

CITY OF LANGFORD BYLAW NO. 2117

A Bylaw to Prohibit the Cutting of Trees

WHEREAS Section 8(3)(c) of the *Community Charter* allows a local government to prohibit and/or regulate the cutting of trees;

AND WHEREAS the Council for the City of Langford wish to regulate the cutting of Trees in the City;

NOW THEREFORE the Council of the City of Langford in open meeting assembled enacts as follows:

1. TITLE

This Bylaw may be cited for all purposes as “City of Langford Tree Protection Bylaw No. 2117, 2023”.

2. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

“**City**” means the City of Langford and includes, where the context requires, persons employed by or acting as agents of the City;

“**Cut Down or Cutting**” means to remove a Tree or Trees by any means or the undertaking of any action which results in the death of a Tree or Trees or could reasonably be expected to result in the death of a Tree or Trees, and includes, without limitation pulling up, pushing up, pulling over, or otherwise felling a Tree;

“**Damage**” means (a) poisoning, burning, or pruning in a manner not in accordance with arboricultural best practice, including removal of more than 25% of the tree’s total live foliage or bud bearing branches or limbs, (b) topping, unless the tree in question has been previously topped and regenerative growth has a high likelihood of failure due to weak branch attachment, excessive branch elongation and end weight, or the formation of extensive decay or cavities that cannot be mitigated other than by re-topping the tree, (c) shearing, harming or undermining the roots of the tree, (d) denting, gouging, drilling, harming, or affixing anything to the branches or the trunk of a tree, (e) removing bark from a tree, or (f) doing anything that would cause the tree to die.

“**Dangerous Tree**” means a Tree, identified by a certified arborist who has training in tree risk assessment, which could reasonably be expected to present an imminent hazard to the safety of persons or to the public or to private property;

“**City**” means the City of Langford and includes, where the context requires, persons employed by or acting as agents of the City; and

“**Tree**” means a woody perennial plant of any size with a trunk diameter greater than 20 centimeters measured at a height of 1.4 meters above the undisturbed grade of the land where the Tree is located.

3. APPLICATION OF BYLAW

Subject only to the exceptions set out in Section 4, no person shall:

- a) Cut Down or Damage, or permit the Cutting Down or Damage of any Tree on a parcel or parcels of land in the Municipality; or
- b) Fail to comply with the requirements of this Bylaw.

4. EXCEPTIONS

This Bylaw does not apply to:

- a) Dangerous Trees;
- b) Trees required to be Cut Down to pursuant to the *Railway Safety Act*, S.B.C. 2004, c. 8, the *Hydro and Power Authority Act*, R.S.B.C. 1996, c. 212, the *Oil and Gas Activities Act*, S.B.C. 2008 c. 36, the *Workers the Workers Compensation Act*, R.S.B.C. 2019, c. 1, or any regulation under these acts or under section 50 of the *Community Charter*, S.B.C. 2003, c.26;
- c) Trees Cut Down by City employees, or their agents, during the discharge of duties that involve maintenance, surveying of the creation and upkeep of walkways and trails;
- d) Trees Cut Down by British Columbia land surveyors during the discharge of their duties;
- e) Trees authorized to be Cut Down in accordance with a Development Permit, Building Permit, or any other permit issued by the City; and
- f) Trees located on properties that are located within Development Permit Area, but which are excluded from the Development Permit Process.

5. POWER TO ENTER ONTO PROPERTY

Pursuant to Subsection 16(6)(d) of the *Community Charter* the City has the authority to enter onto property for the purpose of inspecting and assessing trees.

6. GENERAL PROVISIONS

Should any provision of this Bylaw be declared by any Court to be invalid the outcome shall not affect the validity of this Bylaw, as a whole or parts thereof, other than the provision or provisions declared to be invalid.

7. CONTRAVENTION AND PENALTIES

- a) Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw or who neglects or refrains from doing anything required to be done by any of the provisions of this bylaw shall be deemed to be guilty of an infraction hereof and shall be subject to fines as prescribed under the *Offence Act* R.S.B.C., 1996 c. 338 or as set out in the Municipal Ticket Information Bylaw No. 34, 1993, as amended from time to time.
- b) Upon being convicted of an offence under this bylaw, a person shall be liable to pay a fine of not less than \$5,000.

c) Each Tree that is Cut Down contrary to this Bylaw constitutes a separate offence.

8. REPEAL

Bylaw No. 2115, Bylaw to Prohibit the Cutting of Trees is hereby repealed.

This bylaw shall be automatically repealed 180 days after the adoption.

READ A FIRST TIME this __ day of January 2023.

READ A SECOND TIME this ____ day of January 2023.

READ A THIRD TIME this _____ day of January 2023.

ADOPTED this ____ day of _____ 2023.

PRESIDING COUNCIL MEMBER

CORPORATE OFFICER