

**DISTRICT OF LANTZVILLE
BYLAW NO. 331**

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 of the District of Lantzville wish to regulate the cutting of Trees in the District;

NOW THEREFORE the Council of the District of Lantzville in open meeting assembled enacts as follows:

1. TITLE

This Bylaw may be cited for all purposes as "District of Lantzville Tree Protection Bylaw No. 331, 2022".

2. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

"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;

"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;

"Municipality" means the District of Lantzville; and

"Tree" means a woody perennial plant of any size with a trunk greater than 20 centimetres measured at a height of 1.4 metres 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 cut down, or permit the cutting down of any Tree on a parcel or parcels of land in the Municipality greater than one (1) acre in size.

4. EXCEPTIONS

This Bylaw does not apply to:

- a) Trees identified for cutting by the Ministry of Forests due to 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 regulation;

- 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 maintenance, surveying of the creation and upkeep of walkways and trails;
- f) British Columbia land surveyors during the discharge of their duties;
- g) Trees authorized to be removed in accordance with a Development Permit issued by the District;
- h) Trees on Crown land or land subject to the *Private Managed Forest Land Act*.

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 provisions(s) 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* RSBC, 1996 c 338 or as set out in the Municipal Ticket Information Bylaw No. 100, 2012, as amended from time to time.
- b) Each Tree that is cut down contrary to this Bylaw constitutes a separate offence.

READ A FIRST TIME this 3rd day of November, 2022.

READ A SECOND TIME this 3rd day of November, 2022.

READ A THIRD TIME this 3rd day of November, 2022.

ADOPTED this 5th day of November, 2022.

ORIGINAL SIGNED

ORIGINAL SIGNED

Mayor

Director of Corporate Administration