

**Draft 7**  
**07-02-15**

**TOWN OF LADYSMITH**  
**BYLAW No. 0000**

Tree Protection Bylaw

**A BYLAW TO PROVIDE FOR THE PROTECTION AND PRESERVATION  
OF TREES WITHIN THE TOWN OF LADYSMITH**

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**WHEREAS**, pursuant to the provisions of the Community Charter, RSBC 2003. Council may, by bylaw, exercise certain powers to preserve and protect trees within the Township, to regulate their cutting and removal and to require their replacement; and

**WHEREAS** the Council considers it in the public interest to provide for the protection and preservation of trees, the regulation of their cutting and removal and their replacement;

**NOW THEREFORE** the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

## 1. CITATION

This bylaw may be cited for all purposes as “Town of Ladysmith Tree Protection Bylaw, 2007, No. 0000”

## 2. DEFINITIONS

In this Bylaw,

**“Arborist”** means a person currently certified by the International Society of Arboriculture as a professional Arborist or Arboriculturist;

**“Boulevard”** means all of that part of a road or highway not improved and designated for vehicular or pedestrian travel;

**“Breast Height”** means a point on the trunk of a tree, 1.3 metres above the natural grade of the land adjacent to the tree, measured from the base of the tree;

**“Bylaw Enforcement Officer”** means the person currently employed by the Town of Ladysmith to ensure all bylaws are being abided;

**“Council”** shall mean the Town Council of the Town of Ladysmith;

**“Cut Down”** means to cut down, kill or remove a tree by any means and without limiting the generality of the foregoing includes the topping of a tree or the removal of any branch or stem of a tree where the branch or stem removed or cut has a diameter of more than 10 centimetres (3.9 inches);

**“Diameter at Breast Height (DBH.)”** means the diameter of the trunk of the tree measured at breast height or 1.3 meters;

**“Director of Parks, Recreation & Culture, (Director)”** means the person appointed by the Town Council as the Director of Parks, Recreation and Culture and the deputy of such person or the person temporarily appointed to act on behalf of the Director and here after referred to by Director

**“Drip Line”** means a line on the surface of the ground around the trunk of a tree which is the vertical extension down from the outermost branches of a tree to the ground;

**“Engineer”** means the person appointed by the Town Council as the Director of Public Works, and the deputy of such person or the person temporarily appointed to act on behalf of the Director of Engineering Services;

**“Development Permit Area or Environmentally Sensitive Area”** means a specific area or parcel of land within the Town boundaries, which has been designated and declared as having habitat, growth or other natural features which are considered by the Town Council to be sensitive and necessary to protect from encroachment by development, vehicles, human access or contamination;

**“Hazardous”** includes any tree which due to its location, condition, health or any other circumstances has been determined by a Certified Arborist or the Director, presents a hazard to the safety of persons or to the public or to private property;

**“Heritage Tree”** means a tree listed and identified in Schedule “C” attached hereto;

**“Landmark Tree”** means a tree of the genus / species and size outlined in Schedule B attached hereto;

**“Owner”** means the registered owner in fee simple of a parcel of land and the trees growing on it;

**“Protection”** means taking any and all actions necessary to ensure that trees on a parcel of land are not in any way damaged;

**“Prune”** means the removal of living or dead parts of a tree, including branches in order to reduce size, to maintain shape, health, encourage flowering or to regulate growth;

**“Qualified Expert”** means either an Arborist certified by the International Society of Arboriculture, a forester registered with the Association of Forest Professionals, or a landscape architect registered with the B.C. Society of Landscape Architects; provided they have specialized training and experience;

**“Replacement Tree”** means a tree replacing a tree cut, removed or damaged in accordance with Section 13 and replaced with a tree listed in Schedule “D” of this bylaw;

**“Significant Tree”** means a tree which has been identified in this bylaw as being important to the community and includes heritage trees, landmark trees and wildlife trees;

**“Stem”** means the main ascending axis of a woody plant;

**“Tree Removal Permit”** means written permission from the Director authorizing the removal of one or more trees from a specified parcel of land;

**“Town”** means, as the context requires, the Town of Ladysmith or the area within the boundaries of the Town of Ladysmith;

**“Tree Management Plan”** means a plan of a parcel of land prepared by or for an owner indicating the location, size and type of trees which the owner proposes to cut or remove from the parcel of land or protect on the parcel of land;

**“Wildlife Tree”** means trees which provide shelter or wildlife habitat for an egg or a nest protected under Schedule A of this bylaw or which is listed under Section 34 of the Wildlife Act;

### 3. SIGNIFICANT TREES

Council considers:

3.1. The trees set out in “Schedule A” important to the community as wildlife habitat;

3.2. The trees set out in “Schedule B” important to the community for landmark value;

3.3. The trees set out in “Schedule C” important to the community for their heritage value;

#### **4. LOCATION AND MEASURING**

- 4.1. For the purposes of this bylaw:
- 4.2. the location of a tree on a lot must be measured at the point at which the trunk of the tree meets the ground;
- 4.3. a tree must be considered to be located on the same side of a building envelope line that the major part of the trunk of that tree is located;
- 4.4. the diameter of a tree is determined by dividing the circumference of its trunk, measured at 1.3 m above the ground, by 3.142;
- 4.5. the diameter of a tree having multiple trunks 1.3 m above the ground is the sum of:
- 4.6. 100% of the diameter of the largest trunk; and
- 4.7. 60% of the diameter of each additional trunk;

#### **5. APPLICATION**

- 5.1. Except in respect of a Significant Trees listed on Schedule A, B, or C, this bylaw does not apply to trees having a D.B.H. of less than 150mm;
- 5.2. Except in respect of a Significant Trees listed on Schedule A, B, or C, this bylaw does not apply to a parcel of land that is less than 0.6 hectares in size unless it is located within an Environmentally Sensitive Area or a Development Permit Area;

#### **6. CUTTING AND REMOVAL OR PRUNING OF TREES**

- 6.1. Except as provided in Section 6.2 a tree may only be cut or removed in accordance with all the provisions of this bylaw and pursuant to a valid and subsisting permit to do so. As noted in Section 15, no permit shall be required prior to the removal of any tree or part of any tree when there is imminent danger of the tree or any part of the tree falling and injuring persons or damaging property;
- 6.2. No permit, except in respect of a Significant Tree, is required to prune the roots or branches of a tree where pruning is required by sound arboricultural practice;

#### **7. PROHIBITIONS**

- 7.1. No person shall cut, remove or damage any Significant Tree, or a tree within a Development Permit Area in the Town of Ladysmith Official Community Plan, or suffer or permit any such tree to be cut, removed or damaged, except where permitted by and in accordance with the terms of this bylaw;
- 7.2. No person shall cut, remove or damage a tree growing on any land designated as a Development Permit Area in the Town of Ladysmith without first obtaining a Development Permit, except any tree certified by a Qualified Expert approved by the Town, in a written statement to be diseased or damaged beyond reasonable expectation of recovery, dead, or that for a specified reason, presents a hazard or danger to a person or a property;

- 7.3. No person shall cut, remove or damage a tree shown “to be retained” on a tree management plan or a plan attached to a Development Permit except where permitted by and in accordance with the terms of this bylaw;
- 7.4. No person shall fail to comply with the terms and conditions of a permit issued pursuant to this bylaw;

## **8. EXEMPTIONS**

- 8.1. This bylaw does not apply to trees cut or removed:
- 8.2. pursuant to the Hydro Power and Authority Act, R.S.B.C. 1979, c.188.  
if the tree or trees are hazardous and present an immediate danger to the safety of persons, or are likely to damage public or private property;
- 8.3. on land if forestry practices on the land are governed by a tree farm licence, permit or other authority or tenure under the Forest Act;
- 8.4. on land if section 21 of the Private Managed Forest Land Act applies to the land;
- 8.5. This bylaw does not apply to trees cut or removed on Town property in accordance with approved Town operations.
- 8.6. Any person acting under the written direction of the DPRC conducting work for and on behalf of the Town is exempt from the provisions of this bylaw.

## **9. OTHER WORKS**

- 9.1. Any excavation, construction or engineering works of any nature, howsoever authorized or permitted, carried out on, under or above land within five (5) metres of the Drip Line of any Protected Tree, shall be undertaken only to the extent and in a manner that does not damage the trunk, branches or root structure of any tree;

## **10. PERMITS**

- 10.1. Notwithstanding any provision of this bylaw, a permit for the cutting or removal of any tree prohibited by this bylaw from being cut or removed may be issued by the Director upon application by the Owner in accordance with this Section 10;
- 10.2. An application for a permit to cut or remove a tree shall be submitted on the forms as provided for this purpose by the Town and shall be accompanied by the applicable fee and by all documents listed as required on the application form, including a tree management plan;
- 10.2.1. Fees for a Tree Removal Permit shall be determined by the Town. Amount to be payable upon issuance of the Permit;
- 10.3. Where the application for a permit is made to facilitate a proposed building development, other than an individual single-family dwelling, and where one or more significant trees are proposed to be removed, the applicant shall make provision in the tree management plan to provide replacement trees as set out in Section 13;

- 10.4. Where an application for a permit is made to facilitate the subdivision of a parcel of land, the tree management plan shall provide for:
- 10.4.1. the protection or replacement of all significant trees on the parcel of land; and
  - 10.4.2. the protection of a minimum of 20-percent of the trees on the parcel of land exclusive of any area set aside for park dedication pursuant to the provisions of the Municipal Act, when the parcel of land to be subdivided is greater than 0.6 hectare in size;
- 10.5. When the application for a permit is made to facilitate the logging of commercial timber on a parcel of land, the tree management plan shall provide information on the logging methods and measures for the protection of trees which are to be left on the parcel of land. A tree management plan developed to facilitate the issuance of a permit for the logging of a parcel of land shall make provision for the retention of a minimum of 20-percent of the trees on the parcel of land exclusive of any area set aside for park dedication pursuant to the provisions of the Local Government Act and Community Charter;
- 10.6. The applicant shall mark all trees proposed to be removed or retained from a parcel of land in a manner satisfactory to the Director;
- 10.7. When it is proposed that one or more significant trees are to be cut during the course of the development of a parcel of land, the Director may consider approving removal of such trees subject to a satisfactory replacement program in the tree management plan. (Schedule 'D' provides suggested replacement trees);
- 10.8. The owner shall notify the Director prior to commencing any work authorized by a tree removal permit and following completion of the works authorized. It is the responsibility of the owner to notify the Director if any part of the work is not carried out in accordance with the tree removal permit;
- 10.9. Where an owner applies for a permit prior to the development and/or subdivision of a parcel of land, the tree management plan shall in addition to any other requirement of this bylaw, provide for the full protection of trees in an area equal to 5-percent of the parcel size at a location to be determined in consultation with the Director;
- 10.10. A permit to cut or remove a tree, other than a Significant Tree may be issued by the Director:
- 10.10.1. where the tree is certified as being an unreasonable hazard to the safety of persons or property in the opinion of a Qualified Expert;
  - 10.10.2. where the tree is certified by a Qualified Expert to be diseased or damaged beyond reasonable expectation of recovery, or is certified to be dead or in decline;
  - 10.10.3. where the Director, the Engineer or the duly authorized representative of an engineer employed by any public utility or a Qualified Expert certifies that in his or her opinion a tree is impairing, interfering with or, presents a risk or hazard to the operation of sewers, drains, water lines, electrical, telephone and cable lines, poles or other similar equipment and appurtenances and structures

as approved by the Town or highways and street works as approved by the Town or the Province of British Columbia or approved driveways, parking spaces or septic fields;

10.10.4. where a tree other than a Significant Tree situated within 2-metres of the building foundation wall permitted pursuant to zoning bylaws and/or a building permit approved by the Town, where the building configuration cannot reasonably be modified to accommodate the tree;

10.10.5. where a tree other than a Significant Tree is situated in a required yard or on a Boulevard and must be cut or removed for a driveway access route or the construction, placing or laying of any building, utility, structure or septic field and which is permitted pursuant to zoning bylaws and/or a building permit approved by the Town, where the layout or configuration cannot reasonably be modified to accommodate the tree;

10.10.6. for the pruning or topping of a Significant Tree where the pruning or topping is certified as being necessary by a Qualified Expert, and where it is certified the work will not affect the health or life expectancy of the tree, in which case the Director may require a condition of such permit that all pruning activity be carried out under the on-site supervision of a Qualified Expert;

10.10.7. Except as in Section 10.10.5, Significant Trees cannot be cut, removed, damaged or significantly altered in any way unless they are first removed by Order of Council from Schedule A, B or C;

10.11. The Director may, as a condition of any permit:

10.11.1. Require that the cutting or removal of trees or specific trees be carried out under the supervision of a Qualified Expert;

10.11.2. Revoke a Tree Removal Permit if the terms or conditions have been breached;

10.11.3. Determine the number, species and sizes of Replacement Trees required;

10.11.4. Determine the location of Replacement Trees when they are planted on private lands or on Boulevards; and

10.11.5. Refuse to grant a Tree Removal Permit in areas designated as Environmental Sensitive Areas or Development Permit Area;

10.12. No permit shall be issued until the Owner has complied with all the applicable requirements of Section 10 of this bylaw;

10.13. A tree prohibited from being cut or removed shall only be cut or removed where the Owner holds a valid approved and subsisting permit to do so;

## **11. OFFENCE**

11.1. Every person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done or omits to do anything required to be done in

contravention or in violation of any of the provisions of this bylaw, is guilty of an offence against this bylaw and is liable to the penalties hereby imposed.;

- 11.2. For the purposes of this bylaw, each tree cut or removed or damaged in violation of this bylaw and each day that a violation is permitted to exist or continues shall constitute a separate offence.

## **12. PENALTY**

- 12.1. Every person who commits an offence against this bylaw is liable to a fine and penalty allowed by the Community Charter for each tree unlawfully cut down, removed or damaged.

- 12.2. The minimum penalty for each tree that is cut down, damaged or removed in contravention of this bylaw is a fine of:

12.2.1. \$500.00 for the first offence;

12.2.2. \$1,000.00 for a second or subsequent offence;

- 12.3. The voluntary penalty for a first contravention of a provision of this bylaw is:

12.3.1. \$300 if paid within 14 days from the date of the offence notice;

12.3.2. \$400 if paid after 14 days but within 45 days from the date of the offence notice;

12.3.3. \$500 if paid after 45 days from the date of the offence notice;

- 12.4. The voluntary penalty for a second or subsequent contravention of a provision of this bylaw is:

12.4.1. \$800 if paid within 14 days from the date of the offence notice;

12.4.2. \$900 if paid after 14 days but within 45 days from the date of the offence notice;

12.4.3. \$1,000 if paid after 45 days from the date of the offence notice;

- 12.5. In addition to any penalty that may be imposed under this bylaw where any person cuts, removes or damages, or suffers or permits any tree to be cut, removed or damaged in contravention of this bylaw, or in excess of any permission, or in violation of any terms and conditions of a permit issued under this bylaw, such tree shall be replaced by a new tree on the same parcel of land in accordance with the provisions of Schedule "D", and Section 13 applies;

- 12.6. Any person who is authorized by the Council and who has reason to believe that another person has committed an offence under this bylaw may deliver an offence notice to that other person;

- 12.7. An offence notice may be delivered by giving it in person to, or by sending it by prepaid registered mail to the person believed to have committed an offence;



- 12.8. An offence notice shall indicate the offence and the amount of voluntary penalty that may be paid to the Town for the offence;
- 12.9. A prosecution may not be commenced for an offence described in an offence notice if a voluntary penalty is paid in accordance with this bylaw before information is sworn and a summons is issued;

### **13. REPLACEMENT TREES**

- 13.1. Where compliance is required with this Section, the Owner shall replace the trees to be cut or removed with a new tree planted on the same parcel in accordance with the requirements specified, as to number, size and species, set out in and determined in Schedule "D";
- 13.2. Where Replacement Trees are required to be planted on a Boulevard the species shall be selected by the Director, and the trees shall be located to approval of the Director and shall conform to the size and type as set out in Schedule "D";
- 13.3. An Owner who has planted a replacement tree as required by this bylaw shall provide to the Director a written statement to the effect detailing the location, height, D.B.H., species and date of placement of the replacement tree;
- 13.4. An Owner shall maintain every replacement tree in accordance with good and sound horticulture practice. If a replacement tree dies, or gives other indication of imminent failure, within one (1) growing season of being planted it must be replaced pursuant to Section 12.5.
- 13.5. Where a Replacement Tree is required to be planted pursuant to Section 12 it shall be planted within 90 days of the cutting or removal requiring replanting, and where the Replacement Tree is required to be planted pursuant to Section 12 it shall be planted within 90 days of the issuance of the occupancy permit for the last house or other principal building being constructed as part of the project, or within not more than three (3) years of the date of the permit when the date of construction completion is unknown;
- 13.6. Except as specified in Section 13.7 the Town may require two (2) Replacement Trees for every one tree (1) removed pursuant to this bylaw;
- 13.7. Where an Owner who is required by the terms of this bylaw, or a permit issued pursuant to the bylaw, to plant Replacement Trees, provides to the Director the report of a Qualified Expert stating that one or more of the Replacement Trees cannot be planted in accordance with sound arboricultural practice such that the survival of adjacent existing trees is unlikely, or where it is not possible due to other considerations, such as required setbacks, lot size or topography, the Owner will not be required to plant the required 2:1 replacement ratio;
- 13.8. Where replacement trees of a similar size are not available or where in the opinion of a Registered Professional Forester or a Certified Arborist such trees would not survive, smaller trees may be substituted and the size shall be based on the opinion of a Registered Professional Forester or Certified Arborist that the trees are the largest trees of that species that would achieve a 90% survival rate over a one (1) year period.

- 13.9. Where the owner of a parcel of land is required to replant trees as set out in this Section, he shall be responsible for maintenance of any replacement tree on the parcel of land to be developed or logged for a one (1) year period. The owner shall post with the municipality security in the amount of 120% of the cost of replacing and maintaining the trees for a period of one (1) year to guarantee the performance of the requirements of this section.
- 13.10. Where a tree is planted to replace a tree that has been cut down, removed or damaged and the replacement tree dies within one year of replanting, the owner shall replace the dead tree.
- 13.11. Where more than ten trees are planted to replace trees that have been cut down, removed or damaged and fewer than 90% of the replacement trees survive for one year following replanting, the owner shall replace the dead trees.

#### **14. SECURITY FOR REPLACEMENT**

- 14.1. Wherever in this bylaw, or in the terms of the permit granted hereunder, a Replacement Tree is to be planted and maintained, the Owner thereof, shall, prior to issuance of a permit or upon request of the Director, as the case may be, provide to the Town a security deposit in cash or letter of credit in the amount, for the period and on the terms specified. No interest shall be paid on cash security deposits;
- 14.2. Any letter of credit required to be provided under this bylaw shall be a clean, unconditional and irrevocable letter of credit drawn from a Canadian financial institution acceptable to the Town and in a form acceptable to the Town. The irrevocable letter of credit shall be automatically extended until such time as it is cancelled by mutual consent of the owner and director. The Town may draw down the letter of credit without notice or restriction and hold the monies in lieu thereof.
- 14.3. The amount of any deposit to secure provision and maintenance of Replacement Trees required by the bylaw, to be planted and maintained, shall be as follows:
- 14.3.1. Except where Replacement Trees are required as part of a penalty, as stated in Section 12, no security will be required when less than five Replacement Trees are required to be planted;
- 14.3.2. Where five or more Replacement Trees are required to be planted, security of \$200.00 per Replacement Tree shall be required;
- 14.4. The amount of security deposit held by the Town shall be reduced in stages as provided in Sections 14.5 and 14.6 of this Bylaw. It shall be a condition precedent to each reduction of the security deposit that the Owner request an inspection and assessment per section 16 and that the Director be satisfied that the Owner has complied with the tree replacement and maintenance requirements of this bylaw, including the replacement of any Replacement Tree that has failed to establish, is dead or is dying;
- 14.5. Subject to Section 14.4 of this Bylaw, a deposit shall be reduced as follows:
- 14.5.1. by 50-percent of the original amount after the planting of all Replacement

Trees required to be provided, and the Town's approval of these trees;

14.5.2. by the balance of the deposit after one year from the date of the first reduction provided for in Section 14.5.1 provided that the planted Replacement Trees receive Town approval;

14.6. Subject to Section 14.5 of this Bylaw, where a developer submits a letter of credit to cover the total cost of required project site landscaping, and when that letter of credit includes the amount of security required to cover Replacement Trees, the security shall be reduced as follows:

14.6.1. by 90% of the original amount after the landscaping is complete, including all planting of Replacement Trees, and has been approved by the Town;

14.6.2. by the balance of the deposit after one year from the date of the first reduction, provided for in Section 14.6.1 provided that the landscaping and the Replacement Tree planting receives Town approval;

14.6.3. Whenever the Town holds cash as security no interest shall be paid to the Owner;

14.7. If at any time an Owner fails to comply with the provisions of this bylaw relating to requirements for Replacement Trees and their maintenance, the Town may by its employees or others under its direction, enter upon the lands that are the subject of such requirements to plant Replacement Trees and/or maintain the same, and for such purpose may draw upon the deposit and expend the deposit to cover all costs and expenses of so doing;

14.8. Authority to Enter upon Property, the Bylaw Enforcement Officer is hereby authorized to enter at all reasonable times upon any property within the Town for the purpose of ascertaining whether the regulations herein or directions hereunder are being observed.

## **15. EMERGENCIES**

15.1. Necessity shall be a defence to the cutting or removal of trees contrary to this bylaw where such necessity arises from imminent danger of the tree or any part of it falling and damaging persons or property;

## **16. INSPECTION AND ASSESSMENT**

16.1. The Director may inspect or cause an inspection to be made of any tree in the Town;

## **17. APPEAL PROCESS**

17.1. In respect of any delegation of authority under this bylaw to the Director, an Owner or occupier of real property subject to any decision of the Director is entitled to have the Council reconsider the decision without charge. Any person wishing to have Council reconsider a decision of the Director shall apply in writing to the Town Clerk, substantially in the form supplied by the Town, within thirty (30) days of the Director's decision;

- 17.2. On receipt of an application for reconsideration pursuant to Section 17.1, Council shall require a written report from the Director and upon receipt of same shall hear the applicant before rendering a decision;

**18. GENERAL PROVISIONS**

- 18.1. All Schedules referred to herein are attached to and form a part of this bylaw.
- 18.2. The provisions of this bylaw are severable and the invalidity of any part of this bylaw shall not affect the validity of the remainder of this bylaw.

READ A FIRST TIME this                    day of                    2006

READ A SECOND TIME this                    day of                    2006

READ A THIRD TIME this                    day of                    2006

RECONSIDERED AND FINALLY ADOPTED this    day of                    2006

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Mayor

\_\_\_\_\_  
Clerk

**SCHEDULE "A"**

**Town of Ladysmith Tree Protection Bylaw 2006, No. 0000.  
Identified Wildlife Trees**

**Trees which Council considers important to the community as wildlife habitat.**

**Refer to Section 34 of the BC Wildlife Act**

forming part of Bylaw 2007, No.0000.

Schedule "A" attached to and

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Clerk

## SCHEDULE “B”

### Town of Ladysmith Tree Protection Bylaw 2006, No. 0000.

#### Landmark Trees – Native Trees of Ladysmith

Trees which Council considers important to the community for landmark value.

Tree	Status	Size of Tree Diameter for Retention:
Western White Pine ( <i>Pinus monticola</i> )	Very Uncommon	20 cm +
Shore Pine ( <i>Pinus contorta</i> vari. <i>contorta</i> )	Fairly Common	20 cm +
Sitka Spruce ( <i>Picea sitchensis</i> )	Very Uncommon	80 cm +
Western Hemlock ( <i>Tsuga heterophylla</i> )	Common	50 cm +
Douglas-Fir ( <i>Pseudotsuga menziesii</i> )	Abundant	80 cm +
Grand Fir ( <i>Abies grandis</i> )	Fairly Common	80 cm +
Western Red-Cedar ( <i>Thuja plicata</i> )	Common	80 cm +
Rocky Mountain Juniper ( <i>Juniperus scopulorum</i> )	Uncommon	10 cm +
Western Yew ( <i>Taxus brevifolia</i> )	Uncommon	15 cm +
Trembling Aspen ( <i>Populus tremuloides</i> )	Very Uncommon	20 cm +
Black Cottonwood ( <i>Populus balsamifera</i> )	Fairly Uncommon	80 cm +
Pacific Willow ( <i>Salix lasiandra</i> )	Fairly Uncommon	15 cm +
Hooker's Willow ( <i>Salix hookeriana</i> )	Very Uncommon	15 cm +
Sitka Willow ( <i>Salix sitchensis</i> )	Fairly Uncommon	15 cm +
Red Alder ( <i>Alnus rubra</i> )	Common	30 cm +
Garry Oak ( <i>Quercus garryana</i> )	Fairly Uncommon	7 cm +
Pacific Crabapple ( <i>Malus fusca</i> )	Uncommon	10 cm +
Black Hawthorne ( <i>Crataegus douglasi</i> )	Uncommon	10 cm +
Bitter Cherry ( <i>Prunus emarginata</i> )	Fairly Uncommon	15 cm +
Bigleaf Maple ( <i>Acer macrophyllum</i> )	Common	80 cm +
Douglas Maple ( <i>Acer glabrum</i> )	Very Uncommon	40 cm +
Cascara ( <i>Rhamnus purshiana</i> )	Fairly Common	15 cm +
Western Dogwood ( <i>Cornus nuttallii</i> )	Common	7 cm +
Arbutus ( <i>Arbutus menziesii</i> )	Common	25 cm +

Schedule “B” attached to and  
forming part of Bylaw 2006, No.0000.

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Clerk

## **SCHEDULE "C"**

### **Town of Ladysmith Tree Protection Bylaw 2006, No. 0000. Identified Heritage Trees**

The following trees described by location, species and size are heritage trees:

## **INSERT SIGNIFICANT TREE LIST**

*THE CURRENT LIST REQUIRES  
CHECKING AND UPDATING – SOME  
TREES APPARENTLY NO LONGER EXIST;  
OTHERS MIGHT BE ADDED.  
NEEDS TOWN STAFF AND COMMITTEE  
INPUT (PUBLIC INPUT ??)*

Schedule "C" attached to and  
forming part of Bylaw 2006, No.0000.

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Clerk

**SCHEDULE "D"**  
**REPLACEMENT TREES**

**Town of Ladysmith Tree Protection Bylaw 2006, No. 0000.**

B.1 Where Replacement Trees are required to be planted pursuant to Section 13 of this bylaw, such Replacement Trees shall be provided as follows:

every Replacement Tree shall be of the same species as the tree cut, removed or damaged, provided that where the Owner provides a certified statement of an Arborist that it is either impractical or impossible to obtain or plant a Replacement Tree of that species, then the Owner shall provide and plant an alternate species listed in Table 1 of this Schedule as a permitted alternate to the species of tree cut, removed or damaged, subject to the approval of the DPRC;

no Replacement Tree shall be in excess of 10% less in height and D.B.H. than the tree cut, removed or damaged, provided that where an Owner provides a certified statement of an Arborist that it is either impractical or impossible to obtain or plant a Replacement Tree of the required size then the Owner shall provide as many Replacement Trees of the minimum size (3 meters height 7 centimetres D.B.H.) as are necessary so that:

the D.B.H. of all Replacement Trees when added together equal at least two (2) times the D.B.H. of the tree or trees cut, removed or damaged;

the height of all Replacement Trees when added together equals at least two (2) times the height of the tree or trees cut, removed or damaged.

B.2 Where Replacement Trees are required to be provided pursuant to Section 10 of this bylaw such

Replacement Trees shall be provided and planted as follows:

every Replacement Tree shall, at the option of the DPRC, be of the same species as the tree cut, removed or damaged, or an alternate species listed in Table 1 of this Schedule as a permitted alternate to the species of the tree cut, removed or damaged;

every Replacement Tree shall be of a size not less than the 3 meters height and 7 centimetres D.B.H

**TABLE 1**  
**LANDMARK TREE REPLACEMENT**  
**RECOMMENDED REPLACEMENT TREE GENUS AND SPECIES:**

Pinus monticola with Pinus ponderosa "Ponderosa Pine" or Pinus sylvestris "Scots Pine."

Pinus contorta vari. contorta with Pinus nigra "Austrian Pine" or Pinus strobus "Strobus Pine."

Picea sitchensis with Picea abies "Norway Spruce" or Picea omorika "Serbian Spruce."

Tsuga heterophylla with Pseudotsuga menziesii "Douglas Fir" or Abies concolour "White Fir" or Abies pinsapo "Spanish Fir."

Pseudotsuga menziesii with Tsuga heterophylla "Western Hemlock" or Abies concolour "White Fir" or Picea abies "Norway Spruce."



*Abies grandis* with *Abies amabilis* "Amabilis Fir" or *Pseudotsuga menziesii* "Douglas Fir" or *Abies concolor* "White Fir."

*Thuja plicata* with *Tsuga heterophylla* "Western Hemlock" or *Sequoiadendron giganteum* "Redwood" or *Chamaecyparis nootkatensis* "Yellow Cypress."

*Taxus brevifolia* with *Taxus baccata* "English Yew" or *Taxus cuspidata* "Japanese Yew" or *Thuja plicata* "Western Red-Cedar."

*Populus tremuloides* with *Betula papyrifera* "White Birch" or *Betula pendula* "Silver Birch."

*Populus balsamifera* with *Betula papyrifera* "White Birch" or *Betula pendula* "Silver Birch."

*Salix lasiandra* with *Salix babylonica* "Weeping Willow" or *Salix alba* "Golden Willow."

Schedule "D" attached to and  
Forming part of Bylaw 2006, No. 0000.

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Clerk

**SCHEDULE "E"**  
**Staff to determine need of this schedule**

**APPLICABLE REGULATIONS**

**Town of Ladysmith Tree Protection Bylaw 2006, No. 0000.**

E.1 Wherever in this bylaw trees may be cut or removed, the following regulations apply:

all works are to be carried out in strict accordance with the Regulations and requirements of the Workers Compensation Board of British Columbia;

all works pertaining to removal and falling of trees shall only be performed under the guidance and direction of a certified arborist or forester;

if, in the opinion of the DPRC, the works will encroach on public lands, the owner/applicant will be required to:

show proof of liability insurance in the amount of not less than \$3,000,000 with the Town of Ladysmith included as an additional named insured;

notify the Department of Parks, Recreation and Culture not less than forty-eight (48) hours in advance of the intention to commence the work;

provide a plan showing the intended method of safeguarding the users of the public lands, and the general public, during the duration of the work, that is acceptable to the DPRC;

**??provide a bond or certified cheque in the amount of \$5,000, acceptable to the Treasurer of the Town of Ladysmith, to cover damages which may be incurred by the public lands, such bond or certified cheque which will be returned to the applicant upon satisfactory completion of the work, any required cleanup and/or reinstatement of damage to public lands to the satisfaction of the DPRC;??**

remove any and all debris associated with the work, on the same day as the work is carried out, to the satisfaction of the DPRC.

Schedule "E" attached to and  
forming part of Bylaw 2006, No. 0000.

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Clerk

The rest of the schedules were removed – by request of committee. It was decided that guidelines for industrial areas or subdivisions would be a useful schedule to create. Not Started.