

A BYLAW TO REGULATE TREE CUTTING AND REMOVAL THROUGHOUT THE TOWN

WHEREAS Council has the authority under Section 8(3)(c) of the *Community Charter* to regulate the cutting of trees;

AND WHEREAS Council considers it in the public interest to regulate the cutting of some trees throughout the Town of Comox;

NOW THEREFORE the Council of the Town of Comox, in open meeting assembled, enacts as follows:

1. TITLE:

This bylaw may be cited for all purposes as the "Tree Protection Bylaw No. 2063".

2. DEFINITIONS:

(1) In this Bylaw:

- (a) "Arborist" means a person who is certified by and in good standing with the International Society of Arboriculture as an arborist.
- (b) "Arborist Report" means a report prepared by an Arborist in accordance with any requirements set forth by the Town and which clearly identifies the Arborist's name and certification number.
- (c) "Applicant" means the Owner(s) whose name appears on an application for a Tree Permit.
- (d) "Best Practices" means practices in accordance with the most current version of the American National Standards Institute (ANSI) publication, "American National Standard for Tree Care Operations – Tree, Shrub, and Other Woody Plant Management – Standard Practices" and the companion "Best Management Practices" Series of the International Society of Arboriculture.
- (e) "Breast Height" means the point along the trunk of a tree 1.4 metres above the high ground at the base of the tree.
- (f) "Bylaw Enforcement Officer" means
 - (i) the Person appointed by the Town of Comox to enforce Bylaws;
 - (ii) the Parks Manager and Corporate Officer of the Town of Comox; and



- (iii) members of the Royal Canadian Mounted Police and their duly authorized representatives.
- (g) "Council" means the Council of the Town of Comox.
- (h) "Covenant Tree" means a tree that is the object of a covenant entered in favour of the Town under the *Land Title Act*, s. 219.
- (i) "Crown" means the foliage-bearing parts of a tree, but does not include the stem or trunk.
- (j) "Cut" or "Cutting" means cutting down, knocking down, dismantling, piercing, or otherwise Damaging any or all parts of a tree regulated by this Bylaw, including the roots, but does not include pruning in accordance with Best Practices.
- (k) "Damage" or "Damaging" means
 - (i) poisoning, burning, or pruning in a manner not in accordance with Best Practices including removal of more than 25% of the tree's total live foliage or bud-bearing branches;
 - (ii) topping, except under circumstances authorized by the Parks Manager;
 - (iii) shearing, harming, or undermining the roots;
 - (iv) denting, gouging, drilling, harming, or affixing anything to the tree;
 - (v) removing bark; and
 - (vi) doing anything that would cause the tree to die.
- (l) "Development Application" means an application made to the Town for a Development Permit, demolition permit, building permit (for exterior work), subdivision, or soil removal permit.
- (m) "Development Period" means the period following the approval of a Development Application and before the completion of all activities covered by the Development Application.
- (n) "D.B.H." means the diameter of the trunk of a tree measured at Breast Height, or, where a tree has multiple trunks, means the cumulative total of the D.B.H. of each trunk.
- (o) "Hazardous Tree" means a tree that has, in the opinion of a person actively holding the Tree Risk Assessment Qualification from the International Society of Arboriculture, a high or extreme risk rating or an imminent likelihood of failure.
- (p) "Invasive Species" means a species that is considered invasive by the Town.



- (q) "Lot" means a parcel of land.
- (r) "Natural Causes", in relation to tree mortality, means naturally contracted diseases, pests, climate conditions, inherent structural defects and senescence.
- (s) "Owner" has the same meaning as in the *Community Charter*, S.B.C. 2003, c. 26, or, in relation to a highway referred to in *Community Charter*, S.B.C. 2003, c. 26, s. 35, means the Town of Comox.
- (t) "Parks Manager" means the person assigned to that position by the Town or their designate.
- (u) "Priority Species" includes the following tree species:
 - (i) Douglas-fir (*Pseudotsuga menziesii*);
 - (ii) Western redcedar (*Thuja plicata*);
 - (iii) Western hemlock (*Tsuga heterophylla*);
 - (iv) Grand fir (*Abies grandis*);
 - (v) Sitka spruce (*Picea sitchensis*);
 - (vi) Western white pine (*Pinus monticola*);
 - (vii) Shore pine (*Pinus contorta*);
 - (viii) Pacific yew (*Taxus brevifolia*);
 - (ix) Seaside juniper (*Juniperus maritima*);
 - (x) Arbutus (*Arbutus menziesii*);
 - (xi) Garry oak (*Quercus garryana*);
 - (xii) Bigleaf maple (*Acer macrophyllum*); and
 - (xiii) Trembling aspen (*Populus tremuloides*).
- (v) "Protected Tree" means:
 - (i) A tree having a diameter of 50 cm or more;
 - (ii) A tree, regardless of size, growing wholly or partly on land owned or managed by the Town;
 - (iii) A tree, regardless of size, planted or retained as a condition of a permit, approval, or agreement issued under the authority of a Town of Comox bylaw;



- (iv) A Covenant Tree;
- (v) A Replacement Tree; and
- (vi) A Retained Tree.
- (w) "Public Utility" means a public utility as defined in the *Utilities Commission Act*, R.S.B.C. 1996, c. 473.
- (x) "Qualified Professional" means a person in good standing with a regulatory body set out in the *Professional Governance Act*, S.B.C. 2018, c. 47, who is undertaking work in accordance with the bylaws of the professional regulatory body and practicing within their individual area of expertise.
- (y) "Regulated Tree" means:
 - (i) For a Priority Species, a tree having a D.B.H. of at least 20 cm;
 - (ii) For a tree other than a Priority Species, a tree having a D.B.H. of at least 30 cm; and
 - (iii) A Protected Tree.
- (z) "Remove", "Removing", "Removed", or "Removal" means to Cut a Regulated Tree and remove it from the Lot where it exists.
- (aa) "Replacement Tree" means a replacement tree planted as a condition of a Tree Permit under this Bylaw.
- (bb) "Reserve Fund" means a fund established by the Town.
- (cc) "Retained Tree" means a Regulated Tree, where its preservation is used by the Applicant to reduce on the same Lot the replacement requirements under this Bylaw.
- (dd) "Shared Tree" means a tree having a trunk which, at the root collar of the tree, is divided by the legal boundary of a parcel or a highway.
- (ee) "Town" means the Town of Comox.
- (ff) "Tree" means any species of woody perennial plant that typically has a single trunk or upright stems capable of growing to a mature height of at least 3 metres.
- (gg) "Tree Permit" means a permit issued by the Parks Manager under this Bylaw.
- (hh) "Tree Protection Fencing" means a barrier in accordance with *Subdivision and Development Servicing Bylaw No.2048*.
- (ii) "Tree Protection Zone" means the circular area immediately around a Regulated Tree having a radius equal to ten (10) times the D.B.H. plus one half of the D.B.H.



when measured outwards from the central point of the tree's trunk, or the area determined by an Arborist to be necessary to ensure no Damage occurs as shown on a plan acceptable to the Town.

- (jj) "Works and Services" has the same meaning as in the *Subdivision and Development Servicing Bylaw No. 2048*, as amended.

3. APPLICATION:

- (1) This bylaw applies throughout the Town of Comox.

4. PROHIBITION:

- (1) No person shall Damage, Cut, or Remove a Regulated Tree or cause, suffer, or permit such a tree to be Damaged, Cut, or Removed, except where permitted by and in accordance with a subsisting Tree Permit.

5. EXCEPTIONS:

- (1) This Bylaw does not apply to the Cutting or Removal of a Regulated Tree:
- (a) By the Town or its agents during the discharge of their duties;
 - (b) During a lawful forest practice as defined in the *Forest and Range Practices Act*, S.B.C. 2002, c. 69
 - (c) From managed forest land as defined in the *Assessment Act*, R.S.B.C. 1996, c. 20, where the Zoning Bylaw allows forestry activities as a primary or secondary use of the Lot;
 - (d) On crown land of either the Government of Canada or the Province of British Columbia where the tree is Cut or Removed by that entity or its agents;
 - (e) That is undertaken by a Public Utility, on land owned or held by the Public Utility, and done for the purpose of safety, maintenance, or operation of the Public Utility's infrastructure; and
 - (f) To accommodate a lawful farm operation as defined by the *Farm Practices Protection (Right to Farm) Act*, R.S.B.C. 1996, c. 131.

6. EMERGENCY CUTTING AND REMOVAL:

- (1) Despite any other provision in this Bylaw, a person may Cut or Remove a Regulated Tree before applying for a Tree Permit if the tree in question is in imminent danger of falling and injuring persons or property.
- (2) A person who has Cut or Removed a Regulated Tree according to Section (1) must:
- (a) Apply for a Tree Permit within three business days and provide the Parks Manager with images clearly depicting the tree prior to the Cutting or Removal; and



- (b) Not remove from the Lot the portions of the trunk, limbs, roots, or other remains of the tree that are necessary for the Parks Manager to determine there was likely imminent danger prior to the emergency Cutting or Removal, until the Parks Manager has made such a determination.
- (3) The Parks Manager may refuse to issue a Tree Permit and may impose a penalty in accordance with this Bylaw, if:
 - (a) The Parks Manager determines that the Regulated Tree was not in imminent danger or was in imminent danger due to reasons other than Natural Causes; or
 - (b) The person referred to in section (1) fails to abide by any other provision of this Bylaw.

7. APPLICATIONS TO CUT OR REMOVE A REGULATED TREE:

- (1) An application for a Tree Permit must be made in writing to the Parks Manager, in the form required by the Parks Manager.
- (2) An application for a Tree Permit shall include the following information:
 - (a) The street and legal addresses of the Lot or boulevard on which the Regulated Tree occurs;
 - (b) The identity (name and contact information) and signature of the Owner of the Lot;
 - (c) If the applicant is not the Owner of the Lot, a document signed by the Owner authorizing the applicant as the Owner's agent;
 - (d) If the Regulated Tree is a Shared Tree, a document signed by all Owners authorizing the application;
 - (e) The number of Regulated Trees for which an application is being made;
 - (f) The number of Protected Trees for which an application is being made; and
 - (g) A short description of the purpose of the Cutting or Removal.
- (3) A Development Application involving the Cutting or Removal of a Regulated Tree shall be accompanied by the following:
 - (a) An Arborist Report that documents:
 - (i) the species, size, and condition of each Regulated Tree;
 - (ii) the suitability for retention of each Regulated Tree;
 - (iii) the Arborist's recommendation for whether each Regulated Tree should be Removed, modified, or retained;



- (iv) a summary of the total numbers of Regulated Trees proposed to be Removed and retained;
 - (v) a summary of the total number of Protected Trees proposed to be Removed and retained;
 - (vi) a summary of the total number of Replacement Trees required according to this Bylaw.
- (b) A tree management plan showing:
- (i) the surveyed locations of all Regulated Trees on the Lot, or on the part of the Lot where site disturbance will impact trees;
 - (ii) the Lot's legal boundaries;
 - (iii) existing buildings and services;
 - (iv) proposed buildings and services;
 - (v) whether each Regulated Tree will be Removed or retained;
 - (vi) the location and dimensions of Tree Protection Zones for all Regulated Trees; and
 - (vii) notes describing the measures that will be used to ensure no Damage occurs within the Tree Protection Zones of Regulated Trees that will be retained.
- (4) The Parks Manager may determine that section (3) is inapplicable when the activities proposed by the Development Application are unlikely to result in Damage to any Regulated Tree.
- (5) If the Parks Manager considers it necessary to support an application involving the Cutting or Removal of a Regulated Tree, they may require additional information including but not limited to:
- (a) An Arborist Report;
 - (b) A tree management plan;
 - (c) A tree risk assessment;
 - (d) A report by a Qualified Professional in wildfire hazard, geotechnical, environmental, habitat, or other assessments;
 - (e) Photographs of the Lot and/or the trees in question;
 - (f) A memo prepared by an Arborist confirming the installation of tree protection measures;



- (g) A letter of assurance prepared by an Arborist describing any activities that will require supervision by an Arborist, with the condition that a follow-up memo confirming the supervision took place and any Damage that occurred shall also be submitted; and
 - (h) A tree replacement plan indicating the number, species, and location for any Replacement Trees to be installed on the Lot.
- (6) The Parks Manager may issue terms of reference which further specify the required format and content of materials supporting an application for a Tree Permit.

8. REASONS A TREE PERMIT CAN BE ISSUED:

- (1) The Parks Manager, where they consider it necessary, may retain the service of an Arborist or Qualified Professional to independently review materials submitted in support of an application for a Tree Permit or a subsisting Tree Permit.
- (2) On being satisfied that the application meets the requirements of this Bylaw, the Parks Manager may issue a Tree Permit, and may attach any terms, conditions, restrictions and requirements to the Tree Permit as they consider necessary. The Applicant must comply with such terms, conditions, restrictions and requirements as set out in the Tree Permit.
- (3) Notwithstanding section (2), the Parks Manager will issue a Tree Permit to Cut or Remove a Regulated Tree, other than a Protected Tree, having received an acceptable application for any purpose of the Cutting or Removal.
- (4) Notwithstanding section (2) and (3), the Parks Manager will issue a Tree Permit to Cut or Remove a Protected Tree, having received an acceptable application and if they are satisfied at least one of the following purposes applies:
 - (a) The Protected Tree is dead, or more than 50 per cent of the Crown is dead;
 - (b) The Protected Tree is a Hazardous Tree, and the hazard cannot be mitigated other than by Cutting or Removing the Protected Tree;
 - (c) The Protected Tree is within an approved building footprint, or unavoidable impacts to its Tree Protection Zone by an approved building footprint will cause Damage;
 - (d) The Protected Tree will be Damaged by proposed Works and Services that are required to support the permitted use and density of the Lot, where the Works and Services cannot be located elsewhere;
 - (e) The Protected Tree is causing damage to a lawfully erected building or lawfully constructed Works and Services that cannot be mitigated other than by Cutting or Removing the Protected Tree;



- (f) A Qualified Professional has recommended the Protected Tree be Cut or Removed to mitigate a present wildfire hazard in the form required by the Parks Manager;
- (g) The Protected Tree is an Invasive Species;
- (h) The Protected Tree must be Cut or Removed to comply with another Town of Comox bylaw; and

9. PERMIT AUTHORITY:

- (1) The amount of time for which a Tree Permit is valid is as follows:
 - (a) For a Tree Permit related to a Development Application, the first of:
 - (i) one year from the date that the final occupancy permit is issued for the Lot, and
 - (ii) five years from the date of issuance; and
 - (b) For a Tree Permit not related to a Development Application, one year from the date of issuance.
- (2) The Parks Manager may suspend, revoke, or cancel a Tree Permit if they consider that work or activity being carried out is in violation of any terms, restrictions, requirements, or conditions of the Tree Permit or any provision of this Bylaw, or that Damage, whether or not it is accidental, has occurred or is likely to occur to any Regulated Tree.

10. REPLACEMENT TREES

- (1) A Tree Permit may specify as a condition that Replacement Trees must be planted by the Owner for each Regulated Tree Cut or Removed.
- (2) The number of Replacement Trees required will be determined by the Parks Manager according to the following:
 - (a) For each Regulated Tree Cut or Removed, the number of Replacement Trees that must be planted is given in the following table:

D.B.H. of Cut or Removed Tree	Replacement Trees
19 cm and smaller	1
20 – 59 cm	2
60 – 69 cm	3
70 – 79 cm	4
80 – 89 cm	6
90 – 99 cm	8
100 cm and larger	10



- (b) The total number of Replacement Trees required will be reduced by the Parks Manager by one (1) for each Retained Tree designated in connection with the Tree Permit, to a minimum of zero (0) Replacement Trees required; and
 - (c) Notwithstanding item (c), no reduction for Retained Trees will be provided where a Tree Permit application is made for the purpose of Removing more than ten (10) Regulated Trees from a Lot, or where a Tree Permit application's approval would result in more than ten (10) Regulated Trees having been removed from the Lot in the previous two calendar years.
- (3) For clarity, nothing in item 10(2)(b) results in any continuing credit in favour of the Applicant and against the Town in relation to Replacement Tree requirements.
- (4) The species of a Replacement Tree must be selected from a list of acceptable tree species maintained by the Town as follows:
- (a) Where one (1), two (2), or three (3) Replacement Trees are required, at least one Replacement Tree shall be a medium or large canopy species;
 - (b) Where four (4) or more Replacement Trees are required, at least one quarter (25%) of the Replacement Trees shall be a large canopy species;
 - (c) When the removed tree was a Priority Species, one (1) Replacement Tree or half of the total number of Replacement Trees required, whichever is more, must be a Priority Species.
- (5) Replacement Trees must be planted on the Lot for which the Tree Permit is issued.
- (6) The Owner must ensure that each Replacement Tree is planted and maintained in accordance with Best Practices.
- (7) Stock used for Replacement Tree planting must meet the following requirements, unless otherwise authorized by the Parks Manager:
- (a) If a coniferous species, have a minimum height of 1.4 metres; and
 - (b) If a deciduous species, have a minimum diameter of 4 centimetres, measured at the base of the tree.
- (8) Replacement Trees shall be sited:
- (a) A minimum of 2 metres away from an existing or approved building footprint;
 - (b) A minimum of 1 metre away from an existing or approved impermeable surface, such as a driveway, walkway, or surface parking;
 - (c) Where practicable, offset from underground Works and Services; and



- (d) Unless a small tree with limited expected height growth, a minimum of 3 metres from the path of overhead utilities.
- (9) Notwithstanding section (5), the Town may accept cash in lieu of Replacement Tree planting, subject to the following:
 - (a) The amount charged per Replacement Tree shall be specified in the *Fees and Charges Bylaw, No. 2058, as amended*;
 - (b) Where the application for a Tree Permit concerns a Development Application, the Parks Manager shall be satisfied that the Replacement Tree(s) would not have sufficient growing space on the Lot before accepting the cash in lieu;
 - (c) Where the purpose of the Removal is to mitigate a present wildfire hazard as recommended by a Qualified Professional, and there is no sufficient space on the Lot to plant a Replacement Tree of a more suitable species, the Parks Manager will waive any associated cash-in-lieu amount;
 - (d) Where the purpose of the Removal is a valid emergency removal as described in Section 6, the Parks Manager will waive the replacement requirement and any associated cash-in-lieu amount; and
 - (e) The amount charged per Replacement Tree shall be deposited in a Reserve Fund created by the Town for the planting and maintenance of trees.
- (10) Where the Town accepts cash in lieu of Replacement Tree planting for a tree Cut or Removed from Town-owned property or a highway vested in the municipality, the Parks Manager may determine that the amount charged for Replacement Trees shall equal the fair appraisal value of each tree being Cut or Removed according to the appraisal method preferred by the Town.

11. TREE PROTECTION MEASURES:

- (1) Prior to any construction, demolition, excavation, or installation of Works and Services occurring on the Lot, the Owner must install Tree Protection Fencing around the Tree Protection Zones of Regulated Trees that will be retained, wherever site disturbance will occur within five (5) metres of their Tree Protection Zones.
- (2) A person must not damage, destroy, or alter an authorized Tree Protection Zone or Tree Protection Fencing for any purpose other than tree protection, except as otherwise authorized.
- (3) Written consent from the Parks Manager is required for any alterations to a Tree Protection Zone or Tree Protection Fencing during the Development Period.
- (4) Notwithstanding sections (1) and (2), if the Owner requires temporary access to a Tree Protection Zone or temporary removal of Tree Protection Fencing during the Development Period, or if the installation of Tree Protection Fencing is unsuitable at the site due to terrain or safety hazards, the Parks Manager may determine that alternate



protection measures may be used for the period during which no Tree Protection Fencing is in place.

- (5) Alternate protection measures must include supervision by an Arborist of any work within a Tree Protection Zone.
- (6) Where supervision by an Arborist is required:
 - (a) the Owner must provide a letter of assurance signed by the Owner and an Arborist confirming the nature of the work and the alternate protection measures that will be used; and
 - (b) following the work, the Arborist who supervised must provide a memo confirming whether the work was carried out as planned and detailing any Damage that occurred.

12. FEES AND SECURITIES:

- (1) The Owner shall pay to the Town a fee as set forth in the *Fees and Charges Bylaw* at the time an application for a Tree Permit is submitted, in the manner required by the Town.
- (2) The fee charged for a Tree Permit application shall be waived where the application concerns only the removal of a dead tree, an invasive species, or a Hazardous Tree.
- (3) If the planting of Replacement Trees is a condition of a Tree Permit in connection with a Development Application, the Owner shall pay to the Town a refundable security as set forth in the *Subdivision and Development Servicing Bylaw No. 2048*.

13. INSPECTIONS:

- (1) Pursuant to Subsection 16(6)(d) of the *Community Charter*, the Town has the authority to enter onto property for the purpose of inspecting Regulated Trees, and/or the conditions of a subsisting Tree Permit.
- (2) Where the Cutting or Removal of trees has been authorized by the Town, and a valid and subsisting Tree Permit exists, the person undertaking the Cutting or Removal shall identify with a flag, paint, survey tape or other adequate means each tree to be cut or removed.
- (3) Where the Parks Manager considers that a contravention of this Bylaw has occurred, the Parks Manager may notify the Owner in writing of the contravention and require that measures be taken to remedy the contravention within a specified period, or where no period is specified, within 30 days.
- (4) A Bylaw Enforcement Officer or their designate, may issue a stop work order if any Regulated Tree is being Cut without a Tree Permit or contrary to a Tree Permit or this Bylaw, or if any Regulated Tree is being Damaged or Removed in contravention of this Bylaw. Upon receipt of a stop work order, the Owner and all persons having notice must immediately cease the Cutting, Removal, or activity causing Damage and must not resume unless authorized by a Bylaw Enforcement Officer.



- (5) The Owner must ensure the Tree Permit is displayed on-site in a location visible to the public prior to the commencement of the Cutting or Removal and until the completion of the Development Period to inform community members that a permit is in place.

14. ENFORCEMENT:

- (1) When requested by a Bylaw Enforcement Officer, or any other person authorized by the Town, any person who has apparently committed an offence under this Bylaw, will correctly state their name and address.
- (2) Every person will at all times comply with any lawful order, direction, signal, or command made or given by a Bylaw Enforcement Officer, or other person authorized by the Town, in the performance of their duties enforcing the provisions of this Bylaw.
- (3) Each day that an offence continues shall constitute a separate offence against this bylaw.

15. OFFENCES:

- (1) Any person who contravenes any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, omits, or neglects to fulfill, observe, carry out, or perform any duty or obligation imposed by this Bylaw is guilty of an offence and is liable, upon summary conviction, for penalties of up to \$50,000 as prescribed by this Bylaw or by the Offence Act, R.S.B.C. 1979, Chapter 304 and amendments thereto.
- (2) Any person who contravenes any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, omits, or neglects to fulfill, observe, carry out, or perform any duty or obligation imposed by this Bylaw is liable, on summary of conviction, and may be issued a bylaw notice as permitted under the provisions of the *Bylaw Notice Enforcement Bylaw No. 2004* and the *Local Government Bylaw Notice Enforcement Act, SBC 2003 c. 60*.

16. LIABILITY:

Any person who contravenes any provisions of this Bylaw is liable to the Town for, and must indemnify the Town from, all costs, expenses, damages, and injuries resulting from the contravention.

17. SEVERABILITY:

- (1) If any section, subsection, clause or phrase of this Bylaw is held to be invalid for any reason by a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the Bylaw.



18. REPEAL:

(1) "Comox Tree Management and Protection Bylaw No. 1125, 1994" is hereby repealed.


19. Adoption

READ A FIRST, SECOND and THIRD time this

20th day of May, 2026

ADOPTED this

10th day of June, 2026



MAYOR



CORPORATE OFFICER