

This is a consolidated copy of the following bylaws:

1. Anmore Tree Management Bylaw No. 430-2007
2. Anmore Tree Management Amendment Bylaw No. 469-2009
3. Anmore Tree Management Amendment Bylaw No. 478-2009

This consolidation is prepared for convenience only. Individual copies of the above noted bylaws may be obtained by contacting the Village Hall.

VILLAGE OF ANMORE

BYLAW NO. 430, 2007

A bylaw to manage the cutting and retention of trees on private property

- Section 1: Citation
- Section 2: Definitions
- Section 3: Measurement
- Section 4: Prohibition
- Section 5: General Tree Cutting
- Section 6: Tree Cutting on Lot Sizes of 0.4 Ha. (1 Acre) or Less
- Section 7: Tree Cutting on Lot Sizes of More than 0.4 Ha. (1 Acre)
- Section 8: Tree Cutting on Land to be Subdivided 1.2 Ha. (3 Acres) and Greater
- Section 9: Trees within *Riparian Areas* or a *Wetland*
- Section 10: Removal of *Dangerous Trees*
- Section 11: Tree Removal on Steep Land
- Section 12: Replacement Trees
- Section 13: Application for Tree Cutting Permits
- Section 14: Permit Conditions

Section 15: Professional Reports

Section 16: Reconsideration of a Decision by the Administrator

Section 17: Municipal Works

Section 18: Entry on Property

Section 19: Offence and Penalty

Schedule A: Application for a Tree Permit

Schedule B: Tree Permit Application Fees

Schedule C: Sample Tree Permit

VILLAGE OF ANMORE

BYLAW NO. 430, 2007

A bylaw to manage the cutting and retention of trees on private property

WHEREAS the *Community Charter* authorizes a local government to regulate the cutting and removal of trees in a Municipality;

AND WHEREAS the vision of the Village of Anmore as articulated in the Official Community Plan is to retain the semi rural character of the area;

AND WHEREAS the Village of Anmore considers it in the public interest to avoid clear cutting of land and to provide for the preservation and protection of trees, and the regulation of their cutting and removal;

AND WHEREAS the Village of Anmore is desirous of instituting a permit system as a means of regulating the cutting and removal of trees;

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

1) Citation
This bylaw may be cited for all purposes as "Anmore Tree Management Bylaw No. 430, 2007".

2) Definitions
In this Bylaw:

"Administrator" means the Chief Administrative Officer of the Village of Anmore or his / her authorized designate

AMENDED BYLAW NO. 469-2009

"Committee" means a Committee comprised of the Chief Administrative Officer, the Manager of Public Works and the Municipal Planner. The Committee shall be responsible for the issuance of all permits.

"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 Village of Anmore

"Coniferous Tree" means an evergreen, cone-bearing tree including Douglas Fir, Grand Fir, Western Hemlock, Western Red Cedar, Shore Pine and other similar species

“Cut Down” means to kill or remove a tree by any means and includes the topping of a tree and the removal of any branch or trunk of a tree having a diameter of more than 10 cm (3.9”) but does not include the normal pruning of a tree

“Dangerous Tree” means a tree:

- (a) which is dead, dying, severely damaged, unstable or severely leaning and in danger of falling;
- (b) which is interfering with, or is in such close proximity to utility wires as to be a danger;
- (c) having a trunk or root system which is interfering with, blocking or damaging municipal infrastructure, a septic system, building foundation or other major improvement; or
- (d) which is blocking a *watercourse* or reducing its drainage capacity.

“Deciduous Tree” means a seasonal leaf-shedding tree including Western Birch, Trembling Aspen, Big Leaf Maple, Black Cottonwood, Red Alder and other similar species

“Diameter or DBH” means the diameter of the tree measured 1.4 m (4.5’) above the ground

“Hedge” means a row of trees or shrubs that have been specifically planted closely together so that they form an unbroken line that serves as a solid barrier separating one space from another

“Lot” means the smallest unit as shown on the records of the Land Title Office in which land is held and includes a strata lot created pursuant to the *Strata Title Act*

“Municipality” means the Village of Anmore

“Native Vegetation” means a combination of native trees, groundcovers, shrubs and herbaceous plants

“Owner” means the registered owner in fee simple of a lot and the trees growing on it, or a person authorized by the owner or owners in writing

“Permit” means a permit issued pursuant to this Bylaw allowing the permit holder to cut down one or more trees;

“Qualified Environmental Professional” means an applied scientist or technologist registered and in good standing with an appropriate professional organization constituted under a statute of the Province of British Columbia, providing services under that organization’s code of ethics, and acting within the individual’s area of expertise, and may include a *certified arborist*, *professional forester*, or a registered professional biologist

“Professional Forester” means a registered member or holder of a special permit granted under Section 14(1) of the *Foresters Act*.

“Real Property” means land, with or without improvements so affixed to the land as to make them in fact and law a part of it.

“Riparian Area” means an area adjacent to a *watercourse* that links aquatic to terrestrial ecosystems, the size of which is determined on the basis of an assessment report provided by a *qualified environmental professional*

“Security” means either cash or an irrevocable letter of credit, in a form acceptable to the Municipality, which is provided to the Municipality to guarantee performance of requirements of this Bylaw

“Tree” means any living, erect, woody plant which is 10 cm (3.9”) or more in diameter measured 1.4 m (4.5’) above the ground, and for the purpose of this Bylaw does not include a *hedge*, an alder or a cottonwood

“Watercourse” means a natural drainage course or source of water, whether usually containing water or not, including a lake, pond, river, stream, creek, spring, ravine, swamp and gulch; and also includes a man-made depression with well-defined banks and a bed 0.6 m (2’) or more below the surrounding land serving to give direction to a current of water at least 6 months of the year or having a drainage area of 0.32 square km (0.12 square miles) or more, any of which may be enclosed or in a conduit, but excludes roadside ditches, drainage ditches and irrigation works.

“Wetland” means land that is inundated or saturated by surface or groundwater at a frequency or duration sufficient to support, and that under normal conditions does support, vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, estuaries, and similar areas that are not part of the active floodplain of a stream

3. Measurement

- (1) The *diameter* of a *tree* having multiple trunks at 1.4 m (4.5') above the ground shall be the sum of:
 - (a) 100% of the *diameter* of the largest trunk; and
 - (b) 60% of the *diameter* of each additional trunk.
- (2) The location of a *tree* shall be measured at the point at which the trunk of the *tree* meets the ground.

4. Prohibition

- (1) No person shall cut down or damage, or cause, suffer or permit a *tree* to be cut down or damaged within the Municipality, except where permitted by and carried out in accordance with the terms of this Bylaw.
- (2) No person shall fail to comply with the terms and conditions of a *permit* issued pursuant to this Bylaw.

5. General Tree Cutting

- (1) No person shall cut down, or cause suffer or permit any *tree* to be cut down, except in accordance with a valid *permit* issued under this Bylaw.
- (2) Despite subsection (1), a *permit* is not required to *cut down* any *tree* where the following circumstances apply:
 - (a) where, in the opinion of the owner, a *tree* must be *cut down* on an emergency basis because it has been severely damaged by natural causes and poses an imminent danger of falling and injuring persons or property;
 - (b) where, in the opinion of the owner, a *tree* must be *cut down* on an emergency basis because it poses an imminent danger of causing damage to municipal infrastructure, a septic field, a building foundation or other major improvement; or
 - (c) where, in any 12-month period, no more than two (2) *trees* are *cut down* on a *lot* with a lot size of 0.4 ha. (1 acre) or less, plus 1 additional *tree* for every additional 0.4 ha. (1 acre) of *lot* area.

6. Tree Cutting on Lot Sizes of 0.4 Ha (1 Acre) or Less

- (1) Where a *permit* is required to *cut down trees* on a *lot* with a *lot* size of 0.4 ha. (1 acre) or less, such *permit* will only be issued if the applicant demonstrates to the satisfaction of the Municipality that not less than 20% of the *lot* will be covered with existing or replanted *trees* in combination with *native vegetation* following the proposed *tree* cutting.
- (2) Where the replanting of trees is necessary to meet the minimum coverage requirements of Section 6, an applicant shall, as a condition of a *permit*, replant three (3) *trees*, in accordance with the requirements of Section 12 in combination with *native vegetation*, for every *tree* that is *cut down*, until the minimum coverage requirement is met.
- (3) Notwithstanding Section 6.2, in the case where less than 20% of the *lot* is covered with existing *trees* and *native vegetation* prior to removal, for every *tree* that is *cut down* or removed, three (3) *trees* in combination with *native vegetation* shall be replanted subject to the requirements of Section 12.

7. Tree Cutting on Lots Size of More than 0.4 Ha (1 Acre)

- (1) Subject to Section 7 (2), where a *permit* is required to *cut down trees* on a *lot* with a *lot* size greater than 0.4 ha. (1 acre), such *permit* will only be issued if the applicant demonstrates to the satisfaction of the *Municipality* that not less than 20% of the *lot* will be covered with existing or replanted *trees* in combination with *native vegetation* following the proposed *tree cutting*.
- (2) The 20% minimum coverage requirement established in Section 7 (1) shall increase by 5% for every 0.4 ha (1 acre) that a *lot* exceeds 0.4 ha (1 acre), to a maximum coverage requirement of 75% of the lot.
- (3) Where the replanting of trees is necessary to meet the minimum coverage requirements of Section 7, an applicant shall, as a condition of *permit*, replant three (3) *trees*, in accordance with the requirements of Section 12 in combination with *native vegetation*, for every *tree* that is *cut down*, until the minimum coverage requirement is met.

8. Tree Cutting on Land to be Subdivided 1.2 Ha. (3 Acres) and Greater

- (1) Every applicant for approval of a subdivision of a parcel 1.2 ha. (3 acres) and greater shall, after the Municipality's Approving Officer has issued a Preliminary Layout Review (PLR) letter and prior to final approval of the proposed subdivision, submit to the Village for approval a *Tree and Natural Vegetation Management Plan* relating to the proposed subdivision, prepared at the applicant's cost by a *Qualified Environmental Professional*.
- (2) The *Tree and Natural Vegetation Management Plan* referred to in Section 8 (1) shall identify:
 - (a) tree retention and replanting areas such that each lot created by the subdivision shall have not less than 20% of its area covered by *trees* in combination with *native vegetation*; and
 - (b) the methods in which the *Tree and Natural Vegetation Management Plan* will be implemented including tree protection during the construction stage and tree management post construction.

9. Trees within Riparian Areas or a Wetland

- (1) In this section, a "tree" means any living, erect, woody plant.
- (2) Except as permitted by Section 5 (2) or a permit issued under Section 10 (3), no person shall *cut down a tree* growing within a *riparian area* or a *wetland*.

AMENDED BY BYLAW NO. 469-2009

- (3) The *Committee* shall issue a permit to *cut down a tree* within a *riparian area* or a *wetland* where:
 - (a) the tree is a *dangerous tree*; or
 - (b) it is necessary to *cut down the tree* to carry out works in or about a *watercourse* or a *wetland* provided that the said works have been authorized by a permit or approved pursuant to federal and provincial requirements..

10. Removal of Dangerous Trees

- (1) For certainty, unless otherwise exempted under this Bylaw, a permit is required to *cut down a dangerous tree* but the permit fee prescribed in Schedule "B" is waived.

AMENDED BY BYLAW NO. 469-2009

- (2) Every person making application to *cut down a dangerous tree* must submit, at the time of such application, a report from a *Qualified Environmental Professional*, or other evidence acceptable to the *Committee*, confirming that each *tree* to be *cut down* is a *dangerous tree* and outlining the reasons for its removal.
- (3) No person who cuts down a dangerous tree shall remove the stumps or roots of the *tree* without the specific written permission of the Municipality.
- (4) Every *owner* shall cause all *trees, hedges, bushes* or shrubs on a *lot* to be trimmed, removed or *cut down* if the Municipality considers that it is:
 - (a) a *dangerous tree*;
 - (b) a hazard to the safety of persons;
 - (c) likely to damage public property; or
 - (d) a nuisance and seriously inconveniencing the public.
- (5) The Municipality may serve upon the *owner* notice that the Municipality will be entitled to take the action required under Section 10 (4) at the expense of the person given the notice, if the *owner* does not take the required action within 14 days of service of the notice.
- (6) If the *owner* given the notice does not take the required action within 14 days of service, the Municipality, by its employees or others, may enter the *real property*, and take the action specified in the notice at the expense of the owner given the notice.
- (7) If the *owner* does not pay the Municipality's costs of carrying out the action specified in the notice on or before December 31 in the year in which the costs were incurred, the costs shall be added to and form part of the taxes payable on the *real property* as taxes in arrear.

11. Tree Removal on Steep Land**AMENDED BY BYLAW NO. 469-2009**

- (1) In cases where *trees* are proposed to be removed on land with a slope greater than 30%, irrespective of *lot area*, the *Committee* may require the preparation of a report from a qualified professional

geotechnical or hydrological engineer certifying that the proposed tree removal will not create a danger from erosion, flooding, or landslip, and should the report from the qualified professional engineer recommend the construction of works necessary to prevent erosion, flooding or landslip, no *permit* shall be issued unless the applicant provides to the Municipality security in the amount of 150% of the cost of the works as estimated by the engineer.

- (2) The applicant shall be responsible for and, at his own expense, execute all work required by the qualified professional engineer in his report in order to prevent erosion, flooding, or landslip or to ensure the stability of the slope.
- (3) Upon completion of the required works and certification by the qualified professional engineer that the works satisfy his requirements to prevent erosion, flooding, or landslip, or to maintain the stability of the slope, the security will be released.
- (4) The works shall be completed within the period specified on the *permit*. Should the works not be completed within the stated period or not be completed according to the qualified professional engineer's recommendations, the Municipality may use the security to complete the works at the applicant's expense.
- (5) Where the Municipality is required to complete the works and the amount of security provided is insufficient, the applicant shall pay the balance forthwith to the Municipality upon receipt of the invoice.

12. Replacement Trees

AMENDED BY BYLAW NO. 469-2009

- (1) Where tree replacement is either proposed by an applicant or required by this Bylaw or by the *Committee* as a condition of issuance of a *permit*, the *owner* or applicant shall within a time period prescribed by the *Committee*, plant three (3) replacement *trees* for every *tree* removed in accordance with the following conditions:
 - (a) for every *tree cut down* that was a *coniferous tree*, replant a *coniferous tree* with a height not less than 4 meters;
 - (b) for every *tree cut down* that was a *deciduous tree*, replant a *deciduous tree* with a *diameter* of not less than 7 centimeters;
 - (c) water, fertilize and maintain the replacement *tree* in accordance with sound horticultural practice; and

- (d) provide the Municipality with an undertaking to maintain the replacement *trees* in good health and to replace any replacement *trees* should any not survive during the initial three (3) year period.
- (2) Where any person *cuts down a tree* in contravention of this Bylaw or a *permit* issued pursuant to this Bylaw, that person shall replant five (5) *trees* for every *tree* unlawfully removed in accordance with recommendations contained in the report of a *Qualified Environmental Professional* prepared for the Municipality at the expense of the *owner*, and shall:

AMENDED BY BYLAW NO. 469-2009

- (a) replant the *trees* within a time period prescribed by the *Committee*;
- (b) water, fertilize and maintain the replacement *trees* in accordance with sound horticultural practice; and
- (c) provide to the Municipality security in the amount of 150% of the total cost of replacing and maintaining the *trees*, to be retained by the Municipality for a period of three (3) years.

13. Application for Tree Cutting Permits

AMENDED BY BYLAW NO. 469-2009

- (1) Every application for a *permit* shall be made to the *Committee* and shall be generally in the form and contain the information as set out in Schedule A of this Bylaw.
- (2) The fee for a *permit* shall be determined as generally set out in Schedule B of this Bylaw and shall be paid upon application for a *permit*.

AMENDED BY BYLAW NO. 469-2009

- (3) In considering an application for a *permit*, the *Committee* will consider and assess the following and other factors relating to the proposed application:
 - compliance with the requirements of this Bylaw,
 - the need for replacement trees,
 - the need for drainage, noise or dust control measures,
 - significant topographic and hydrographic features and other site information;
 - risk of contamination of watercourses, and

- risk of flooding, erosion and landslip,

and may, in relation to any of the aforementioned factors, request that the applicant provide one or more reports, at the applicant's expense, from a *Qualified Environmental Professional* in consideration of the *permit* application.

- (4) No application for a *permit* shall be complete unless the application contains all applicable information required in the application form and otherwise under this Bylaw, and the prescribed fee has been paid.
- (5) A *permit* is valid for the period specified on the *permit* that shall not exceed 1 year.
- (6) A *permit* to *cut down trees* shall be in the form as set in Schedule C.

14. Permit Conditions

AMENDED BY BYLAW NO. 469-2009

The *Committee* may, as a condition of issuance of a *permit*, require, among other things, that:

- (a) replacement *trees* be planted as specified in Section 12; or
- (b) stumps remain in place in order to assist in the prevention of erosion.

15. Professional Reports

AMENDED BY BYLAW NO. 469-2009

Where the *Committee* considers that there is a risk of flooding, erosion, landslip or contamination of a *watercourse*, the *Administrator* may require an applicant for a *permit* to submit, at the applicant's expense, a report prepared by a *Qualified Environmental Professional* or a qualified professional geotechnical or hydrological engineer.

AMENDED BY BYLAW NO. 469-2009

16. Reconsideration of a Decision by the Committee

- (1) The applicant for a *permit* that is subject to a decision of the *Committee* may request that Council reconsider the decision or any conditions attached to the decision.
- (2) A request for reconsideration under this section shall:
 - (a) be made in writing; and

- (b) be submitted to the *Committee* within 30 days of the date of the *Committee's* decision.
- (3) Following receipt of an application for reconsideration under this section, the *Administrator* shall notify the applicant of the time, date and place that the application will be placed before the Council.
- (4) Notification from the *Administrator* in accordance with subsection (3) shall:
 - (a) state that the reconsideration by the Council at the time, date and place specified will include a reasonable opportunity to be heard or make written submission on the matter either in person, or through an agent, or both; and
 - (b) be mailed or otherwise delivered to the applicant at least 10 days before the date set for reconsideration by the Council.

17. Municipal Works

Nothing contained in this Bylaw shall apply to a *tree* growing on a highway, park, right of way or easement belonging to the Municipality nor to any public utility works where the works are carried out by or under the authority of the Municipality.

AMENDED BYLAW NO. 478-2009

18. Authority to Enter Upon a Property

- (1) Every officer and employee of the Village is authorized to enter onto any property at all reasonable times and upon reasonable notice in order to ascertain whether the requirements of this bylaw are being met and regulations observed.
- (2) No person may obstruct or attempt to obstruct any person from enforcing this bylaw, including any person enforcing this bylaw by inspected a property pursuant to section (1) of this bylaw.

19. Offence and Penalty

- (1) Any person who contravenes any provision of this Bylaw by doing, causing, suffering or permitting any act which it forbids or by failing to carry out any action which is required to be done, is guilty of an offence and is liable on summary conviction to a fine of not less than \$1,000 and not more than \$10,000, and where the offence is a continuing one, each day that the offence is continued, shall constitute a separate offence.

- (2) Without limiting the generality of Section 19 (1), any person who cuts down a tree in violation of this Bylaw is guilty of an offence and, in addition to any other penalty imposed under this Bylaw, is liable on summary conviction to a fine of \$2000 for each *tree* unlawfully cut down, for a first offence, and for each subsequent offence, to a fine of not less than \$5000.00 for each *tree* unlawfully cut down.

- (3) Any person who contravenes a condition of a *permit* issued under this Bylaw by doing, causing, suffering or permitting any act which it forbids or by failing to carry out an action which is required to be done, commits an offence and is liable on summary conviction to a fine of not less than \$2000.00 for each contravention, for a first offence, and for each subsequent offence, to a fine of not less than \$5000.00 for each contravention.

- (4) It shall be an offence under this Bylaw for any owner or occupier of land or any person acting under the authority of any *owner* or occupier to hire, permit or suffer another person to cut down or damage a *tree*, or do any other act prohibited by this Bylaw.

READ A FIRST TIME this 2nd day of October, 2007.

READ A SECOND TIME this 2nd day of October, 2007.

READ A THIRD TIME this 11th day of March, 2008.

RECONSIDERED AND FINALLY ADOPTED this 25th day of March, 2008.

“H. Weinberg”

Mayor

“K. Cobb”

Manager of Corporate Services

SCHEDULE A

VILLAGE OF ANMORE

Application for a Tree Permit

1. I, _____ of _____ make application to cut down and remove those trees located at _____ and legally described as _____ identified and shown on the sketch of the property attached to this application.

2. Attached and forming part of this application is an accurate plan of the property drawn to a scale of _____ correctly showing:
 - a) the location, species, and diameter of the trees proposed for removal;
 - b) the location of any watercourses, wetlands, or steep slopes; and
 - c) a report from a Certified Arborist, Professional Forester, or Registered Professional Biologist that confirms that not less than 20% of the lot will be covered with existing or replanted *trees* in combination with *native vegetation*, and increasing 5% for every 0.4 ha (1 acre) above a 0.4 ha (1 acre) lot, including the submission of a Replanting Plan if applicable.

3. Enclosed is a cheque payable to the Village of Anmore in the amount of \$500.00 in accordance with the requirement of Schedule B of the Bylaw.

Dated the _____ day of _____, 200__.

Signature of Owner

NOTE: Where the Applicant is not the registered owner, the Application will not be accepted unless the Village receives a signed letter from the registered owner authorizing the Applicant to apply for the Permit and acknowledging that the registered

owner will be responsible for compliance with all of the provisions of the Tree Management Bylaw.

AMENDED BY BYLAW NO. 469-2009

SCHEDULE B

TREE PERMIT APPLICATION FEES

Tree Permit: \$500.00

SCHEDULE C

VILLAGE OF ANMORE

Sample Tree Permit

Tree Permit No. 200__ - ____

- 1. This Permit is issued pursuant to Village of Anmore Tree Management Bylaw No, 430, 2007 and applies to the following land:

Civic Address: _____

Legal Description: _____

- 2. This Permit authorizes the cutting and removal of only the trees identified in Schedule 1 of this Permit, subject to the following conditions:

a) _____;

b) _____; and

c) _____.

- 3. Any tree authorized to be cut or removed by this Permit shall only be cut or removed in strict compliance with the provisions of Village of Anmore Tree Management Bylaw No, 430, 2007.

Dated the ____ day of _____, 200__.

Administrator

I, _____, certify that I shall be responsible for the removal of trees to be in strict compliance with the Village of Anmore Tree Management Bylaw No. 430, 2007.

Registered Owner

Date

