



**Last Update:
June 2012**

**Tree Protection
Bylaw No. 6343, 1995**

Amending Bylaws for
Prince George Tree Protection Bylaw No. 6343, 1995

Bylaw No. 7573

Adopted: Oct. 8/07

Bylaw No. 7961

Adopted: Apr 30/07

Bylaw No. 8419

Adopted: June 25/12

CITY OF PRINCE GEORGE

BYLAW NO. 6343

A BYLAW TO PROTECT TREES.

WHEREAS the Municipal Act allows a local government to prohibit and/or regulate the cutting of trees;

The Municipal Council of the City of Prince George, in open meeting assembled, ENACTS AS FOLLOWS:

1. TITLE

1.1 This Bylaw may be referred to as the "City of Prince George Tree Protection Bylaw No. 6343, 1995".

2. APPLICATION

2.1 This Bylaw applies to the areas within the boundaries of the City of Prince George, limited by section 4.1 of this Bylaw.

3. DEFINITIONS

"Authorized Person" means the person appointed by Council as head of the Development Services Department, or a person designated in writing by the head of the Development Services Department to carry out any act or function under this bylaw

**Amending
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"Building, Accessory" a building or structure detached from a principal building, customarily incidental, subordinate and on the same site as the principal building or use. Typical accessory structures include flagpoles, swimming pools, propane tanks, satellite dishes, garages, and garden sheds. Where a building is attached to the principal building by each, and every one of the following:

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- a) a common wall having heated functional living space on each side,
- b) common roof, and
- c) common foundation,

it shall be deemed part of the principal building.

"Building, Principal" means a building or structure accommodating the principal use of the site.

"Council" means the City Council of the City of Prince George.

"Cut Down" or "Cutting" means to remove a tree by any means or the undertaking of

any action which results in the death of a tree or could reasonably be expected to result in the death of a tree.

"Dangerous Tree" means a tree which could reasonably be expected to present an imminent hazard to the safety of persons or to the public or to private property.

"Development Permit" means a permit issued pursuant to Section 920 of the *Local Government Act*. **7961**

"Highway" means any public street, road, lane, or bridge, but does not include a private right of way on private property or a walkway.

"Land Use Envelope" means that part of a lot on which a building is to be sited according to the requirements of the Zoning Bylaw including a distance of 30 meters in any direction measured from the outer wall of the principal building; and including a distance of 15 meters in any direction measured from the perimeter of any accessory building that has an area greater than 55 meters square.

"Landscape" means to modify or ornament the land by altering the plant or tree cover, surface materials, and/or the topography.

"Maintenance" means the routine upkeep of landscaped areas and public or private service corridors, and includes but is not limited to pruning, weeding, mowing, irrigation, and the prevention and treatment of diseases and insect infestations.

"Municipality" means the Corporation of the City of Prince George.

"Official Community Plan" means the City of Prince George Official Community Plan Bylaw No. 8383, 2011. **7961**
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"Permit" means a permit issued by the Authorized Person in accordance with this Bylaw to allow a tree to be cut down under conditions stipulated in the permit.

"Private Service Corridor" means land accommodating the servicing of a building with any water, sewer, energy, or communication system directly to or from the point of use to or from any highway, municipal or other right- of-way, easement, or Municipal property.

"Public Service Corridor" means land accommodating the collection or distribution of any water, sewer, energy, or communications system, but excludes private service corridors.

"Replacement Tree" any tree required to be planted, pursuant to this Bylaw, to replace a tree cut down in contravention of this Bylaw.

“Top of Bank” means the point closest to the active floodplain of a watercourse where a break in the slope of the land occurs such that the grade beyond the break is flatter than 3:1 at any point for a minimum distance of 15.0 m measured perpendicularly from the break or as determined by a qualified professional with relevant experience in watercourses or fisheries. **7961**

“Top of Ravine Bank” means the first significant break in a slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15.0 m measured perpendicularly from the break and the break does not include a bench within the ravine that could be developed or as determined by a qualified professional with relevant experience in watercourses or fisheries. **7961**

"Tree" means a replacement tree, or any live standing woody plant which is 1.5 meters or more in height or has a trunk diameter of at least 3 centimeters, and capable of growing to a height of 10 meters or more.

"Zoning Bylaw" means Prince George Zoning Bylaw No. 7850, 2007 as amended.

4. PROTECTED AREAS

4.1 Unless otherwise exempt in section 5. of this Bylaw, no person shall cut down, or allow to be cut down, a tree in an area defined as: **7961**

- a) AG: Greenbelt as shown on Schedule “A” of the Zoning Bylaw, unless a permit has been issued according to section 6. of this Bylaw;
- b) A Riparian Protection Development Permit Area as designated in the Official Community Plan;

unless a permit has been issued according to section 6. of this Bylaw.

5. EXCEPTIONS

5.1 This bylaw does not apply to:

- (a) trees, identified for cutting by the Ministry of Forests, or a Professional Forester under the *Foresters Act*, because the tree: **7961**
 - i) is dead;
 - ii) is likely, in the opinion of the Professional Forester, to be damaged or killed by disease or pest infestation;
 - iii) has been damaged by fire and is likely, in the opinion of the Professional Forester, to die within 3 years or be at risk of attack by disease or pest infestation; andis windthrown and, in the opinion of the Professional Forester, must be harvested

- to limit or prevent the spread of disease or pest infestation
- (b) dangerous trees;
 - (c) trees, required to be cut down, to meet any B.C. Hydro or Workers Compensation Board safety regulations;
 - (d) trees required to be cut down to allow the creation and maintenance of a public service corridor or highway;
 - (e) municipal employees, or their agents, during the discharge of duties that involve surveying or the creation and upkeep of walkways and trails;
 - (f) British Columbia land surveyors during the discharge of their duties;
 - (g) maintenance, and **7916**
 - (h) municipal employees, or their agents, during the discharge of their duties that involve the cutting of trees in accordance with the Community Forest Agreement between the Ministry of Forests and City of Prince George. **7916**
- 5.2 In the AG: Greenbelt zone, identified in subsection 4.1 a), this Bylaw does not apply to: **7916**
- a) trees inside the land use envelope provided that a valid building permit has been issued for that property;
 - b) trees required to be cut down to create or maintain a passageway with a maximum width of 7 meters, for the purpose of connecting land use envelopes;
 - c) trees required to be cut down to create or maintain a driveway, with a maximum width of 12 meters, leading to the land use envelope for a building provided that valid access permit has been obtained from the City;
 - d) trees required to be cut down to construct, install, or maintain a sewage disposal system in accordance with the Sewerage System Regulation;
 - e) trees required to be cut down to construct, install, or maintain a private water system;
 - f) trees required to be cut down to create or maintain a private service corridor with a maximum width of 7 meters, leading from a public service corridor to a land use envelope;
 - g) trees required to be cut down to create or maintain a fence, provided that the trees cut down are within 3 meters of the fence;
 - h) trees within areas where a valid permit or short term permit applies pursuant to the City of Prince George Soil Removal and Deposit Bylaw No. 7022, 1999; and trees required to be cut down in accordance with *The Home Owners Fire Smart Manual* (B.C. Edition).

- 5.3 In Development Permit Areas, identified in subsection 4.1(b), this Bylaw applies only to trees that are located within: **7961**
- a) 15.0 m from the top of bank for agricultural, outdoor recreation, and low density (17 units/ha) residential developments;
 - b) 30.0 m from the top of bank for commercial, industrial and institutional developments;
 - c) 30.0 m from the top of bank of the Fraser River or Nechako River;
 - d) 10.0 m from the top of ravine bank for ravines that are 60.0 m wide or greater; and
 - e) Lesser areas shall be considered where the size is determined on the basis of an assessment report provided by a qualified environmental professional in respect of a development proposal.
- 5.4 Where an area is zoned AG: Greenbelt, as identified in subsection 4.1 (a), and is in a Development Permit Area, as identified in subsection 4.1 (b), the exemptions identified in subsection 5.2 shall apply only to the extent that they do not affect trees identified in subsection 5.3. **7961**

6. PERMITS

- 6.1 The Authorized Person may issue a permit to cut down a tree in the areas identified in section 4. of this bylaw.
- 6.2 Every application for a permit made to the Authorized Person shall be accompanied by a non-refundable application fee as set out in Schedule “A-15” of the “City of Prince George Consolidated Fees and Charges Bylaw No. 7557, 2004”.
- 6.3 The application for a permit shall contain:
- (a) the name, address, and signature of the property owner or agent;
 - (b) the legal description of the property containing the trees proposed to be cut down;
 - (c) the purpose for the proposed removal of the trees;
 - (d) a plan identifying the location of the property's boundaries, structures, and natural features;
 - (e) a plan identifying the location, type, and diameter of the trees proposed to be removed;
 - (f) a plan identifying the general location, type and diameter of trees, or groups of trees, remaining on the property that are within 30 meters of any tree that is to be cut;

- (g) a plan identifying the location of any proposed development on the property;
 - (h) if requested, a report prepared by an appropriate qualified professional, in accordance with the guidelines established by the Department of Fisheries and Oceans and the Ministry of Environment, Lands and Parks, that addresses and resolves the conditions outlined in subsection 7.2 of this Bylaw.
 - (i) if requested, a report prepared by a geotechnical engineer, with respect to the terrain stability of any affected area; and **7961**
 - (j) any additional information the Authorized Person reasonably determines is required to assist the Authorized Person in his consideration of the application.
- 6.5 The applicant shall mark with ribbon or paint each tree or area of trees proposed to be removed.
- 6.6 The permit issued shall be valid for six months and may be extended for an additional six months upon written request to the Authorized Person.
- 6.7 The form of a tree cutting permit shall be substantially the same as Schedule “A” as applicable. **7961**

7. REFUSAL OF PERMITS

- 7.1 The Authorized Person may refuse to issue a permit to cut trees in the GB (Greenbelt) Zoning District, identified in subsection 4.1 (a) of this Bylaw, if:
- (a) removing the trees could reasonably be expected to present a hazard to the safety of persons or to the public or to private property;
 - (b) the area from which trees are proposed to be removed is clearly visible from any highway that is within 1 kilometer of the trees proposed to be cut, unless exempted in section 5. of this Bylaw;
 - (c) the trees proposed to be cut are within 30 meters of any site zoned AR, RS, RT, or RM pursuant to the Zoning Bylaw. **7961**
 - (d) the trees are on a slope greater than 20%.
- 7.2 The Authorized Person may refuse to issue a permit to cut down trees in the Development Permit Areas identified in subsection 4.1 (b) of this Bylaw if:

- (a) removing the trees could reasonably be expected to present a hazard to the safety of persons or to the public or to private property;
- (b) removing the trees could affect the stability of the bank of any watercourse or increase siltation in a watercourse;
- (c) removing the trees could result in a significant loss of shade to a watercourse;
- (d) removing the trees could have a negative impact on the quality of a watercourse as a fish habitat.

8. DAMAGED, DEAD, AND NUISANCE TREES

8.1 Notwithstanding section 7. of this Bylaw, the Authorized Person may, upon application, issue a permit to cut down a tree which:

- (a) is severely damaged, or unstable;
- (b) has roots that are interfering with, blocking or damaging a drainage or sewer disposal system, water system, or principal or accessory building;
- (c) has roots that are blocking a water course or reducing the drainage capacity of a water course.

8.2 There shall be no charge for a permit issued under section 8.

9. STOP WORK

9.1 The Authorized Person may revoke a tree cutting permit and order immediate suspension of tree cutting authorized by this Bylaw, when a person has acted contrary to this Bylaw.

9.2 The Authorized Person shall inform the owner of the reason for the revocation of the permit, in writing, within 48 hours of the revocation of the permit.

10. PENALTIES

10.1 No person shall fail to comply with the terms and conditions of a permit issued according to section 6. of this Bylaw.

10.2 Each tree that is cut down contrary to this Bylaw constitutes a separate offense.

10.3 Any person who does not comply with this Bylaw commits an offense, and is punishable according to the Offense Act, and shall be liable to the penalties imposed.

10.4 Any person who violates any provision of this Bylaw, or who permits, suffers or allows any act to be done in violation of any provision of this Bylaw, or who neglects to do anything required to be done by any provision of this Bylaw, commits an offence punishable upon summary conviction and is subject to a fine not less than \$2,000 and not more than \$10,000.00, or a term of imprisonment not exceeding three months, or both. **7961**

11. REPLACEMENT TREES 7961

11.1 Any person cutting a tree in contravention of this Bylaw shall replace that tree:

- a) with two trees if the tree cut down was within 5 m measured horizontally from the top of bank or top or ravine bank as applicable;
- b) with one tree if the tree cut down was 5 m or more, measured horizontally, from the top of bank top or ravine bank as applicable.

12. RECONSIDERATION

12.1 An owner or occupier of real property that is subject to a decision of the Authorized Person under this Bylaw may have Council reconsider the decision.

12.2 An owner or occupier wishing reconsideration under subsection 12.1 of this Bylaw shall apply in writing to the Authorized Person and shall include in the application:

- (a) the name, address, and signature of the property owner or agent.
- (b) the legal description of the property.
- (c) a plan showing the property's boundaries, structures.
- (d) the surrounding natural features, and the trees removed or proposed to be removed.
- (e) the method of tree removal.
- (f) the relief being sought.

13. ASSESSMENTS AND INSPECTIONS

13.1 The Authorized Person shall have the authority to direct any officer, employee, or agent of the municipality to enter without notice upon private property at all reasonable times when required in order to perform inspections and assessments on property:

- (a) that is under suspicion of being the location of tree cutting contrary to this Bylaw;
- (b) that is identified in an application as the location for a permit according to section 6. of this Bylaw;
- (c) that contains replacement trees planted less than 2 years previous.

14. GENERAL PROVISIONS

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14.1 If any section, subsection, clause, sub-clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, that section, subsection, clause, sub-clause or phrase shall be struck from the Bylaw and any decision shall not affect the validity of the remaining portions of this Bylaw.

14.2 All schedules referred to in this Bylaw are incorporated into and form part of this Bylaw.

READ A FIRST TIME THIS THE 27th DAY OF **March**, 1995.

READ A SECOND TIME THIS THE 27th DAY OF **March**, 1995.

READ A THIRD TIME THIS THE 27th DAY OF **March**, 1995.

ADOPTED THIS THE 3rd DAY OF **April**, 1995, BY A **UNANIMOUS** DECISION OF ALL MEMBERS OF CITY COUNCIL PRESENT AND ELIGIBLE TO VOTE.

JOHN BACKHOUSE
Mayor

JENNIFER FORREST
Clerk

[For information regarding fees and charges, please refer to the “City of Prince George Comprehensive Fees and Charges Bylaw No. 7557, 2004”, Schedule “A-15”.](#)

Schedule "A" to Bylaw No. 6343, 1995,



CITY OF PRINCE GEORGE TREE CUTTING PERMIT NO. _____

1) This Tree Cutting Permit is issued to:

Name: _____

Address: _____

2) This Tree Cutting Permit applies to:

Address: _____

Legal description: _____

The trees shown on the plans attached as Exhibit "A" on file at City Hall.

3) This permit is issued subject to compliance with all of the Bylaws of the City of Prince George applicable thereto.

4) Pursuant to the City of Prince George Tree Cutting Bylaw No. 6343, 1995, subject to the following conditions:

- a) This Permit authorizes the permittee to cut down trees or cause trees to be cut down, only in strict accordance with Exhibit "A" to this permit.
- b) The director may revoke this Tree Cutting Permit and order immediate suspension of tree cutting authorized by this permit when a person has acted contrary to City of Prince George Tree Cutting Bylaw No. 6343, 1995.
- c) This permit is valid for only 6 months after the date of issuance.
- d) This permit shall be made available for inspection at the time and location of tree cutting.
- e) Other conditions:

Authorization date: _____

Authorizing Signature: _____