

CORPORATION OF THE CITY OF NEW WESTMINSTER
BYLAW NO. 5685, 1987

A BYLAW TO REGULATE THE PLANTING AND CARE OF TREES ON CITY STREETS

WHEREAS the Municipal Act R.S.B.C. 1979, c. 290 (the "Act") empowers municipalities to by bylaw regulate the planting and care of trees on a highway;

AND WHEREAS such regulation is deemed desirable;

NOW THEREFORE the City Council of the Corporation of the City of New Westminster ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "Street Tree Bylaw No. 5685, 1987."
2. For the purposes of this bylaw:

"Administrator" means the Administrator of Parks and Recreation for the City.

"Contractor" means a person who has contracted with the City to provide construction or other services on a Street in the City.

"Street" includes a highway, sidewalk or boulevard.

"Street Tree" includes a tree, shrub or bush which is located on a Street in the City.

3. No person, except the City, its agents or contractors, without first obtaining the written permission of the Administrator, shall:
 - (a) plant, remove, spray, fertilize, prune, cut above or below the ground, disturb, mark, break, climb, remove bark from, or in any other way alter or deface a Street Tree;
 - (b) do anything or permit anything to be done which may impede the free passage of water, air or nutrients to the roots of any Street Tree including, without restricting the generality of the foregoing, depositing or storing on public or private land any stone, soil or other material or equipment, raising or lowering the grade level or altering the drainage pattern, or closing, obstructing or otherwise interfering with any open space within a barrier around a Street Tree;
 - (c) fasten any sign, notice, wire, rope, nail or other object to, around or through any Street Tree or barrier around that tree;
 - (d) do anything or permit anything to be done which causes or permits any harmful gas, liquid, solid substance or heat from any source to come in contact with a Street Tree;

- (e) remove or interfere with any barrier around any Street Tree.
- 4. Application for the permission required pursuant to Section 3 shall be made to the Administrator in the form specified in Schedule "A" of this Bylaw.
- 5. Any work, which pursuant to Section 3, requires the permission of the Administrator must be performed in strict accordance with the terms and provisions under which that permission was granted.
- 6. Nothing in this Bylaw in any way affects the ability of the City or its employees to in any way deal with the planting, care and removal of Street Trees.
- 7. Any person who does anything prohibited by this Bylaw or fails to do a thing required by this Bylaw commits an offence and is liable upon conviction to a penalty of not more than \$2,000.00.
- 8. Each day that a violation of this Bylaw continues constitutes a separate offence.
- 9. If any part of this Bylaw is for any reason held invalid by any Court of competent jurisdiction, the invalid portion shall be severed and the severance shall not affect the validity of the remainder.

Adopted by City Council July 27, 1987.

SCHEDULE "A"

STREET TREE PERMIT
CITY OF NEW WESTMINSTER

I. APPLICANT

Name

Address

Home Telephone

Business Telephone

II. ACTIVITY

III. AFFECTED STREET TREES (Location and Number)

IV. COMPLETION DATE: _____

The Applicant hereby requests permission to carry out this Activity in relation to the Affected Street Trees in strict accordance with this permit and any terms and conditions contained in this permit. The Applicant agrees to complete the activity by the Completion Date, after which this permit ceases to exist.

(Applicant)

(Date)

Note - any activity not specified herein, any activity which affects street trees other than those specified herein, or any activity carried on after the Completion Date constitutes a violation of Street Tree Bylaw No. 5685, 1987 and renders a person liable upon conviction to a penalty of not more than \$2,000.

V. APPROVAL

The Applicant is hereby given permission to carry out the Activity in relation to the Affected Street Trees on the condition that the Activity be completed by the completion date and that the Applicant comply with the following terms and conditions:

(see over if necessary)

(Administrator of Parks & Recreation)

(Date)