

**FRASER VALLEY REGIONAL DISTRICT**

**BYLAW NO. 0014**

*A Bylaw to regulate and prohibit the cutting of trees in  
Electoral Area 'E'*

**WHEREAS**, pursuant to Section 923 of the Municipal Act, c.323, a Regional District may, by bylaw, designate areas of land that it considers may be subject to flooding, erosion, land slip or avalanche as tree cutting permit areas:

**AND WHEREAS** the bylaw may, in respect of an area designated as a tree cutting permit area, regulate or prohibit the cutting down of trees and require the owner to obtain, on payment of a fee fixed by the bylaw, a permit before cutting down a tree:

**NOW THEREFORE**, the Regional Board of the Fraser valley Regional District, in open meeting assembled, enacts as follows:

**I. CITATION**

This bylaw may be cited for all purposes as "Fraser Valley Regional District Electoral Area "E" Tree Cutting Bylaw 0014, 1997".

**II. DEFINITIONS**

In this bylaw;

**"Building Site"** shall mean that part of a lot on which a building is approved to be sited (the building footprint) under a valid Building Permit issued by the Fraser Valley Regional District plus an area 10 metres in width as measured from the building footprint, plus area required for driveway(s) or septic field.

**"Cut Down"** means to cut down, 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 20 centimetres.

**"Natural Boundary"** means the visible high water mark of any watercourse where the presence and action of the water are so common and usual and so long contained in all ordinary years as to mark upon the soil of the bed or bank of the watercourse a character distinct from the lands adjacent thereto in respect of vegetation as well in respect to the nature of the soil itself.

**"Tree"** means any living, erect, woody plant which is:

- i) 5 metres or more in height; or
- ii) 20 centimetres or more in diameter (as measured 1.4 m above grade)

**"Watercourse"** means any natural or man-made depression with well defined banks and a bed zero point six (0.6) metres 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 two point zero (2.0) square kilometres or more.

### **III. AREA OF APPLICATION**

This bylaw applies to all those lands designated in Development Permit Area 3-E as shown on attached Schedule 'C'.

### **IV. MEASUREMENT**

In determining whether a tree is subject to the provisions of this bylaw:

- a) The diameter of the tree shall be determined by dividing the circumference of the trunk measured 1.4 metres above the ground by 3.142.
- b) The diameter of a tree having multiple trunks 1.4 metres above the ground shall be the sum of:
  - i) 100% of the diameter of the largest trunk, and
  - ii) 60% of the diameter of each additional trunk.

### **V. TREE CUTTING PERMIT**

- 1. No owner or occupier of land or any person acting under the authority of an owner or occupier of land shall hire, permit or suffer another person to:
  - a) cut down 20 or more trees on a parcel of land for any reason in any one calendar year; or
  - b) cut down a 5 or more trees on that portion of a lot where the land is sloped more than 30%; or

- c) cut down a tree growing within 30 metres of the natural boundary of a watercourse,

without first obtaining a tree cutting permit as shown in Schedule "A" and attached to and forming an integral part of this bylaw.

- 2. A tree cutting permit is not required to:

- a) cut down a tree located within a Building Site; or
- b) cut down a tree or limb of a tree, if:
  - i) The tree or limb of the tree has been severely damaged by a natural cause, and
  - ii) The tree or limb of the tree is in imminent danger of falling and injuring persons or property.

## **VI. APPLICATION FOR PERMIT**

- 1. Every application for a permit shall be accompanied by a non-refundable application fee and unit tree fee as follows:
  - a) \$25.00 application fee for the first 20 trees;
  - b) \$5.00 fee for every additional tree over 20;
- 2. The application for a permit shall be made on the form prescribed in Schedule "B" attached to and forming an integral part of this bylaw and shall be accompanied by a Plan identifying:
  - a) The diameter of the trees proposed to be cut down;
  - b) A plan, drawn to scale, indicating the location of the trees proposed to be cut down and site features, including watercourses, location of access roads, manmade structures, and topography.
  - c) A development statement detailing when the trees are to be cut down, planned soil disturbances, method of log removal, and methods to ensure safety of the site and adjacent properties.

3. In determining the location of a tree on a lot for permit purposes, the location of the tree shall be measured at the point at which the trunk of the tree meets the ground (or 1.4 metres above ground if the trunk is inaccessible).
4. Where the trunk of a tree is growing on a building envelope line or other setback line prescribed by this bylaw, the tree shall be deemed to be located on the same side of the line as the majority of the trunk is located.

## **VII. APPROVAL OF PERMITS**

1. The Board at its discretion may require that an application for a permit be accompanied by a report prepared by a qualified person, at the applicant's expense, that the proposed tree cutting will not create a danger from flooding or erosion.
2. If the report of the qualified person requires the construction of works necessary to prevent flooding or erosion, the Board may require that no permit shall be issued unless the applicant provides to the Regional District a letter of credit and/or security bond in favour of the Regional District in the amount of 120% of the cost of the works as estimated by the qualified person.
3. The applicant shall enter into an agreement with the Regional District with respect to any bonding required.
4. The applicant shall be responsible for and at his own expense execute all work required by the qualified person in his report.
5. Where the Board requires a letter of credit and/or security bond, upon completion of the required works and certification of the qualified person that the works satisfy the requirements of the report, the security bonding will be released.
6. The works shall be completed within the period specified on the permit. Should the works not be finalized within the stated period, the Regional District may have the works completed at the owner/applicant's expense using the security bond.
7. For the purposes of this bylaw, "qualified person" shall mean a professional engineer with geotechnical experience, licensed to practice in the Province of British Columbia.

**VIII. ADMINISTRATION AND ENFORCEMENT**

- 1. The Regional District Administrator, Bylaw Enforcement Officer or any other employee given authority by the Regional District Board shall have the right to enter at all reasonable times on any property to make an assessment or inspection for any purpose under this bylaw.
- 2. No person shall prevent or obstruct or attempt to prevent or obstruct entry of any Regional District employee authorized to enter upon property by this bylaw.

**IX. OFFENCE**

- 1. Any person who contravenes any provision of this bylaw by doing any act which it forbids or omitting any act which is required to be done is guilty of an offence and is liable on summary conviction to a fine of not less than \$500.00 or more than \$2,000.00 for each tree unlawfully cut down or damaged.
- 2. It shall be an offence under this bylaw for any owner or occupier of land or any person acting under the authority of an owner or occupier to hire, permit or suffer another person to cut down a tree, or do any other act prohibited by this bylaw.

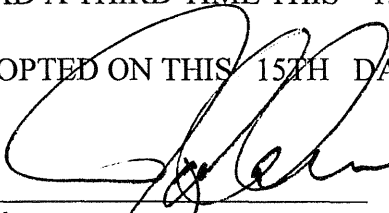
**X. READINGS AND ADOPTION**

READ A FIRST TIME THIS 25TH DAY OF MARCH, 1997.

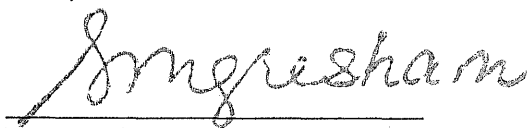
READ A SECOND TIME THIS 15TH DAY OF DECEMBER, 1998.

READ A THIRD TIME THIS 15TH DAY OF DECEMBER, 1998.

ADOPTED ON THIS 15TH DAY OF DECEMBER, 1998.



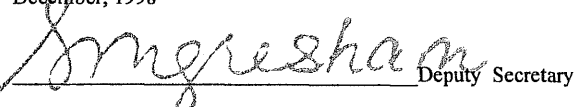
Chairman



Deputy Secretary

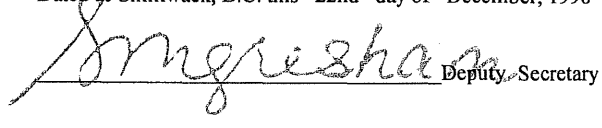
**XI. CERTIFICATIONS**

I hereby certify the foregoing to be a true and correct copy of the Fraser Valley Regional District Electoral Area "E" Tree Cutting Bylaw 0014, 1997, as read a third time by the Board on the 15th day of December, 1998. Dated at Chilliwack this 22nd day of December, 1998



Deputy Secretary

I hereby certify that this is a true and correct copy of Bylaw 0014, 1997, adopted by the Board of Directors of the Fraser Valley Regional District on the 15th day of December, 1998 Dated at Chilliwack, B.C. this 22nd day of December, 1998



Deputy Secretary

**SCHEDULE "A" TO BYLAW 0014**

Fraser Valley Regional District

**PERMIT FOR TREE CUTTING**

TREE CUTTING PERMIT NO. \_\_\_\_\_

This Permit is hereby issued to

\_\_\_\_\_  
(name of owner - individual or company - the Permittee)

for tree cutting on \_\_\_\_\_

\_\_\_\_\_  
(insert legal description and civic address)

pursuant to the provision of the Fraser Valley Regional District, Bylaw 0014, subject to:

1. Tree cutting being undertaken strictly in accordance with the terms and conditions of this permit and any plans and specifications being attached hereto as part of this permit.
2. The Permittee depositing the required security and giving permission to the Manager of Planning or his designated staff to enter the subject properties when necessary.
3. Any other conditions stipulated hereunder:

THIS PERMIT EXPIRES ON \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Administrator

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

**SCHEDULE "B" TO BYLAW 0014**

Fraser Valley Regional District

**APPLICATION FOR TREE CUTTING PERMIT**

FILE No.: \_\_\_\_\_

- 1. Name of owner(s): \_\_\_\_\_
- 2. Name of applicant(s): \_\_\_\_\_
- 3. Legal Description of parcel on which tree cutting is proposed: \_\_\_\_\_  
\_\_\_\_\_
- 4. Civic address: \_\_\_\_\_

5. This application shall be accompanied by:

\_\_\_ A plan, drawn to scale, indicating the number and location of trees proposed to be cut down, site features, including watercourses, location of access roads, manmade structures, and topography.

\_\_\_ A development statement detailing the diameter of trees proposed to be cut down, when the trees are proposed to be cut down, planned soil disturbances, method of log removal, and methods to ensure safety of the site and adjacent properties.

NOTE: The Regional Board at its discretion may require that an application for a permit be accompanied by a report prepared by a qualified person, at the applicant's expense, that the proposed tree cutting will not create a danger from flooding or erosion.

If the report of the qualified person requires the construction of works necessary to prevent flooding or erosion, the Board may require that no permit shall be issued unless the applicant provides to the Regional District a letter of credit and/or security bond in favour of the Regional District in the amount of 120% of the cost of the works as estimated by the qualified person.

- 6. Required fee: \$ \_\_\_\_\_ Paid: \_\_\_\_\_
- 7. Signature of applicant: \_\_\_\_\_ Date: \_\_\_\_\_




**FRASER VALLEY REGIONAL DISTRICT  
SCHEDULE 'C' TO BYLAW 0014**

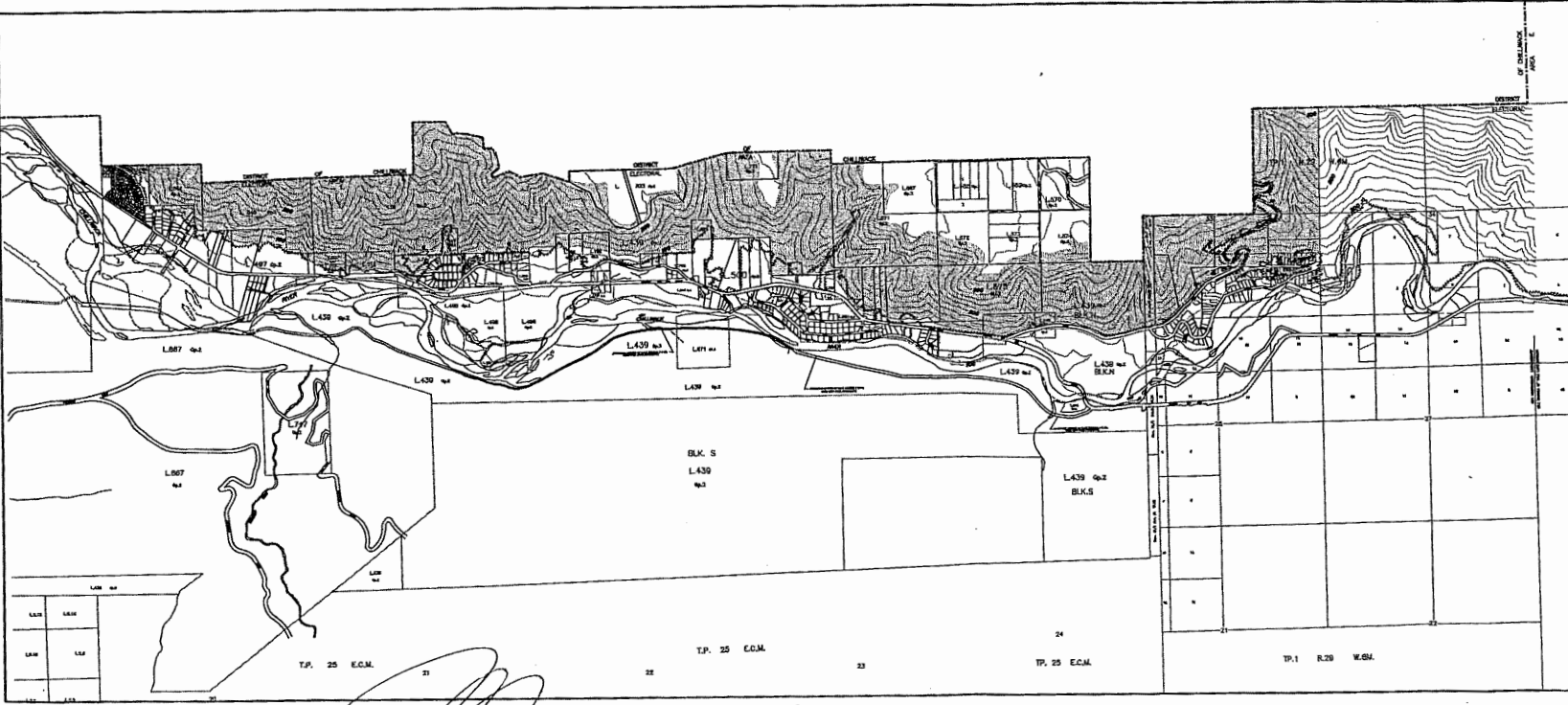
A BYLAW TO REGULATE AND PROHIBIT THE  
CUTTING OF TREES IN ELECTORAL AREA 'E'

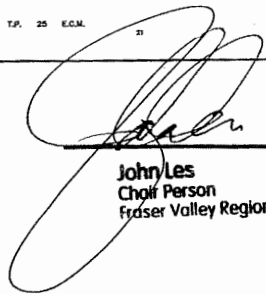
**LEGEND:**

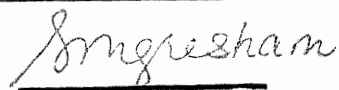
 AREA WHERE TREE REMOVAL IS  
REGULATED BY BYLAW No.0014,  
1997.

 EXISTING TREE LINE  
(AUGUST 1989)

SCALE: 1:20,000



  
**John Les**  
Chief Person  
Fraser Valley Regional District

  
**SUZANNE M. GRESHAM**  
Deputy Secretary  
Fraser Valley Regional District