



VILLAGE OF FRASER LAKE

BYLAW NO. 852, 2024

BEING A BYLAW OF THE VILLAGE OF FRASER LAKE TO REGULATE THE MANAGEMENT OF TREES

WHEREAS pursuant to Section 8(3)(c) of the *Community Charter*, Council is authorized to enact bylaws to preserve and protect Trees within the Village and to regulate their planting, maintenance, removal, and Replacement;

AND WHEREAS Trees provide significant infrastructure, community, economic, environmental, and health benefits to residents and the Village;

AND WHEREAS Trees can pose a risk to public safety, damage infrastructure, spread disease and pests, and spread fire;

AND WHEREAS Council considers it in the public interest to provide for the planting, protection, preservation, regulation, removal, and Replacement of Trees;

THEREFORE the Council of the Village of Fraser Lake, in an open meeting, enacts the following:

PART 1 – TITLE, DEFINITIONS, AND APPLICATION

1.1 TITLE

This bylaw may be cited as “Bylaw 852, Tree Bylaw”.

1.2 DEFINITIONS

In this bylaw:

Applicant	The owner of a parcel of land, or a person authorized by the owner to make an application under this Bylaw.
Cut	Cutting down, pulling out, pushing or pulling over, or otherwise felling a Tree. “Cutting” shall have the corresponding meaning.
Damage	Any action taken which will likely cause a Tree to die or decline, including but not limited to poisoning, ringing, burning, topping, root

	compaction, root cutting, excessive pruning, and bark removal. “Damaged” and “Damaging” shall have the corresponding meaning.
Dead Tree	Either a deciduous tree that, in a given summer, produces no leaves, or a conifer whose needles have turned completely brown.
Development Approval	The approval of an application for an Official Community Plan or Zoning Bylaw amendment, subdivision, development permit, development variance permit, temporary use permit, or building permit available under a Bylaw of the Village.
Dispose	Includes removing a cut Tree from the lot where it exists, grinding or mulching a Tree or parts of a Tree, cutting a Tree or parts of a Tree into lumber, and splitting or cutting a Tree or parts of a Tree for use as firewood. “Disposal” shall have the corresponding meaning.
Drip Line	A line formed around a Tree by the intersection of the ground and a vertical line extending down from the outermost branches of the Tree.
Fire-resistant Trees	Tree species that are resistant to fire and spreading fire, and include but are not limited to: <ul style="list-style-type: none"> • Alder • Ash • Aspen • Birch • Cherry • Cottonwood • Maple • Poplar
Hazard Tree	A Tree identified by Certified Personnel as being in such a condition that there is substantial likelihood that all or part of the Tree will fail, resulting in the risk of personal injury or property damage.
Highly-flammable Trees	Trees that are susceptible to fire and spreading fire, and include but are not limited to: <ul style="list-style-type: none"> • Cedar • Fir • Spruce • Pine
Invasive Species	Any species listed in Section 1 and any species that lists Bulkley-Nechako in Column 2 of Table 1 of the Schedule to the Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation under the <i>Community Charter</i> as an “alien invasive species”.
Replacement Tree	A Tree required to be planted in accordance with this Bylaw
Tree	A woody perennial plant that, at maturity, typically exceeds 2 metres in height and/or 10 centimetres in diameter.
Shrub	A perennial plant that, at maturity, is typically at least 30 centimeters in height but does not exceed 2 metres in height.
Village	The Corporation of the Village of Fraser Lake

1.3 APPLICATION

- (a) This bylaw applies to all lands under the jurisdiction of the Village.

PART 2 – MEASUREMENTS

2.1 DIAMETER

- (a) The diameter of a trunk of a Tree is measured at 1.4 metres above the level of the natural ground at the base of the Tree.
- (b) The diameter of a Tree having multiple trunks at 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.
- (c) Where the trunk of a Tree is growing on a parcel line or other setback line, the Tree shall be deemed to be located on the same side of the line as the majority of the trunk measured at 1.4 metres above the level of the natural ground at the base of the Tree.

PART 3 – PROHIBITIONS, EXEMPTIONS, AND PERMITS

3.1 PROHIBITIONS

- (a) No person shall cut, damage, or dispose of a Tree, or cause, suffer, or permit a Tree to be cut, damaged, or disposed of, except where permitted by and carried out in accordance with the terms of this Bylaw.
- (b) No person shall fail to comply with the terms and conditions of a permit issued under this Bylaw

3.2 EXEMPTIONS

- (a) Village staff, in the execution of their regular duties, will not require a permit under this Bylaw.
- (b) A permit is not required where, in the opinion of Village staff or the owner or occupant of a property, a Tree or part of 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 causing personal injury or damage to property or infrastructure.
 - i. Where a Tree or part of a Tree is cut under this subsection, disposal of the Tree may require a permit under this Bylaw for the Village to ascertain the veracity of the emergency claim
- (c) A permit is not required where a Development Approval from the Village is in place.
- (d) A permit is not required for Tree cutting or removal that is undertaken by a provincially or federally owned or regulated utility on land owned by the utility and done for the purpose of safety, maintenance, or operation of the utility's infrastructure.

3.3 PERMITS

- (a) Permit applications must be submitted to the Village either in-person or electronically in the appropriate form, as amended from time to time.
- (b) Unless otherwise noted in Section 3.2, a permit is required for the cutting and disposal of any Tree with a diameter greater than 10 centimetres or any Replacement Tree
- (c) A permit application must include the following information:
 - i. Name and signature of the Applicant
 - ii. Written consent of the owner of the parcel if the Applicant is not the owner
 - iii. Civic address of the parcel
 - iv. Statement of purpose and rationale for the proposed Tree cutting or disposal
 - v. A diagram indicating:
 - i. Existing streets, lanes, and public access rights of way;
 - ii. Location of existing buildings and structures;
 - iii. Location and diameter of all Trees on parcel;
 - iv. Photographs of proposed Trees to be cut or disposed of;
 - v. Location of any waterways, and;
 - vi. Location of any slopes greater than 30%.
 - vi. Planned method for disposal of proposed Tree(s)
 - vii. A proposal for Replacement Trees, as required
 - viii. Proposed dates for the cutting and disposal to take place
 - ix. Any necessary closure of a roadway, laneway, or other public right of way during the cutting operation
 - x. Written consent of the owners of any neighbouring parcels whose space will be needed during the cutting operation
- (d) Complete applications will be assessed by the Director of Operations, or any other Village staff person designated by the Chief Administrative Officer and responded to within ten (10) working days.
 - i. A permit may be issued indicating:
 - i. The date or date range the cutting operation is approved to take place;
 - ii. The Tree(s) approved to be cut;
 - iii. Any Tree(s) not approved to be cut;
 - iv. The approved means of disposal, and;
 - v. Any Replacement Tree requirements.

- ii. A permit may be denied, with the reasons for the denial outlined in writing citing the appropriate sections of this Bylaw.
 - iii. Further information may be requested, and receipt of new information will be allowed an additional 10 working days for a response.
- (e) The Village may enter any property for which a permit application has been submitted at all reasonable times to gather further information for the application.
- (f) Permits to cut or dispose of Trees may be issued for:
 - i. Abiding by FireSmart principles as outlined in Section 4.3
 - ii. The removal of invasive species
 - iii. The safety of users of roadways, laneways, and other public rights of way
 - iv. Hazard Trees
 - v. Dead Trees
 - vi. The protection, maintenance, or prolonged life of public infrastructure, utilities and/or private buildings
 - vii. To mitigate the spread of pests or diseases infecting Trees
 - viii. To limit wildlife conflicts
 - ix. Any other reason the Village approves, provided all Replacement Tree requirements are met.
- (g) Permits to cut or dispose of Trees may be denied for:
 - i. The maintenance of the Tree canopy and all the benefits it provides
 - ii. Applications for the removal of a Tree on a property not owned or occupied by the Applicant
 - iii. Protection of nesting birds
 - iv. Unfounded concerns about a Hazard Tree
 - v. Unfounded concerns about damage to public infrastructure, utilities, and/or private buildings
 - vi. Unfounded concerns about the spread of pests or diseases infecting Trees
 - vii. Unfounded concerns about wildlife conflicts
 - viii. Leaf or needle detritus being the primary reason for cutting or disposal
 - ix. Any other reason the Village deems necessary to protect the best interests of the community.

PART 4 – HAZARD TREES AND REPLACEMENT TREES

4.1 HAZARD TREES

- (a) The Village may, at all reasonable times, access any property to assess if there is a Hazard Tree onsite.
- (b) If the Village determines that a Tree is a Hazard Tree, the owner will be notified in-person, or via phone, email, or mail.
 - i. If the owner is notified via mail, they are deemed to have been notified 7 days after the mail was sent.
- (c) If the Village determines that a Tree is a Hazard Tree, a permit to cut the Tree will be issued without any application.
- (d) The owner of a property must cut any Tree deemed by the Village to be a Hazard Tree within 14 days of being notified or deemed to have been notified, at their own expense.
- (e) If the owner given notice does not take the required action within 14 days, the Village, by its employees or through a contractual arrangement, may enter the property and take the action specified in the permit at the expense of the owner.
- (f) If the owner does not pay for the Village's costs of carrying out the requirements set out in the permit within 90 days of the costs being incurred, the costs shall be added to and form part of the taxes payable on the property as taxes in arrear.

4.2 REPLACEMENT TREES

- (a) Any person who cuts a Tree without a permit may be required by the Village to plant Replacement Trees.
- (b) If specified by the Village as part of the issuance of a permit, a person may be required to plant Replacement Trees.
- (c) Replacement Trees must be watered and maintained at the owner's expense.
- (d) Replacement Trees that die within one year of being planted must be substituted for a new Replacement Tree at the owner's expense.
- (e) Replacement Trees must be:
 - i. At least 2 metres tall and/or have a diameter of 7 centimetres.
 - ii. Not be an invasive species
 - iii. Where possible, abide by FireSmart principles as outlined in Section 4.3
 - iv. Be planted at least 2.5 metres as measured from the drip line away from another Tree, any building or structure, any paved surface, any public access right of way, and any public or private infrastructure or utility
 - i. Where there is insufficient space to comply with this requirement and doing so would harm a Tree's health or reduce the likelihood of its survival, Replacement Trees may instead be planted by the Village, on Village property, at a ratio of 2:1 at the owner's expense.

- (f) Replacement Trees must be planted within one year of the cutting of another Tree and planted in accordance with best practices in the season that best guarantees its survival.
- (g) Photographs of planted Replacement Trees must be brought in-person, mailed, or sent electronically to the Village within 30 days of Replacement Trees being planted.
- (h) If a person cuts, damages, or disposes of a Tree on Village property, the Village may require Replacement Trees at the person's expense.
- (i) If a person does not plant a Replacement Tree in accordance with this bylaw, the Village may:
 - i. At any reasonable time, enter onto the property and plant a Replacement Tree at the owner's expense.
 - i. The owner will be responsible for the care and maintenance of this Tree pursuant to subsection (c) and is responsible for the cost of replacing a Replacement Tree pursuant to subsection (d).
 - ii. Plant 2 Replacement Trees on Village property at the owner's expense.
- (j) The Village may require Replacement Trees:
 - i. At a ratio of 3:1 for the unpermitted cutting of or damage to any Tree, except in accordance with Section 3.2 of this Bylaw
 - ii. At a ratio of 2:1 for any permitted cutting of Trees
 - iii. The Village may waive or alter these ratios if the Village is of the opinion that the remaining Tree cover on the parcel is sufficient to abide by the principles of this Bylaw
 - iv. The Village may waive or alter these ratios if the Village is of the opinion that Replacement Trees would increase the risk of damage to infrastructure, utilities, or private property.

4.3 FIRESMART

- (a) Within 1.5 metres of any home or structure:
 - a. Permits for cutting any Trees will be issued
 - b. No Replacement Trees are to be planted, but may be required elsewhere on the property
 - c. No shrubs are recommended
- (b) Within 10 metres of any home or structure:
 - a. Permits for cutting any coniferous or otherwise highly flammable Trees will be issued
 - b. Fire-resistant Replacement Trees will be required
- (c) Where existing Trees are closer to one another than 2.5 metres as measured from the drip line:

- a. Permits for cutting only the Trees necessary to increase the space between Trees to 2.5 metres as measured from the drip line will be issued
- b. Replacement Trees are to be planted in accordance with Section 4.2(e)(iv) of this Bylaw
- (d) Trees should be pruned of branches up to a height of 2 metres, provided pruning up to this height does not remove more than one-third of the canopy of the Tree

READ A FIRST TIME THIS 28 day of August 2024.

READ A SECOND TIME THIS 28 day of August 2024.

READ A THIRD TIME THIS 28 day of August 2024.

ADOPTED THIS 11 day of September 2024.

Sarrah Storey, Mayor

Ethan Fredeen, Corporate Officer