damages, or expenses arising from the work authorized by the permit or by actions of the applicant.
6. The applicant understands that:
 - The contractor / tree cutting firm must be approved by the Municipality for work on municipal property.
 - Trees must be clearly tagged by the applicant for consideration by the Municipality. Untagged trees will not be considered.
 - Neighbors adjacent to the proposed work must be notified and given an explanation of the proposed work and sign the consent form prior to submission of application (in conformance with Belcarra's policies and procedures).
 - No work may proceed until this application has been approved and a tree cutting permit issued.
 - All costs associated with this application are to be borne by the applicant.
 - After receipt of the application, a site visit by the municipality will be conducted and may be scheduled with the appropriate tree contractor.
7. After approval of the proposed tree work, the applicant is required to notify the Municipality at least 48 hours prior to commencing work.

8. This permit can be revoked at any time by the Municipality.
9. The tree permit must be onsite at all times during work.
10. No debris is to be left on municipal property.
11. Any work inside the limits of approach to hydro lines will be undertaken by a utility certified tree company.
12. All approved pruning work will be completed according to the standards of the International Society of Arboriculture.
13. To request a final inspection, email belcarra@belcarra.ca or phone 604-937-4100
14. This permit expires 6 months from the date of the application approval.

Freedom of Information and Protection of Privacy Act Notice: The personal information on this form is collected under the authority of the Community Charter or Local Government Act, as applicable. It is related directly to and required by the Village to process your Tree Cutting Permit Application and associated administration and to contact you as may be required. The personal information is protected pursuant to the Freedom of Information and Protection of Privacy Act. If you have any questions, please contact the Administrator at 604-937-4100.



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Schedule B
Replacement Trees



Schedule of Replacement Trees as listed below:

Cherry	Japanese Snowball	Eastern Redbud
Crape Myrtle	Laburnum	Quince
Dogwood	Lilac	June Berry
Franklin tree	Lemon tree	Conica Spruce
Chinese Fringe Tree	Mountain Stewartia	Japanese Stewartia
Green Hawthorn	Magnolia	Cornus Florida (flowering dogwood)
Hornbeam	Japanese Red Maple	Cornelia Cherry Dogwood
Panicle Hydrangea	Japanese Black Pine	
Juniper	Cherry Plum	

Locations:


1. Marine Avenue Foreshore: Land between the road shoulder and high tide is considered to sensitive and has the potential to impact marine life. An assessment from a QEP (Qualified Environmental Protection Consultant) will be required for tree cutting permits, considered by the Public Works Manager to be significant, in the area prior to permit approvals. All tree replanting recommendations by the QEP will come from the tree replanting list above, (Schedule B).
2. Bedwell Bay Road: Land between the road shoulder and residential property line; An Engineer or QEP may be required prior to permit approvals due to slope considerations. All tree replanting requirements will be selected from Schedule B. All Tree or hedge replanting will be aligned so that a minimum 1.8-meter road shoulder can be maintained at tree maturity.
3. Municipal Road Ends: The Public Works Manager may require an assessment from a Geotechnical Engineer or a QEP prior to Permit approval due to slope and drainage conditions. Schedule B tree replacement will only be required upon QEP recommendation.

Read a First Time on September 7, 2021


Read a Second Time on September 27, 2021

Read a Third Time on October 12, 2021

ADOPTED by Council on October 25, 2021



Jamie Ross
Mayor



Lorna Dysart
Chief Administrative Officer

This is a certified a true copy of
Village of Belcarra Managing Trees, Views
& Landscapes Bylaw No. 589, 2021

Chief Administrative Officer