



POLICY FOR THE MANAGEMENT OF TREES ON CITY OWNED OR OCCUPIED LAND

1. Terms and Definitions

(1) In this Policy;

“apical” Means the main, dominant, central stem of a tree;

“arborist” means a person who is:

(a) certified by the International Society of Arboriculture (ISA), or certified as an arborist technician by the British Columbia Industry Training Authority ; and

(b) is certified as a tree risk assessor by the ISA : and

(c) holds a valid subsisting business licence from the City or a valid and subsisting inter-municipal business licence from a participating municipality;

“boulevard” means that portion of the street lying between the edge of pavement and the adjacent lot line; and for a street having two or more roadways, that portion of the street lying between the highways and which may be solid in construction or grassed;

“City”, “City Council” means the City of Colwood;

“certified tree risk assessor” means a certified arborist with additional current training and certification in tree risk assessment determined by Worksafe BC;

“damage”, “damaged”, or “damaging” means any action which will cause a tree to die or to decline in health, including, but not limited to girdling, ringing, removing bark from a tree, denting, gouging, puncturing or damaging a tree trunk, poisoning, burning, undermining structural roots within the critical root zone of a tree, depositing or removing soil from the base of a tree, excessive pruning, excessive crown raising, topping, or pruning in a manner not in accordance with the most recent edition of the American National Standards Institute Publication (ANSI) A300 and the most recent edition of the companion publication “Best Management Practices – Tree Pruning”, published by the International Society of Arboriculture;

“Director of Engineering & Public Works” means the person designated to manage the City’s parks and boulevards;

“drip line” means the area defined by the outermost circumference of a tree canopy where water drips from and onto the ground;

“hazardous tree” means a tree identified in writing by an arborist as having defects sufficient to significantly increase the likelihood that all or part of the tree will fall, resulting in a risk of personal injury, death, or property damage;

“highway” includes a public street, road, trail, lane, bridge, viaduct, walkway, and any other way open to public use;

“park” means areas designated or dedicated by plan or bylaw as parkland or natural open space, or included within the *Parks and Beaches Regulation Bylaw, 2011, No. 286*;

“natural area(s)” means areas that are typically made up of continuous tree cover in remnants of second growth forest or edgelands; continuous herbaceous cover with discontinuous tree cover, found along road, rail, waterfront and waterways;

“pruning” means the cutting of twigs, branches or roots in accordance with the most recent edition of the American National Standards Institute (ANSI) A300 and the latest edition of the companion publication “Best Management Practices – Tree Pruning”, published by the International Society of Arboriculture;

“remove”, “removed”, “removal”, or “removing” means to cut a tree and remove it from the lot where it exists;

“resident(s)” means the person or persons ordinarily residing within the municipal boundaries or persons who own property used for business purposes in the City;

“topping” or “topped” means the drastic reduction of a tree’s apical growth by removal of significant portions of a tree crown by cutting branches to stubs or to the trunk, or cutting the main leader or branches, and includes re-topping or previously topped trees;

“tree(s)” means long-lived perennial plant(s) that are woody and have a self-supporting trunk with a root system. May be deciduous or evergreen and includes all living parts;

“utility lines” Means all transmission lines for power, telephone, and cable and includes underground potable water, storm drainage, and sanitary drainage systems.

2. Protection of Trees on City-owned or occupied land

- (1) It is the express objective of the City to ensure the long-term sustainability of its urban forest assets.
- (2) Preservation of existing trees is a priority for the City, and is required whenever conditions permit.
- (3) The management of trees on City property is the responsibility of the City of Colwood's Engineering Department.
- (4) Only the City's Public Works staff or contractors approved by the Director of Engineering & Public Works (or designate) are authorized to carry out work on City trees.
- (5) No other person may plant, prune, remove, or otherwise undertake any activity that may affect the health and welfare of a tree on City property without first obtaining permission from the Director of Engineering & Public Works (or designate).
- (6) Penalties for the unauthorized cutting, breaking, injuring, removal or in any way destroy or damage of trees in City Parks or on any beach are included in the *Parks and Beaches Regulation Bylaw, 2011, No. 286*
- (7) Trees are considered joint property when any portion of the trunk crosses a property line.

3. Tree removal request

- (1) Requests for the removal of tree(s) from City property will not be considered:
 - a) for the enhancement or maintenance of view corridors;
 - b) due to shade becoming an issue with properties close to parks or natural areas;
 - c) due to issues or leaf, flower, seed litter, driveway upheaval, or any other naturally occurring, seasonal situation; or
 - d) that are in contravention or contradiction to federal or provincial Acts

- (2) Pruning work, solely where required for the maintenance or health of trees, will be carried out at the discretion of the Director of Engineering & Public Works (or designate).

4. Tree removal Criteria

- (1) Requests for the removal of tree(s) from City property will only be considered where the tree(s) is;
 - a) inhibiting or interfering with the normal development of a more desirable tree;
 - b) endangering the stability or health of another, more desirable tree;
 - c) a hazardous tree as determined by a certified tree risk assessor;
 - d) an extreme public nuisance or risk due to size, species, location, or overall condition;
 - e) causing a traffic safety and/or sightline problem by encroaching into a highway in such a way that visibility, pedestrian or vehicle clearance is reduced, and such problems cannot be mitigated by any other means;
 - f) impeding the development of a highway, utilities, drainage, or a City-owned facility, and such problems cannot be mitigated by any other means;
 - g) affecting overhead utility lines where pruning options are not considered practical, and a request from the utility provider to remove the tree(s) is in writing;
 - h) has been severely damaged by natural causes and poses an imminent danger of falling and injuring persons or property; or
 - i) the removal of the tree has been approved as part of an overall municipal plan.

5. Notification

- (1) Prior to the removal of a tree(s) notification will be provided by;
 - a) posting a sign on the tree(s); and/or

- b) information on the City's web site and/or social media
- (2) Emergency removal of City tree(s) can be undertaken by the City without notification.

6. Permit Application for Tree cutting

- (1) An application for tree cutting of City tree(s) that meets one or more of the criteria set out in section 4 of this Policy shall;
- (a) be made in the form prescribed by the City of Colwood and signed by the owner, agent or a signing officer if the owner is a corporation;
 - (b) provide a copy of insurance from a certified arborist indemnifying the City from all costs arising from the work; and
 - (c) provide a copy of the certified arborist's current Inter-municipal or City of Colwood business licence
- (2) As a condition of approval, the applicant;
- (a) must bear the entire cost of the tree(s) removal, including the stump;
 - (b) is responsible for the cost of supplying and installing appropriate replacement trees as detailed in Schedule A of this Policy, or as deemed appropriate by the Director of Engineering & Public Works.
- (3) In all cases, the City retains final and absolute discretion to refuse the removal of any tree(s) from City Property, even those which meet the criteria noted in Section 4 of this policy.

7. Damage to Property or Services

- (1) Damage from tree roots is considered a nuisance. There is currently no liability upon Municipalities in British Columbia on actions based on nuisance; by virtue of the current Provincial Statute Law governing municipalities, the City of Colwood is not responsible for such damage resulting from City trees.
- (2) Where it is noted that City trees may be responsible for damage to private property or services, residents will be requested to outline their concerns or claims in writing to the City.

8. Maintenance

- (1) A City tree that becomes a hazardous tree shall be maintained or removed by the City so as not to endanger, interfere or otherwise conflict with requirements of safe public use of an area.
- (2) City trees shall be maintained in such a manner as to promote general good health.
- (3) All pruning of City trees shall be completed by City staff or contractors approved by the Director of Engineering & Public Works (or designate).
- (4) Topping of City trees is not an acceptable pruning practice. No consideration to topping of City trees will be undertaken unless the following circumstances apply:
 - (a) No other options are available, and statutory clearance from overhead services is required; and/or
 - (b) A tree has been previously topped and requires re-topping to mitigate safety concerns; and/or
 - (c) Where a decision has been made by the City to remove a tree from a natural area, a tree may be topped to provide habitat as a “wildlife tree”.
- (5) City Staff shall complete pruning work on City trees, upon request and available resources, to ensure appropriate clearances from structures on private property.
- (6) Trees in “natural areas” will be maintained in as much of a natural state as possible.

9. Private Property

- (1) This Policy is for the management of trees on City property only, not private property.

10. Tree Planting

- (1) Trees removed from City property will be planted with a suitable replacement during the planting season where budget restraints allow.

- (2) All trees planted on City property will be in accordance with Schedule A of this Policy, or as otherwise deemed appropriate and agreed to in advance by the Director of Engineering & Public Works (or designate).
- (3) Planting areas will be evaluated by the Director of Engineering & Public Works (or designate) prior to the planting of any tree(s) on City property.
- (4) No tree(s) will be planted on City property where it is deemed a safety issue.
- (5) Street tree replacements shall be at a 2 for 1 ratio (two new trees for any one removed), unless the diameter of the tree removed is greater than 600mm; which shall be replaced at a 3 for 1 ratio (three new trees for any one removed).