

THE CORPORATION OF THE TOWNSHIP OF LANGLEY
TREE PROTECTION BYLAW 2019 NO. 5478

CONSOLIDATED FOR CONVENIENCE ONLY

EXPLANATORY NOTE

Bylaw 2019 No. 5478 is to regulate, prohibit and impose requirements for tree cutting and tree protection.

Amending Bylaw 2021 No. 5712 – adopted July 26, 2021

Bylaw 2021 No. 5712 amends Tree Protection Bylaw 2019 No. 5478 by setting forth new inspection and enforcement provisions for tree conservation on private property and on land owned or in the possession of the Municipality, and to protect and enhance tree canopy coverage throughout the lifecycle of trees by: regulating tree protection, prohibiting and penalizing damage to protected trees, prohibiting and penalizing the removal of protected trees without a permit, and regulating and imposing requirements for protected tree preservation, removals, and replacements through a permit process.

Amending Bylaw 2023 No. 5838 – adopted March 13, 2023

Bylaw 2023 No. 5838 amends Tree Protection Bylaw No. 5478 by providing for exemptions within building envelopes, driveway locations, for dead and dying trees, removing the requirement for replacement trees by providing provisions for cash-in-lieu, and removing the requirement to demonstrate undue hardship. Amendments through Bylaw 5838 will be in effect for all in-stream, unissued permits and all new applications received on or after March 14, 2023.

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THE CORPORATION OF THE TOWNSHIP OF LANGLEY

TREE PROTECTION BYLAW 2019 NO. 5478

WHEREAS the Community Charter, S.B.C. 2003 c. 26 authorizes Council to regulate, prohibit or impose requirements in relation to Trees;

AND WHEREAS Council deems it desirable to regulate, prohibit, and impose requirements for tree cutting and tree protection;

NOW THEREFORE, the Council of the Corporation of the Township of Langley in Open Meeting Assembled, ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited for all purposes as “Tree Protection Bylaw 2019 No. 5478.”

2. Definitions

For the purpose of this Bylaw the following words have the following meanings:

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“**Arborist**” means a person, currently certified by the International Society of Arboriculture (ISA).

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“**Arborist Report**” means a technical report prepared by an *Arborist*, which shall include the following:

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- a) information relevant to the purpose for which the report is to be submitted to the *Municipality*, including, but not limited to, surveyed location, species, size, and condition of the subject *protected tree* or *protected trees*;
- b) the reasons for any proposed removal of a *protected tree* or *protected trees*;
- c) clear photographs of the *protected trees*, illustrating reason for proposed removal; and
- d) description of the recommended tree protection and mitigation measures for any trees being retained, including trees on neighbouring properties.

“**Council**” means the municipal Council of the Township of Langley.

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“**Critical Root Zone**” means the area of land surrounding the trunk of a *protected tree* contained within a circle of radius equal to the *dbh* of the *protected tree* multiplied by 6.

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“**Cutting or Removal or Cut or Remove**” means to kill, remove or substantially destroy a *protected tree* by any means, including without limitation, knocking down or cutting into the *protected tree*, the *topping* of a *protected tree* and the cutting of any main stem or other leader or trunk.

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“**DBH or dbh (Diameter Breast Height)**” means the diameter of the trunk of a *protected tree* measured at a point 1.4 metres above the natural grade, except where the diameter of a *protected tree* having multiple trunks 1.4 metres above the natural grade shall be the sum of 100% of the diameter of the largest trunk and 60% of the diameter of each additional trunk.

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“**General Manager**” *deleted by Bylaw #5838*

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“Drip Line” deleted by Bylaw #5712

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“Hazard Tree” deleted by Bylaw #5712

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“Hedge” means a row of three or more *protected trees*, where the distance between the outside of one trunk and the next is 2 metres or less adjacent to the next tree, that are pruned and maintained for the purpose of forming a continuous dense screen for privacy, fencing and/or boundary definition that is no more than 10 metres in height.

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“Highway” includes a street, road, lane, bridge, viaduct and any other way open to public use, other than a private right-of-way on private property.

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“Imminent Failure” means the failure of a *protected tree* has started and is most likely to occur in the near future, even if there is no wind or increased load. Immediate action may be required to protect people from harm.

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“Municipality” means the Corporation of the Township of Langley including its staff authorized by Council to carry out the powers and duties outlined in this Bylaw.

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“Owner” has the meaning set out in the *Community Charter*, and includes a strata corporation as defined in the *Strata Corporation Act*.

“Parcel” means any lot, block or other area in which land is held or into which land is subdivided but does not include a *highway*.

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“Permit” means a *permit* issued by the *Municipality* under authority of this bylaw to *cut or remove a protected tree or protected trees*.

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“Protected Tree” means:

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- a) any tree, including multi-stemmed trees, within the Township, regardless of species, having a *dbh* of 20 centimetres or more or, where measurement of the *dbh* at 1.4 metres from the ground is impossible or impractical, the *dbh* shall be measured at the natural grade of the ground;
- b) a *replacement tree* previously planted as required by this bylaw or the Subdivision and Development Servicing Bylaw 2019 No. 5382, as amended or replaced from time to time;
- c) a tree with evidence of nesting or use by:
 - i. raptors, as defined in the Wildlife Act, R.S.B.C. 1996, c. 488;
 - ii. osprey;
 - iii. pileated woodpecker
 - iv. heron colony; or
 - v. a hummingbird; and
- d) any tree, regardless of height or *dbh*, where located on land that is in the ownership or possession of the *Municipality*.

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“Pruning” means the selective removal of branches, according to arboricultural techniques in “ISA Best Management Practices: Pruning” to improve quality, or to remove dead or diseased wood, or to correct undesirable growth patterns.

“Public Utility” means the *Municipality*, B.C. Hydro Authority, Telus, FortisBC, and any other utility company or its contractors providing a public service or utility.

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“Qualified Tree Risk Assessor” deleted by Bylaw #5712

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“Replacement Tree” deleted by Bylaw #5838

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“Sound Horticultural and Arboricultural Practices” means planting, *pruning*, and practices as defined by Best Practices of the International Society of Arboriculture (ISA), and the standards put forth in the most recent edition of the “Canadian Landscape Standard as published by the CSLA/CNLA”.

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“Specimen Tree” deleted by Bylaw #5838.

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“Stream” includes any of the following that provides fish habitat:

- a) any “Fish Bearing” Class “A”, or “Non-Fish Bearing”, Class “B” and “C” watercourse based on the Township of Langley’s Watercourse Classification Map, or other current information from the Federal Department of Fisheries and Oceans, and/or the Provincial Ministry of Forest, Lands, and Natural Resources Operations;
- b) a watercourse, whether it usually contains water or not;
- c) a pond, lake, river, creek or brook; or
- d) a ditch, spring, or wetland that is connected by surface flow to something referred to in paragraph b) or c) of this definition.

The *Municipality* will ask for further environmental site evaluation by a Qualified Professional, in order to satisfy Township policies and procedures related to environmental sustainability goals and climate change mitigation policies.

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“Topping” means the removal of major portions of a tree crown by cutting branches to stubs or to the trunk or cutting of the main leader or branches, and includes *re-topping* of previously *topped protected trees* as defined by the International Society of Arboriculture.

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“Tree” deleted by Bylaw #5712

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“Tree Protection Barrier” means a sturdy protection barrier or temporary fence at least 1.2 metres in height, installed around the *critical root zone* of a *protected tree* that is to be retained as per Schedule “A”.

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“Tree Retention Area” means those areas within the Municipal boundary of the Township of Langley.

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“Tree Risk Assessment Qualification” (TRAQ) means an *Arborist* with additional training and qualified by the International Society of Arboriculture as proven proficient in basic tree risk assessment as defined in the “ISA Best Management Practices: Tree Risk Assessment”.

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“Undue Hardship” deleted by Bylaw #5838.

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“Watercourse” deleted by Bylaw #5712

3. Application of Standards

Except as otherwise set out in this bylaw, the standards and requirements for property prescribed in this bylaw apply to *protected trees* which are:

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- a) On land owned or in the possession of the *Municipality*
- b) On a privately-owned *parcel* of land in the *Municipality*
- c) within a development permit area;
- d) within a *tree retention area*; or
- e) identified for retention and protection as part of a subdivision, development permit or building permit approval process.

This bylaw does not apply to:

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- f) private land used for the production or *cutting of protected trees* under a valid, existing licence for a tree farm, nursery or Christmas trees; or
- g) land that is currently designated as Agricultural Land Reserve as defined under the Agricultural Land Commission Act; or
- h) land that is subject of a development application.

4. Schedule and Severability

If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

This Bylaw is cited as “Tree Protection Bylaw No. 5478”.

RESTRICTIONS AND EXEMPTIONS

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5. Restrictions

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5.1. A person must not cut or remove any *protected tree*, or cause, suffer or permit any *protected tree* to be *cut or removed*, except in accordance with the terms and conditions of a valid *permit* issued under this bylaw.

5.2. A person must comply with the terms and conditions of a *permit* issued under this bylaw.

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5.3. Except to the extent permitted by a *permit*, or as provided for in Section 6 and Section 8, a person must not damage a *protected tree* by carrying out any of the following activities:

- a) *cutting* or damaging the roots of a *protected tree* growing within the *critical root zone*;
- b) operating trucks, backhoes, excavators or other heavy equipment within the *critical root zone* of any *protected tree*;
- c) storing or placing fill, building materials, asphalt or a building or structure on land inside the *critical root zone* of a *protected tree*;
- d) denting, gouging, tearing, girdling, piercing or otherwise damaging the trunk or removing bark from a *protected tree*;

- e) depositing concrete washout or other liquid or chemical substances harmful to the health of a *protected tree*, or burying garbage or debris on land inside the *critical root zone* of a *protected tree*;
- f) adding or removing soil from inside the *critical root zone* of a *protected tree*;
- g) blasting or burning inside the *critical root zone* of a *protected tree*;
- h) *cutting back* a *protected tree*'s branches contrary to *sound horticultural and arboricultural practices* so as to significantly alter the form of the tree canopy consistent with the typical form of the species, except if the *protected tree* forms part of a *hedge*;
- i) trenching utilities or irrigation lines, or otherwise undermining the roots of a *protected tree* growing inside the *critical root zone*; or
- j) altering the ground water or surface water level within the *critical root zone* of a *protected tree*.

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5.4. Not including trees in a Streamside Protection and Enhancement Area, a *permit to cut or remove a protected tree* may be issued by the *Municipality* only in the following circumstances:

- a) Where the *Municipality*, or an engineer employed by any *public utility*, certifies that in their opinion a tree is impairing, interfering with, or presents a risk or hazard to the operation of *public utility* equipment and appurtenances and that the impairment, interference or risk cannot be reduced or removed in any way other than the removal of the *protected tree*;
- b) Where a *protected tree* is situated on a lot outside the Agricultural Land Reserve, which is zoned to permit agricultural use and the application is accompanied by an *Arborist report* and by a sworn declaration of the *owner* declaring that the *protected tree* is to be *cut or removed* to permit agricultural use, that the agricultural use cannot be located elsewhere on that lot so as to accommodate the *protected tree*, and where the *owner* enters into a restrictive covenant registered on the title of the lot documenting that the *owner* has agreed not to make application for development of the lot for a period of ten (10) years, and that all applicable provisions of this bylaw, as determined by the *Municipality*, will apply should the development application be considered for the lot within the ten (10) year period.
- c) Where the *Owner* submits an application for tree removal supported by photographic evidence that the tree(s) are dead, dying, damaged, diseased or in decline beyond expectations of recovery;
- d) Where the *Owner* submits an application for tree removal for a *protected tree* in *imminent failure*;
- e) Where the *Owner* submits an application for tree *removal* related to a building permit application permitted by Zoning Bylaw 1987 No 2500 as amended or replaced from time to time, or amended by an approved Board of Variance application, and where the building envelope or septic field layout, location, or shape will impact the viability of the *protected tree*;
- f) Where the *Owner* submits an application for tree *removal* related to a driveway application permitted by the Highway and Traffic Bylaw 2020 No 4758, as amended or replaced from time to time, where the driveway layout, location, or shape will impact the viability of the *protected tree*; or

- g) Where the *protected tree*, by virtue of its size and species, is inappropriate for its location, supported by an *Arborist report* which documents the reasons that the *protected tree*, by virtue of its size, species, and location is inappropriate, all to the satisfaction of the *Municipality*.

5.5. Deleted by Bylaw #5838

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6. Exemptions

6.1. A *permit* is not required to *cut or remove a protected tree* where:

- a) a development permit, rezoning and/or subdivision has been approved which addresses the removal of the *protected tree*;
- b) the *tree cutting or removal* is in respect of a *protected tree* situated on a lot within the Agricultural Land Reserve and is necessary for the purposes of active farm operations as defined in the Farm Practices Protection (Right to Farm) Act, as amended from time to time, or farm operations which will be commenced within 30 days or within a longer time period if deemed reasonable by the *Municipality*, in its sole discretion. Properties not located within the ALR are subject to section 5.4 b) of this Bylaw;
- c) the *tree cutting or removal* is for the installation of roads or services shown on an engineering drawing approved by the *Municipality* in respect of a building permit or subdivision approval;
- d) the *tree cutting or removal* is carried out by the *Municipality* or its agents on public property;
- e) the *tree cutting or removal* is carried out using standard arboricultural practices for the maintenance of above ground utility conductors by a *public utility* or its contractors;
- f) the *tree cutting or removal* is of a *protected tree* less than 20 centimetres *dbh* by a British Columbia Land Surveyor when cutting survey lines of a width of less than 2 metres;
- g) the *cutting or removal* constitutes normal *pruning of protected trees*, including *pruning by a public utility* in accordance with *sound horticultural and arboricultural practices* or as required for the safe operation of overhead transmission lines; or
- h) the *protected tree* is less than 20 centimetres *dbh*.

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6.2. A *permit* is not required for the *pruning of a hedge*.

PERMIT APPLICATION PROCESS

7. General Conditions of Permit

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7.1. A *permit* for the *cutting or removal* of any *protected tree* to which this bylaw applies shall be in the form issued by the *Municipality*.

7.2. A *permit* issued under this bylaw is non-transferable.

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7.3. The *permit* shall be displayed in an accessible and visible location on the *parcel* to which it pertains during *protected tree cutting or removal* operations.

8. Application Requirements

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- 8.1. Every application for a *permit* shall be made in writing to the *Municipality* and shall include:
- a) a non-refundable application fee in the amount set in the Fees and Charges Bylaw 2007 No. 4616, as amended or replaced from time to time;
 - b) a *tree cutting* plan drawn to approximate scale identifying:
 - A. the boundaries of the subject *parcel*;
 - B. any abutting streets, lanes or public access rights of way;
 - C. the location of existing buildings and structures;
 - D. the location, species and *dbh* of those *protected trees* proposed to be *cut or removed*;
 - E. the location, species and *dbh* of those *protected trees* proposed to be retained and protected; and
 - F. the location of significant topographic and hydrographic features and other pertinent site information;
 - c) the street location and legal description;
 - d) the consent in writing of the registered owner of the property, if different from the applicant, authorizing the applicant to act as the owner's agent;
 - e) the methods proposed for control of drainage and erosion impacts during and after the *protected tree cutting or removal*;
 - f) the proposed methods for disposal of wood waste and other debris;
 - g) the proposed methods of noise and dust control during the *protected tree cutting or removal* operation;
 - h) the proposed completion dates for *protected tree cutting or removal*;
 - i) the following documents, plans and information relating to the proposed *cutting or removal* of a *protected tree*:
 - i. In *imminent failure*, dead, dying, damaged, diseased, or in decline beyond expectations of recovery:
 - A. photographic evidence;
 - ii. *Inappropriate* for its species, size, or location:
 - A. *an Arborist report*
 - j) Upon submission and review of any application that requires an *Arborist report*, the *Municipality* may ask for further and specific information as deemed necessary and at their sole discretion, in order to evaluate the *Arborist report* and/or the rationale for proposed *removal* of any *protected tree* or *protected trees* for its species, size and location; and
 - k) The *Municipality* may also request, as applicable:
 - i. a report prepared by a professional engineer, professional biologist or certified *Arborist* with experience in, as the circumstances require, geotechnical engineering, hydrology or tree management, certifying that the proposed *cutting or removal* of the *protected tree* will not create an adverse impact including flooding, erosion, land slip or contamination of a *stream*;

- ii. where the site of the *tree cutting or removal* is on a *parcel* adjacent to or containing any part of a *stream*, a survey prepared by a BC Land Surveyor or professional engineer showing the top-of-bank of such *stream*; and
- iii. any applicable Federal or Provincial submissions for approvals, including a Bird Nesting Survey if removing *protected tree* between March 15 and August 1 as per the Wildlife Act (British Columbia) and its regulations.

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9. Replacement Trees

9.1. As a condition of issuing a *permit* issued under Sections 5.4 e), and f) of this bylaw, it is required that a cash-in-lieu payment, as outlined in Fees and Charges Bylaw 2007 No 4616 as amended or replaced from time to time, shall be paid to the *Municipality* to fulfil the replacement tree requirement at a future date on a Municipally owned property, in a location designated by the *Municipality*. The number of replacement trees to be provided by cash-in-lieu shall be as follows:

- a) *Protected trees* with a *dbh* of between 20 and 30 centimetres is 1 to 1; and
- b) *Protected trees* with a *dbh* of 31 centimetres or greater is 2 to 1.

If a *protected tree* or *protected trees* located on any *parcel* form part of a *hedge*, the *Municipality* may require that less than one *replacement tree* be planted and maintained for each *protected tree* that is cut.

9.2. through 9.7 deleted by Bylaw #5838.

10. Permit Issuance or Refusal

10.1. The *Municipality* may issue a *permit* if:

- a) an application for a *permit* complies with the requirements of this bylaw; and
- b) the proposed tree *cutting or removal* complies with this bylaw and all other applicable Municipal bylaws.
- c) the Permit Fee to Remove Protected Trees, as outlined in Township of Langley Fees and Charges Bylaw 2007 No. 4616, as amended or replaced from time to time, has been paid.

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10.2. The *Municipality* may refuse to issue a *permit* if the proposed *protected tree cutting or removal* is within a *tree retention area*.

11. Expiry

11.1. Every *permit* shall expire 12 months from the date of issue or upon such earlier date as may be specified in the *permit*.

12. Renewal, Extension or Modification

12.1. If the tree *cutting or removal* operations authorized by a *permit* are not completed before the *permit* expires, or it becomes necessary to alter or deviate from the particulars of the *permit* application or the *tree cutting* plan submitted for a *permit*, the *Municipality* may renew, extend or modify the *permit* upon written request of the *permit* holder, subject to the following:

- a) a *permit* holder has no vested right to receive an extension, renewal or modification and the *Municipality* may require that a new *permit* be obtained;

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- b) the *permit* holder shall pay a non-refundable fee in the amount set from time to time in the Fees and Charges Bylaw 2007 No. 4616, as amended or replaced from time to time;
- c) the *Municipality* may not renew or extend a *permit* for a period of more than two (2) years from the date of issuance of the original *permit*;
- d) the *Municipality* may require that the *permit* holder provide additional information authorized by this bylaw as a pre-condition to considering an application for a *permit* renewal, extension or modification; and
- e) all terms and conditions set out in the original *permit* shall apply to each renewal, extension or modification of the *permit* except as amended or modified by the renewal, extension or modification.

REGULATIONS

13. Tree Cutting or Removal

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13.1. Every *cutting or removal* of a *protected tree* shall comply with, and every *permit* issued under this bylaw is subject to, the observance or fulfilment of the following requirements, restrictions and regulations, to the satisfaction and approval of the *Municipality*:

- a) tree parts and woodwaste shall be properly disposed of by chipping or removal from site in accordance with all applicable Municipal bylaws and Provincial regulations;
- b) each *protected tree* to be *cut or removed* shall be clearly identified with a flag, paint, survey tape or other such method;
- c) a *tree protection barrier*, as shown on Schedule "A", shall be placed around any *protected tree* or *protected trees* which are not to be *cut or removed*, in such a manner to ensure that the trunk, branches and root system are not damaged by the *cutting or removal* operations. The *tree protection barrier* must be constructed prior to the issuance of the *permit* and must remain intact for any construction or demolition site throughout the entire period of construction or demolition;
- d) precautions shall be taken to ensure that *protected trees* which are not to be *cut or removed* are not subject to any of the damaging activities prohibited by subsection 5.3;
- e) tree *cutting or removal* activities may be carried out between the hours of 7:00 am and 8:00 pm on weekdays and 9:00 am and 5:00 pm on Saturdays, except in the event of an *imminent failure*. No *tree cutting or removal* activities may be carried out on Sundays or statutory holidays;
- f) all damage to drainage facilities, *streams*, *highways* or other public or private property arising from the *removal* of a *protected tree* shall be promptly and properly repaired to the satisfaction of the *Municipality* at the expense of the *permit* holder, failing which the *Municipality* may undertake the necessary repairs and invoice the *permit* holder for immediate payment;
- g) all *streams*, groundwater aquifers, waterworks, ditches, drains, sewers or other established drainage facilities shall be kept free of all wood waste arising from or caused by the tree *cutting or removal* operations;

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- h) all hazards or potential hazards arising from the tree *cutting or removal* operation shall be adequately fenced or otherwise protected for the safety of the public;
- i) tree *cutting or removal* operations must not encroach upon, undermine, damage or endanger any adjacent property or any setback area prescribed in the *permit* or a bylaw; and
- j) tree *cutting or removal* operations shall be limited only to the area specified in the *permit* which shall be clearly marked at the site and such markings maintained for the duration of the *permit*.

13.2. The *Municipality* may issue a *permit* subject to the observance or fulfilment of any additional conditions specified in the *permit* which in the opinion of the *Municipality* are necessary to achieve the purposes of this bylaw.

ADMINISTRATION

14. Inspection

14.1. The *Municipality* is hereby authorized at all reasonable times to enter upon and inspect any lands to determine whether the requirements, restrictions, regulations, terms, conditions and directions of this bylaw or a *permit* issued under this bylaw are being observed.

14.2. The *Municipality* may, at all reasonable times, assess or inspect, or cause an assessment or inspection to be made of any *protected trees* to which this bylaw applies, including an assessment of the location, size, species and condition of such *protected trees*, in the following circumstances:

- a) where land is subject to an application for subdivision, approval of a servicing plan prior to subdivision, a development permit, a development variance permit, a temporary commercial or industrial use permit or a building permit; or
- b) when an application for a *permit* to carry out tree *cutting or removal* operations has been made under this bylaw.

14.3. No person shall prevent or obstruct or attempt to prevent or obstruct the *Municipality* from entering upon lands as authorized by subsections 14.1 and 14.2.

14.4 *Deleted by Bylaw #5838*

15. Notice of Non-compliance

15.1. The *Municipality* may give notice, in the form established in Schedule "B", to any person of a breach of, or non-compliance with, any of the provisions of this bylaw or a *permit* issued under this bylaw, and such person shall immediately cease all tree *cutting or removal* activities until such breach or non-compliance is remedied to the satisfaction of the *Municipality*, and every *owner* of land shall refuse to suffer or permit further tree *cutting or removal* operations upon the *owner's* land until such time as the breach or non-compliance is remedied to the satisfaction of the *Municipality*.

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16. Failure to Remedy Non-compliance

16.1. In the event that a person having received notice under Section 15 fails within the time specified therein to remedy such breach, the *Municipality* or its appointed agents may enter upon the lands or any part thereof and carry out the works required to remedy the breach, and the expense of doing so shall be paid by the person in breach and, if not paid within 90 days, the expense, with interest at the prescribed rate and costs, shall be recovered from the *owner* of the lands in the same manner as municipal taxes.

17. Suspension or Cancellation of Permit

17.1. Without limiting the application of Part 19 (Offences and Penalties), if:

- a) there is a contravention of any term, condition, requirement or restriction of this bylaw or a *permit* issued under this bylaw; or
- b) a *permit* was issued under this bylaw on the basis of statements made in the *permit* application or a report, declaration or record required under this bylaw, that were false or misleading with respect to a material fact or that omitted to state a material fact, the omission of which made the statement false or misleading;

the *Municipality* may:

- i. suspend in whole or in part the rights of the *permit* holder under the *permit*;
- ii. cancel the *permit*; or
- iii. amend or attach new conditions to a *permit* with the consent of the *permit* holder.

18. Right of Reconsideration

18.1. Where an applicant or *owner* of property is subject to a requirement or a decision made by the *Municipality* under this bylaw and is dissatisfied with the requirement or decision, the applicant or owner may apply to the Municipal *Council* for reconsideration of the matter within 30 days of the requirement or decision being communicated to them.

18.2. An application for reconsideration must be delivered in writing to the Municipal Clerk and must set out the grounds upon which the applicant considers the requirement or decision of the *Municipality* is inappropriate and what, if any, requirement or decision the applicant or *owner* considers the *Council* ought to substitute.

18.3. At the meeting of *Council*, *Council* may hear from the applicant and any other person interested in the matter under reconsideration who wishes to be heard and may either confirm the requirement or decision of the *Municipality* or substitute its own requirement or decision.

OFFENCES AND PENALTIES

19.1. Any person who contravenes or violates any provision of this bylaw or of any *permit* issued under this bylaw, or who suffers or allows any act or thing to be done in contravention or violation of this bylaw or any *permit* issued under this bylaw, or who fails or neglects to do anything required to be done under this bylaw or any *permit* issued under this bylaw, including a bylaw notice issued pursuant to the Bylaw

Notice Enforcement Bylaw 2008, No. 4703, as amended from time to time, commits an offence; and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

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19.2. Where one (1) or more *protected trees* is *cut or removed* or damaged, other than as authorized by this bylaw, a separate offence is committed in respect of each such *protected tree*.

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26/07/21

19.3. Every person who violates any of the provisions of this bylaw or an offence against this bylaw:

- a) is liable on summary conviction to a fine not exceeding ten thousand dollars (\$10,000); and
- b) may be subject to penalties specified in the "Township of Langley Bylaw Notice Enforcement Bylaw 2008 No. 4703" as amended from time to time per *protected tree* and *replacement tree*. Every day a violation or offence continues shall be deemed a new offence.

19.4. In addition to the penalties imposed under section 19.3, by order of the court, a person convicted of an offence under this bylaw may be directed to:

- a) not do any act or engage in any activity that may result in the continuation or repetition of the offence;
- b) pay the costs incurred by the *Municipality* in investigating and prosecuting the offence;
- c) pay compensation to the *Municipality* for any damage or loss sustained by the *Municipality* because of the commission of the offence to a maximum of \$25,000 or higher monetary limit as may be specified under the Small Claims Act in force at the time of the offence; or
- d) take any action the court considers appropriate to remedy any harm that resulted from the commission of the offence.

19.5. Pursuant to section 19.4 (d) the *Municipality* may seek an order directing a person convicted of an offence under this bylaw to complete an education or training program for instruction in appropriate care and management of trees to a standard established by a provincial, national or international body for professional arboriculture, landscaping, or nursery practice.

#5712
26/07/21

19.6. A person who removes a *protected tree* as *imminent failure* without a *permit*, must provide documentation (photos, etc.) or, an *Arborist report*, within 24 hours of the date of *removal*, or in the case of a *removal* which takes place on a weekend or holiday, on the next business day after the date of *removal*, apply for a *permit* for such *removal*, and take all action necessary to obtain issuance of such tree *permit*.

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19.7. In addition to any other penalty which may be imposed under this bylaw, where a person *cuts, removes* or damages, or causes, suffers or permits any *protected tree* to be *cut, removed*, or damaged in contravention of this bylaw or in violation of any term or condition of a *permit* issued under this bylaw, that person, within 30 days of receiving notice of such requirement from the *Municipality*, shall provide a cash-in-lieu payment as outlined in Fees and Charges Bylaw 2007 No. 4616 as amended or replaced from time to time, for a minimum of four (4) trees for each *protected tree* unlawfully *cut, removed*, or damaged, or other such number of trees as determined by the *Municipality*.

19.7 a) and b) deleted by Bylaw #5838.

20. Repeal

20.1. Brookwood-Fernridge Tree Protection Bylaw 2017 No. 5301 is hereby repealed.

READ A FIRST TIME the	27	day of	May	, 2019
READ A SECOND TIME the	27	day of	May	, 2019
PUBLIC INPUT OPPORTUNITY	10	day of	June	, 2019
READ A THIRD TIME the	24	day of	June	, 2019
RECONSIDERED AND ADOPTED the	08	day of	July	, 2019

“JACK FROESE”

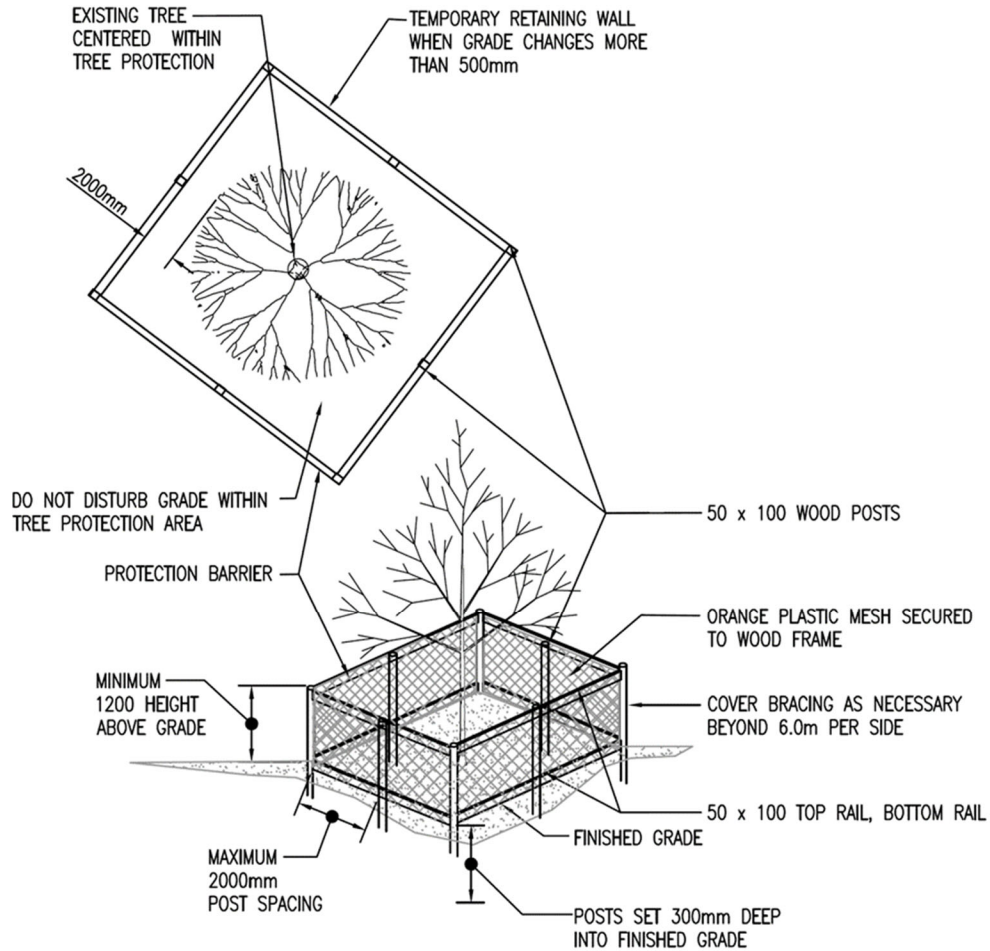
Mayor

“WENDY BAUER”

Township Clerk

SCHEDULE A to BYLAW NO. 5478

Tree Protection Detail



Notes

1. Install *tree protection barrier* before site clearing and initiation of construction.
2. Maintain *tree protection barrier* during clearing and site construction.
3. Keep area within or against protection barrier clear of building materials, litter and standing water.
4. Do not disturb existing grades within tree protection area for protected retained trees.
5. The *Owner* is responsible for maintenance within *tree protection barrier*. Damaged trees will be replaced at *Owner's* cost.
6. Tree Protection Bylaw prescribes penalties for non-compliance with bylaw.
7. Any disruption or planting within the tree protection area is to be supervised by the Municipality.
8. Retained trees to be watered to ensure tree health.
9. Where the *critical root zone* of a tree is within 4m from any excavation, demolition, construction, fill or engineering works proposed on a lot, the *Owner* shall install a *tree protection barrier* around the *critical root zone*.
10. Where the *critical root zone* of a tree on an adjacent lot is within 4m from any excavation, demolition, construction, fill, or engineering works proposed on a lot, the *Owner* shall install a *tree protection barrier* around the *critical root zone* to the property line of the *Owners' lot*.

#5838
13/03/23

SCHEDULE B to BYLAW NO. 5478

**NOTICE OF NON-COMPLIANCE
and
STOP WORK ORDER**

YOU ARE HEREBY NOTIFIED that the Township of Langley considers activity on this property to be in breach of its ***Tree Protection Bylaw Number 5478***,

AND ALL PERSONS SHALL IMMEDIATELY CEASE the following activity on this property:

EVERY PERSON WHO FAILS TO COMPLY WITH THIS ORDER MAY, UPON CONVICTION FOR AN OFFENCE AGAINST THE SAID BYLAW, BE LIABLE TO A PENALTY AS STIPULATED IN THE BYLAW.

Persons affected by this Order may seek further information at the Bylaws Department, Township of Langley Civic Facility at 20338 - 65 Ave, Langley, British Columbia V2Y 3J1.

ADDRESS of PROPERTY

DATE

FOR THE TOWNSHIP of LANGLEY

NO PERSON MAY REMOVE REVERSE, ALTER, DEFACE, COVER, OR IN ANY WAY TAMPER WITH THIS NOTICE WITHOUT AUTHORIZATION BY THE TOWNSHIP OF LANGLEY.