

CITY OF BURNABY

BYLAW NO. 10968

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. 4, 1999.**

Section 2(q) of Burnaby Tree Bylaw 1996 is amended by striking out the words "section 4A,".

3. Section 2(t) of the said Bylaw is repealed.

4. Section 2(u) of the said Bylaw is amended by striking out the words "section 6(a)" and substituting in their place the words "section 6".

5. Section 3 of the said Bylaw is amended by striking out the words "cut down or damage" and substituting in their place the words "damage a protected tree and no person shall cut down".

6. The following section is added to the said Bylaw immediately following section 4(a):

"(b) for the emergency removal of a protected tree that has been so severely damaged, or has been rendered so unstable by wind, snow or other severe weather conditions, that it is in imminent danger of falling and injuring persons or damaging property,

and the person who cuts down the tree immediately advises the Director Planning of that action;"

7. Section 4(f) of the said Bylaw is repealed and the following section is substituted in its place:

"(f) to cut down a protected tree that is within the area bounded by the exterior walls or face, or a protected tree as defined in sections 2(o)(i) or 2(o)(v) that is within 1.5 m (4.921 ft.) of the exterior walls or face, of any building or structure or planned building or structure for which a building permit has been issued;"

8. Section 4(g) of the said Bylaw is amended

(a) by striking out the words "or damage", and

(b) by striking out the words ", but not as defined in sections 2(o)(ii), (iii) and (iv)," and substituting in their place the words "or 2(o)(v)".

9. Section 4A of the said Bylaw is repealed.

10. Section 6 of the said Bylaw is repealed and the following section is substituted in its place.

"6. (1) Upon receipt of an application that complies with section 5, the Director Planning may issue a tree cutting permit, with or without conditions as provided for in subsection (2), 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 applicant;
 - (b) removal of the protected tree or trees is necessary to accommodate the construction or installation of a driveway, required off-street parking area or utilities or services; or
 - (c) retention of the protected tree or trees would have the effect of preventing all uses of the land permitted, or preventing the development of the land to the density permitted, under Burnaby Zoning Bylaw 1965, unless Council, by resolution, has committed the City to pay compensation or provide alternate means for the land to be used or developed pursuant to section 714(2) of the *Municipal Act*, R.S.B.C. 1996 ch. 323.
- (2) The Director Planning may attach conditions to a tree cutting permit, including any of the following:
- (a) the replacement of any protected tree that is cut down or was cut down within the three (3) month period immediately preceding the date the tree plan was submitted under section 5(1) with a tree or trees of a size and species and at such location or locations as the Director Planning may specify;
 - (b) the erection of protection fences at such locations, and the

maintenance of those protection fences for such periods of time, as the Director Planning may specify;

- (c) the posting of security with the City in accordance with section 7 as security for the planting and maintenance of replacement trees;
- (d) that the employees and authorized agents of the City be permitted to enter onto the site at any reasonable time to carry out assessments and inspections to determine whether the tree cutting permit is being complied with."

11. Section 7 of the said Bylaw is amended by striking out the words "section 6(a)(iii)" and substituting in their place the words "section 6(2)(c)".

12. Section 13(2) of the said Bylaw is amended by striking out the words "and every retained tree".

13. Section 17 of the said Bylaw is amended by striking out the words "sections 929.05 and 929.06 of the *Municipal Act*" and substituting in their place the words "sections 712 and 713 of the *Municipal Act*, R.S.B.C. 1996, ch. 323".

14. Section 18(1) of the said Bylaw is amended

- (a) by striking out the words "section 6(a)" in subsection (b) and substituting in their place the words "section 6", and
- (b) by striking out the words "6(b)," in subsection (c).

15. The final section of the said Bylaw is renumbered as section 19.

Read a first time this 28th day of JUNE 1999

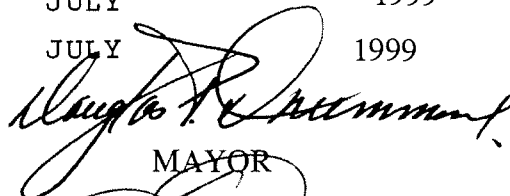

Read a second time this 28th day of JUNE 1999

Read a third time this 28th day of JUNE 1999

Reconsidered and adopted this 29th day of JUNE 1999

Final Adoption Rescinded this 12th day of JULY 1999

Reconsidered and adopted this 12th day of JULY 1999


MAYOR

CLERK