

CITY OF BURNABY

BYLAW NO. 10963

A BYLAW to amend Burnaby Tree Bylaw 1996

The Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as **BURNABY TREE BYLAW 1996, AMENDMENT BYLAW NO. 3, 1999.**
2. Section 2(g) of Burnaby Tree Bylaw 1996 is amended by striking out the words "certified by a certified arborist as being or" and substituting in their place the words "that is or is".
3. Section 2(o) of the said Bylaw is amended
 - (a) by striking out the word "or" after the end of subsection (iii);
 - (b) by adding the word "or" after the end of subsection (iv); and
 - (c) by adding the following subsection after subsection (iv):

"(v) a replacement tree;"
4. Section 2(q) of the said Bylaw is amended by adding, after the words "pursuant to", the words "section 4A,".
5. Sections 4(b) and (c) of the said Bylaw are repealed.

6. The following section is added to the said Bylaw immediately after section 4:

"4A. (1) The owner of land may cut down a dangerous tree on that land without a tree cutting permit where:

(a) it is proven to the satisfaction of the Director Planning that

(i) the tree is a dangerous tree, and

(ii) removal of the tree is reasonably necessary in accordance with accepted arboricultural practice and in accordance with the actual written recommendations of a certified arborist retained by the owner; and

(b) the Director Planning has, on that basis, issued his written approval to cut down the dangerous tree.

(2) The owner of land may cut down a protected tree on that land without a tree cutting permit where:

(a) due to its condition, the tree is an existing and serious hazard to people, buildings or other property requiring immediate attention; and

(b) the owner immediately advises the Director Planning of the fact of the tree having been cut down.

(3) Where the owner of land cuts down a dangerous tree pursuant to subsection (1) or a protected tree pursuant to subsection (2), the owner shall, within one month thereafter, plant a replacement tree of the same species in approximately the same location as the tree cut down, or such other species or in such other location as the Director Planning may approve.

(4) A replacement tree planted pursuant to subsection (3) shall:

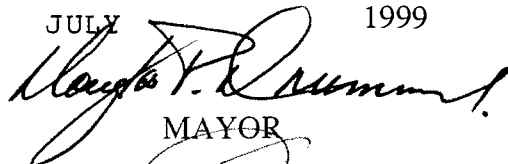

- (a) in the case of a coniferous species, be not less than 3m (9.843 ft.) in height;
- (b) in the case of a deciduous species, be not less than 8cm (3.15 in.) in diameter."

7. Section 13 of the said Bylaw is repealed and the following section is added in its place:

- "13. (1) Every replacement tree required to be planted pursuant to this Bylaw or a tree cutting permit shall be healthy and reasonably capable of surviving, and shall be planted in accordance with accepted arboricultural practice.
- (2) Every replacement tree required to be planted pursuant to this Bylaw or a tree cutting permit and every retained tree shall be properly and adequately maintained in accordance with accepted arboricultural practice."

8. Section 15(1) of the said Bylaw is amended by adding, after the words "in contravention of this Bylaw", the words ", or who damages a protected tree in contravention of this Bylaw which results in the protected tree being cut down,".

Read a first time this 14th day of JUNE 1999
 Read a second time this 14th day of JUNE 1999
 Read a third time this 14th day of JUNE 1999
 Reconsidered and adopted this 15th day of JUNE 1999
 Final Adoption Rescinded this 12th day of JULY 1999
 Reconsidered and adopted this 12th day of JULY 1999


 MAYOR

 CLERK