

CITY OF SURREY

BY-LAW NO. 11565

As amended by By-law No. [12268](#). A by-law to preserve, regulate the removal of Amended and provide for the replacement of trees BL [12268](#) throughout the City. 04/25/94

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WHEREAS, pursuant to Section 929.01 of the Municipal Act, the Council may by By-law preserve trees, regulate the cutting and removal of trees, charge a fee for a permit to allow the cutting and removal of trees, require the replacement of trees cut down and require a security for replacement trees and their maintenance, provide for site inspections of properties before, during and after development;

NOW, THEREFORE, the Council of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

1. This By-law may be cited as "Tree Preservation, Removal and Replacement By-law, 1992, No. 11565."

DEFINITIONS

2. In this By-law:

"Cutting" shall mean the removal of the whole or selective parts of any tree by any means and shall include topping or selective pruning.

"Development Permit Area" shall mean an area so described within the Surrey Official Community Plan for which a landscaping plan is required.

"Development Potential" shall mean the ability to subdivide or rezone a property to permit a higher density within the existing designation of the Official Community Plan.

"Protective Barrier" shall mean any physical barrier including a fence, box, frame, guard, tape or line placed around a tree or cluster of trees to indicate retention.

"Pruning" shall mean the selective removal of branches or portions of branches from a tree, including the removal of stems or root pruning for the purpose of improving viability.

"Qualified Person" shall mean an Arborist, certified by the International Society of Arboriculture, or a Landscape

Architect, registered with the Canadian Society of Landscape Architects.

"Replacement Tree" shall mean a tree planted on a property to replace a tree which has been cut down on the same property.

"Tree Cutting Permit" shall mean a permit issued by the General Manager of Planning & Development in accordance with this By-law which will allow cutting and replacement of trees under conditions stipulated in the permit.

"Tree Cutting and Replacement Plan" shall mean a plan based on the tree survey which shows the trees proposed to be cut and the location, size (height and caliper) and species of replacement trees to be planted upon a subject site.

"Tree Survey" shall mean a plan showing the location, species and trunk diameter of all existing trees on a subject site having a diameter greater than 20 centimetres (8 inches) at a point 1.2 metres (4 feet) above the ground. In the case of multi-stemmed trees, the diameter shall be measured around all the stems together.

3. (a) It shall be unlawful for any person(s) including owners to cut, or allow to be cut, trees in the following areas:

(i) within 5 metres measured horizontally from the top of the bank of all stream courses or ravines;

(ii) on steep slopes with grades in excess of 2 horizontal to 1 vertical;

(iii) in marshes;

(iv) in other areas having a high environmental sensitivity as shown on the attached extract from Surrey Environmentally Sensitive Areas (ESA) map and data base attached to and forming part of this by-law as Map 1.

(b) It shall be unlawful for any person(s), including owners, to cut or allow to be cut, trees on properties in areas other than those included in 3(a) above which have further subdivision or development potential without first having obtained a Tree Cutting Permit.

PERMITS

4. Without affecting the generality of this By-law, Tree Cutting Permit shall be governed by the following regulations:

(a) When subdivision or development of a property is not contemplated,

(i) a tree cutting permit may be granted for a maximum period of 1 year;

(ii) a maximum of 10% of all trees on the subject property may be removed during the duration of the permit;

- (iii) no trees shall be removed within 5 metres from the perimeter of a property being the legal boundary;
- (iv) no trees shall be removed within 10 metres from the legal boundary adjacent to a highway, except for areas required for driveway access and service connections;
- (v) notwithstanding the above, Council may, by further by-law, order the issuance of a permit with other regulations in accordance with the provisions of this by-law and Section 929.01 of the Municipal Act.

(b) When a subdivision or a development application is made outside a Development Permit Area, as set forth in the Official Community Plan,

- (i) a tree survey as defined shall be submitted by the applicant;
- (ii) where the tree stand is so dense as to render individual tree enumeration difficult, the tree survey may show clusters of trees intended to be preserved;
- (iii) except as specifically approved in the permit a tree cutting and replacement plan in accordance with good arboricultural practice as determined by a qualified person.

(c) When a subdivision or a development application is made within a Development Permit Area,

(i) the tree cutting permit shall be governed by the requirements of the Development Permit which is subject to the approval of the Council.

(d) Public lands are subject to the provisions of Section 4(b).

(e) Prior to issuance of a tree cutting permit, an applicant may be required to submit, at his expense, a report prepared by a qualified person, justifying the need for tree removal and demonstrating that the proposed cutting will not create such adverse impact as danger of flooding, erosion, land slip or contamination of watercourses.

CONTRAVENTION

5. Where trees are removed in contravention of this By-law:

(a) Appropriate penalty as provided in the By-law shall apply;

(b) Remedial measures stipulated hereunder shall be taken:

- (i) A replacement plan shall be submitted;
- (ii) Replanting is required at a ratio of two (2) replacement trees for each tree removed.
- (iii) Replacement trees shall be specified in accordance with good arboricultural practice as determined by a qualified person but need not be of the same species as those which were removed.
- (iv) The minimum size of replacement trees shall be a height of 4.0 metres for conifers and a trunk diameter of 8.0 centimetres measured at 50 centimetres above the root crown for deciduous species.

(v) Maintenance requirements shall be specified in the replacement plan and carried out in accordance with the specifications.

(e) The permit shall be displayed in an accessible and conspicuous position on the property and shall be made available to the General Manager of Planning & Development upon request.

PERMIT APPLICATION PROCEDURE

6. (a) Applications for a tree cutting permit shall be made to the General Manager of Planning and Development by completing the forms in Schedules A and B appended;

(b) Applications shall be accompanied by:

- (i) a letter explaining the reasons for the proposed tree cutting;
- (ii) letter of authorization where applicant does not own the subject land;
- (iii) a tree survey;
- (iv) a tree cutting and replacement plan where applicable;
- (v) a report from a qualified person, where required;
- (vi) proof of liability insurance carried by the tree removal company retained;

PERMIT CONDITIONS

7. Tree cutting and replacement shall be strictly in accordance with the conditions imposed by this By-law and any special conditions specified in the Permit including:

(a) City staff may enter a tree cutting/replanting site at any reasonable time for inspection and to administer and enforce the By-law;

(b) The General Manager of Planning and Development may suspend or revoke a permit at any time if he determines that tree cutting and replacement is not being undertaken according to the conditions of the By-law and permit;

(c) Protective barriers shall be installed and approved prior to tree cutting;

(d) Disposal of tree parts on-site shall be by chipping or burning in accordance with the Surrey Burning By-law as amended.

(e) Restricted hours of operation pursuant to Surrey Noise By-law [7044](#) as amended.

PERMIT FEES

8. Application Fees

(a) A non-refundable application fee shall be paid, as follows: A base fee of \$50.00 plus \$20.00 per tree proposed to be removed.

SECURITY DEPOSIT

9. (a) The applicant is required to submit a Security Deposit for full and proper compliance with all terms and conditions in the permit, including provision of all replacement trees and materials required for site reinstatement.
- (b) The security shall be in the form of a cash deposit or irrevocable letter of credit drawn upon a chartered bank in a form acceptable to the City.
- (c) The amount of the security shall be 100% of the value of all replacement trees and site restoration measures required by the City, as estimated by a qualified person.
- (d) There shall be a 10% holdback of the security deposit for a period of one year after the work has been completed to the satisfaction of the City.
- (e) Should the permit holder fail to comply with the terms and conditions of the permit, the City may enter the property and perform such work as is necessary and may retain all or a portion of the security to cover the cost of such work.

ASSESSMENTS AND INSPECTIONS

10. (a) The City may by use of its employees or other qualified persons, enter any property at any reasonable time to make an assessment or inspection of: trees prior to removal; trees remaining after tree cutting; and replacement trees as shown on the plans approved with the permit.

EXEMPTIONS

11. The following situations are exempt from the provisions of this By-law, except as stated:
- (a) surveyors cutting survey lines having a width of less than 2 metres;
- (b) removal or pruning of dead, diseased or damaged trees by standard arboricultural practices;
- (c) emergency removal of dangerous or hazardous trees and branches by standard arboricultural practices. Such trees are to be replaced in accordance with the replacement tree standards of this by-law;
- (d) residentially zoned lots of record, pursuant to Surrey Zoning By-law No. [5942](#) as amended, having an area less than 1.9 times the minimum parcel size permitted within the zone which have no further development potential;
- (e) pruning;
- (f) pruning to improve sidewalk and utility clearance;
- (g) pruning of boulevard, park, school and urban forest trees by City staff or its contractors;
- (h) cutting of no more than 5% of the trees on a lot of record, within a calendar year, provided that the following

conditions are met:

- (i) no trees shall be removed within 5 metres from the perimeter of a property;
- (ii) no trees shall be removed within 10 metres from a highway;

(i) Where lands are rendered undevelopable by any provision of this By-law, cutting of trees to allow a use and development to the density permitted by the applicable zoning by-law by a permit issued in accordance with the other provisions of this By-law. In areas regulated by Section 3(a), special measures may be required to mitigate hazardous conditions or loss of habitat as determined by a person qualified to render an expert opinion. In any event, a permit issued under this provision shall maximize tree preservation.

EXPIRATION OF PERMIT

12. Unless otherwise specified in the permit, where the holder of a permit does not substantially complete the tree cutting and planting of replacement trees specified in the permit within one year after the date of issuance, the permit lapses. In this event, all security monies may be withheld and used by the City to ensure appropriate site reinstatement.

PENALTY

13. (a) Every person who violates any of the provisions of this By-law or acts in contravention of this By-law, shall upon Summary Conviction therefor be liable to a fine not exceeding Two Thousand Dollars (\$2,000.00), or to a term of imprisonment not exceeding six (6) months, or to both fine and imprisonment under the provisions of the Offence Act RSBC 1979, Chapter 305, and all amendments thereto.

(b) The terms of this section shall apply upon the City serving notice to an owner or person who violates any of the provisions of this By-law.

(c) Where appropriate, an order to restore the damage caused by the offence by replanting and other means shall be made.

14. If the applicant does not pay the costs of tree replanting and site reinstatement, on or before December 31, in the year in which the costs were incurred, the cost shall be added to and form part of the taxes on the real property as taxes in arrears.

15. Schedules "A" and "B" and Map 1 inclusive are attached to and form part of this By-law.

PASSED THREE READINGS on the 23rd day of November, 1992.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 30th day of November, 1992.

_____MAYOR

SCHEDULE "A" TO BY-LAW NO. 11565

CITY OF SURREY

PERMIT FOR TREE CUTTING

TREE CUTTING PERMIT NO. _____

This Permit is hereby issued to

(name of owner - individual or company - the Permittee)

for tree cutting on _____

(insert legal description and City address)

pursuant to the provisions of the City of Surrey, By-law __, subject to:

1. Tree cutting being undertaken strictly in accordance with the terms and conditions of this permit and any plans and specifications being attached hereto as part of this permit.
2. The Permittee depositing the required security and giving permission to the General Manager of Planning & Development or his designated staff to enter the subject properties when necessary.
3. Any other conditions stipulated hereunder:

THIS PERMIT EXPIRES ON _____

(Date)

General Manager

Planning & Development Department

Dated this ____ day of _____, 19__.

SCHEDULE "B" TO BY-LAW NO. 11565

CITY OF SURREY

SECURITY AND PERMISSION TO ENTER

A TREE CUTTING PERMIT SITE

WHEREAS the undersigned has deposited with of the City of Surrey (The "City") cash in the amount of \$___or an irrevocable Letter of Credit in the amount of \$___pursuant to the Tree Preservation, Removal and Replacement By-law to ensure site restoration and/or installation of replacement trees on property described as: _____

_____ in accordance with the tree cutting permit approved for issuance ____

NOW THEREFORE WITNESSETH that for good and valuable consideration received the undersigned hereby covenants to and agrees with the City:

1. To complete the planting of the said replacement trees and/or site restoration work within the time specified in the permit.
2. To obtain from any person to whom the undersigned proposes to transfer the said lands or any interest therein prior to the substantial completion of the said planting of replacement trees or site restoration a form of permission to enter identical to this document with necessary changes and to deliver to the City the new document duly executed by the person to whom the undersigned proposes to transfer the said lands or any interest therein together with the security described in the preamble hereto.
3. To authorize and to permit the City to retain any cash or other forms of securities deposited by the undersigned in the event that the undersigned fails to perform any of the covenants on his part within the times stipulated. In such event the City may, at its sole discretion, enter the said lands and provide and install the said restoration or landscaping works. Should the City enter the lands and complete the said works, and should there be insufficient funds on deposit to cover the cost of completion, the undersigned shall remit the shortfall in monies to the City forthwith upon demand.

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IN WITNESS WHEREOF the undersigned has hereunto set his hand and seal, or being a corporation, has hereunto affixed its corporate seal in the presence of its proper officers first duly authorized in that behalf.

SIGNED, SEALED AND DELIVERED

in the presence of:

_____) _____

Name) Signature

)

_____) _____

Address) Address

)

_____) _____

Occupation) Telephone

)

The Corporate Seal of the City)

)

of Surrey.)

)

was hereunto affixed in the)

presence of:)

_____)