



## **CORPORATION OF THE CITY OF VERNON**

### **CLIMATE ACTION ADVISORY COMMITTEE**

**JUNE 26, 2024, AT 4:00 PM**

**OKANAGAN LAKE ROOM (COUNCIL CHAMBER)**

## **A G E N D A**

1) **CALL TO ORDER**

2) **LAND ACKNOWLEDGEMENT**

*As chair of the City of Vernon's Climate Action Advisory Committee, and in the spirit of this gathering, I recognize the City of Vernon is located in the traditional territory of the Syilx people of the Okanagan nation.*

3) **ADOPTION OF AGENDA**

4) **ADOPTION OF MINUTES**

May 29, 2024 (Attached)

5) **UNFINISHED BUSINESS**

6) **NEW BUSINESS:**

1. Tree Protection Bylaw Review

7) **INFORMATION ITEMS**

8) **NEXT MEETING**

The next meeting of the Climate Action Advisory Committee is scheduled for **July 31, 2024.**

9) **ADJOURNMENT**



THE CORPORATION OF THE CITY OF VERNON

**MINUTES OF THE  
CLIMATE ACTION ADVISORY COMMITTEE  
HELD MAY 29, 2024, 2024 AT 4:00 PM  
OKANAGAN LAKE ROOM (COUNCIL CHAMBER)**

**PRESENT:** Mayor Cumming  
Donna Bartel, Community at Large Rep.  
Sid Kwakkel, Educators, Post Secondary Rep.  
Councillor Guy, Council Appointed  
Barry Dorval, Educators, Primary and Secondary Rep.  
Patrick Riley, Okanagan Indian Band Rep.  
Casey Neathway, Health & Social Services Rep.  
Stephanie Hendy, Community at Large Rep.  
Jenna Boone, Youth Rep.  
Buffy Baumbrough, Science & Technology Rep.  
Fawn Ross, Community Stewardship Rep.

**ABSENT:** Jordan Hart, Business and Commercial Services Rep.  
Jen Comazzetto, SD22 Rep.  
Casey Bain, Youth Rep.

**STAFF:** Kevin McCarty, Specialist, Climate Action  
Jennifer Pounder, Records/Committee Clerk  
Barbara Everdene, Long Range Planner  
Roy Nuriel, General Manager, Planning

**ORDER** The meeting was called to order at 4:01 p.m.

**LAND ACKNOWLEDGEMENT** *As Chair of the City of Vernon's Climate Action Advisory Committee (CAAC), and in the spirit of this gathering, I recognize the City of Vernon is located in the traditional territory of the Syilx people of the Okanagan nation.*

**ADOPTION OF THE AGENDA** Moved by B. Baumbrough, seconded by C. Neathway:

THAT the agenda of the May 28, 2024 Climate Action Advisory Committee meeting be adopted.

**CARRIED.**

**ADOPTION OF THE MINUTES**

Moved by B. Dorval, seconded by P. Riley:

THAT the minutes of the March 27, 2024 Climate Action Advisory Committee meeting be adopted.

**CARRIED.**

**UNFINISHED BUSINESS:****COUNCIL UPDATE**

Councillor Guy provided the Committee with an update on recent City Council business pertaining to the interest of this Committee. The following was noted:

- Sustainability grants have increased the maximum from \$1,000 to \$2,000 and the budget has increased to \$25,500.
- \$30,000 was received for the Emergency Support Services for equipment and training from the UBCM Emergency Preparedness Fund, as well as an additional \$30,000 grant for the Emergency Operations Centre.
- A resolution requesting that SILGA no longer accept funding from the oil and gas sector was presented at SILGA. It was not passed but did generate interest.
- The Province announced a \$15 million grant in support of the City's plan to protect the Aberdeen Plateau.
- Staff introduced a new Stormwater Draining Bylaw aimed at regulating water quality.

*D. Bartel joined the meeting at 4:17 p.m.*

**STAFF UPDATE**

K. McCarty provided an update of recent Staff activity. The following was noted:

- The Sustainability Grants and Tree Voucher programs are open for application until June 15<sup>th</sup> and June 13<sup>th</sup>, respectively.
- GoByBike Week is kicking off June 3 and runs to June 9.
- A consultant has been hired to support the building condition assessment study for COV buildings. They will also be supporting the application to FCM for funding to conduct a GHG reduction feasibility study for COV buildings.
- The City has issued an RFP for "Environmental Mapping and State of Natural Assets", which will inform the update to the OCP.
- Research with the UBC Sustainability Scholars is underway.
- The Sustainability webpage on Vernon.ca has been updated to include more of information and resources.
- Approximately 600 community members have been communicated with on climate and sustainability through attendance at community events and meetings.

- A climate action community outreach strategy is currently being developed.
- B. Everdene, Long Range Planner reminded the Committee of the upcoming OCP/TP workshop, scheduled for June 11, 2024, that all Committee members were invited to attend. Congratulations were also given to B. Dorval and his team on the success of the recent CARE event.

**SUBCOMMITTEES**

Moved by B. Baumbrough, seconded by F. Ross:

THAT the Climate Action Advisory Committee create the following subcommittees:

1. Communication and Outreach  
Support the development and implementation of a community outreach and communication strategy.
2. Official Community Plan  
Review Vernon's current Official Community Plan (OCP) and other municipal OCPs to identify opportunities to integrate the Climate Action plan (CAP) goals with the update to the OCP. Attend and promote OCP engagement events. May also provide input for the Transportation Plan updates that are happening concurrently with the OCP updates.
3. Metrics and Reporting  
Help staff prioritize climate metrics and discuss how to track performance and share the CAP implementation results.
4. Consideration of future Climate Aspects  
Provide CAAC with information in three main areas: 1) consideration of climate aspects beyond the seven identified in the CAP, 2) evaluation of climate aspects with the CAP, and 3) evaluation of current CAAC Terms of Reference.

AND FURTHER, that the Committee review the need for all active subcommittees at the first meeting of each year.

CARRIED.

S. Kwakkel provided a quick summary of the subcommittees for members who were not in attendance at the last meeting.

Each of the Subcommittees provided an overview of the updates provided.

**NEW BUSINESS:**

**TREE PROTECTION  
BYLAW**

K. McCarty informed the Committee of an additional meeting on June 26, 2024 to review the draft renewal of the Tree Protection Bylaw.

**INFORMATION ITEMS:**

**NEXT MEETING**

The next meeting for the Climate Action Advisory Committee is set for June 26, 2024 at 4:00 p.m.

**MOTION TO ADJOURN**

Moved by S. Hendy, seconded by D. Bartel:

THAT the meeting of the Climate Action Advisory Committee be adjourned.

CARRIED.

**ADJOURNMENT**

The meeting of the Climate Action Advisory Committee adjourned at 6:04 p.m.

**CERTIFIED CORRECT:**

\_\_\_\_\_ Chair



THE CORPORATION OF THE CITY OF VERNON

**MEMORANDUM**

**TO:** Climate Action Advisory Committee **FILE:** N/A  
**FROM:** Caitlyn Wiltsie, Environmental Planning Assistant **DATE:** June 14, 2024  
**SUBJECT: TREE PROTECTION BYLAW UPDATE**

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**PURPOSE:**

To provide the Climate Action Advisory Committee (CAAC) with an overview of the proposed Tree Protection Bylaw and receive the CAAC's support to:

1. Rescind and replace the existing Tree Protection Bylaw with the proposed Tree Protection Bylaw to support current best practices, align with municipal policies, and comply with provincial FireSmart guidelines;
2. Introduce a Civic Tree Reserve Fund to allow for cash-in-lieu payment where replacement planting is not feasible;
3. Update the Fees and Charges Bylaw to establish the fees associated with the issuance of a tree cutting permit; and
4. Update the Municipal Ticketing Bylaw and Bylaw Notice Enforcement Bylaw to support enforcement of the proposed Tree Protection Bylaw.

**RECOMMENDATION:**

THAT CAAC recommends Council support the repeal and replacement of Tree Protection Bylaw #4152 (1995) with Tree Protection Bylaw #XXXX (2024), as presented in the memorandum titled "Tree Protection Bylaw Update," dated June 14, 2024, and respectfully submitted by the Environmental Planning Assistant;

AND FURTHER THAT CAAC recommends Council establish a Civic Tree Reserve Fund to allow for cash-in-lieu payment where replacement planting is not feasible;

AND FURTHER THAT CAAC recommends Council support amendments to the Fees & Charges Bylaw #3909 (1993), Bylaw Notice Enforcement Bylaw #5250 (2011), and Municipal Ticketing Bylaw #5300 (2011) to support the adoption of the Tree Protection Bylaw #XXXX (2024).

## **ANALYSIS:**

### **A. Background:**

Municipal tree protection bylaws were adopted throughout the province in the 1990s in response to increasing community awareness of the benefit of trees to community health and economic viability. The current Tree Protection Bylaw #4152 was adopted on March 18, 1995 and last amended on May 27, 1996. Efforts to update the bylaw have been endorsed by Council and initiated by staff, however, no update has occurred to date.

An update to the bylaw (Attachment 1) will allow for alignment with sustainability objectives of the Official Community Plan, canopy cover targets of the Climate Action Plan, housing objectives of the provincial Small Scale Multi Unit Housing legislation, and provincial FireSmart guidelines.

The updated bylaw will also streamline the tree cutting permit application process by outlining application requirements, clarifying exemptions, introducing replacement planting criteria in alignment with current best practices, allowing for cash-in-lieu where replacement planting is not feasible, and including penalties to support enforcement.

### **B. Proposed Bylaw**

The proposed bylaw contains twelve sections, including a blanket prohibition statement restricting the damage or removal of trees without a permit unless an exemption applies. Exemptions include regular seasonal pruning that does not damage a tree, as well as, removal associated with an issued Development Permit that includes a landscape plan, compliance with FireSmart requirements where determined necessary by a City FireSmart representative, and the emergency removal of hazardous trees.

Replacement tree requirements have been revised to align with provincial tree replacement criteria, including the provision of two replacement trees for the removal of a tree with a trunk diameter less than 15 cm and three replacement trees for the removal of a tree with a trunk diameter in excess of 15 cm. Replacement trees are required to comply with current FireSmart guidelines, including restricting planting within 1.5 meters of a structure, limiting trees within 10 meters of a structure to deciduous varieties, and allowing either deciduous or coniferous trees where located greater than 10 meters from a structure.

Security amounts have been clarified, allowing applicants to either use a base rate of \$500 per tree removed or to obtain an estimate from a qualified professional. Where replacement planting is not feasible due to insufficient space on the subject property, as determined by a qualified professional, cash-in-lieu is permitted in an amount equivalent to the security deposit that would have been provided towards the Civic Tree Reserve Fund. Resources allocated towards the reserve fund will go towards planting and maintaining trees on property within the City of Vernon, ensuring

continual progress towards municipal canopy cover targets and greenhouse gas reduction priorities.

Tree protection criteria has been introduced in Schedule A of the proposed bylaw. These criteria include the provision of a physical barrier around the critical root zone of a tree when excavation, construction, or a similar activity is proposed that may damage a tree. This schedule, alongside the main body of the proposed bylaw, will promote the retention and longevity of trees in a manner accessible to the general public.

### **C. Additional Requirements**

The following amendments will be required to support the proposed bylaw adoption:

#### **1. Fees & Charges Bylaw #3909**

The amendment proposes to add a new line item to the bylaw to establish the fees associated with the review of a tree cutting permit (Attachment 2). The \$50 fee is not reflective of the full staff time required to process the permit, as time required varies based on the complexity of the application, but is in alignment with other municipalities including the City of Kelowna and District of Peachland.

#### **2. Bylaw Notice Enforcement Bylaw #5250**

This amendment proposes to add new line items to the bylaw to establish penalties for the damage to or removal of a tree without a permit (Attachment 3). The penalty amount acts as a progressive enforcement measure, providing a clear foundation for enforcement while promoting conformance with the bylaw as a preferred avenue for property owners.

#### **3. Municipal Ticketing Bylaw #5300**

This amendment proposes to add new line items to the bylaw to establish penalties for the damage or removal of trees without a permit, as well as, for contravening the Tree Protection Criteria described in Schedule A of the proposed bylaw (Attachment 4). As these penalties are more significant than those issued under the Bylaw Notice Enforcement Bylaw, they are intended for instances of repeat offences or serious infractions.

### **ATTACHMENTS**

- Attachment 1 – Draft Tree Protection Bylaw #XXXX
- Attachment 2 – Draft Fees & Charges Bylaw Amendment Bylaw #XXXX
- Attachment 3 – Draft Bylaw Notice Enforcement Bylaw #XXXX
- Attachment 4 – Draft Municipal Ticketing Bylaw Amendment Bylaw #XXXX



**CONCLUSION**

Staff recommend support of the proposed bylaw updates as described above.

Respectfully submitted:

A handwritten signature in black ink that reads "Caitlyn Wiltsie". The signature is written in a cursive style with a loop at the beginning of the first name.

\_\_\_\_\_  
Caitlyn Wiltsie,  
Environmental Planning Assistant

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**THE CORPORATION OF THE CITY OF VERNON  
BYLAW NUMBER XXXX**

A BYLAW FOR THE MANAGEMENT AND PROTECTION OF TREES.

WHEREAS the *Community Charter* authorizes Council for the City of Vernon to protect trees and regulate the cutting, removal, damage, and replacement of trees within the City;

AND WHEREAS Council wishes to protect and preserve the live canopy by regulating the removal of trees and promoting the health and longevity of trees within the City limits;

AND WHEREAS Vernon’s Climate Action Plan Ecosystem Health & Biodiversity Goal 2 strives to prepare and protect the urban forest from climate change impacts by increasing the number of trees;

The Council of The Corporation of the City of Vernon, in open meeting assembled, enacts as follows:

READ A FIRST TIME this        \_\_\_ day of \_\_\_, 2024

READ A SECOND TIME this     \_\_\_ day of \_\_\_, 2024

PUBLIC HEARING held this     \_\_\_ day of \_\_\_, 2024

READ A THIRD TIME this      \_\_\_ day of \_\_\_, 2024

ADOPTED this \_\_\_ day of \_\_\_, 2024.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

# ▲ 1. TITLE

1.1 This bylaw may be cited as the “Tree Protection Bylaw XXXX, 2024”.

# ▲ 2. INTERPRETATION

2.1 In this bylaw, unless context otherwise requires:

**City** means the Corporation of the City of Vernon.

**Civic Tree Reserve Fund** means a fund maintained by the **City** for the purpose of planting and maintaining **Trees** on property within the **City**.

**Council** means the governing body of the municipal corporation of the **City**.

**Critical Root Zone** means the area in which the majority of a **Tree’s** roots lay.

**Damage** means any human action that causes a **Tree** to decline in health or die, including but not limited to: excessive pruning (exceeding thirty percent (30%) of the live branches in a twelve (12) month period), cutting or removing bark, cutting roots, poisoning, burning, or infringing upon the **Critical Root Zone**.

**Director** means the Director of Planning and Community Services for the **City**, or an individual authorized to act in place of the **Director**.

**FireSmart** means FireSmart BC, a provincial extension of the national fire awareness program for increasing neighborhood resilience to wildfire and minimizing its negative impacts.

**Hazardous Tree** means a **Tree** or limb of a **Tree** that is in a condition that is likely to cause death, personal injury, or damage to structures or other property.

**Person** means an individual or a body corporate, trust, partnership, fund, an unincorporated association or organization.

**Qualified Professional** means

- a) a professional engineer licensed as required to practice in British Columbia,
- b) a member of the BC Society of Landscape Architects,
- c) a qualified environmental professional, as defined in the *Riparian Areas Protection Regulation*, or
- d) an arborist certified by the International Society of Arboriculture working within their scope of professional practice and licensed as required to practice in British Columbia.



**Remove** means to cut down, kill, or eradicate a **Tree** by any means and includes to pull up, push, pull over, or otherwise fell a **Tree**.

**Replacement Tree** means a **Tree** a required to replace a **Tree** which has been removed or damaged on the same property.

**Riparian Area** means the area around a watercourse as defined in the *Riparian Areas Protection Regulation*.

**Tree** means a self-supporting woody plant that is a species of coniferous or deciduous genus which normally grows to a height of five (5) metres or greater, notwithstanding its current size.

**Tree Cutting Permit** means a permit to **Remove** a **Tree** issued by the **Director** pursuant to this bylaw.

- 2.2 Except as otherwise defined herein, words and phrases in this bylaw are to be construed in accordance with their meanings under the *Community Charter, Local Government Act* and *Interpretation Act*, as the context and circumstances require. A reference to an Act refers to a statute of British Columbia unless otherwise indicated and a reference to any statute, regulation, bylaw or other enactment refers to that enactment as it may be amended or replaced from time to time.
- 2.3 If any section, subsection or other portion of this bylaw is held to be invalid by a court of competent jurisdiction, the decision to sever that portion does not affect the validity of the remainder of this bylaw which continues to be valid.

### ▲ 3. PROHIBITION

- 3.1 Except as exempted under Section 5 of this bylaw or under another enactment of the **City**, British Columbia, or Canada, no **Person** shall:
- a) **Damage**; or
  - b) **Remove**
- a **Tree** on any property within the **City** except in accordance with an issued **Tree Cutting Permit**.



## ▲ 4. TREE REMOVAL PERMIT REQUIREMENTS

- 4.1 Any **Person** who intends to **Remove** a **Tree** located within the **City** must submit an application to the **Director**, in a form approved by the **Director**, for a **Tree Cutting Permit**, along with the associated non-refundable application fee, as specified in Fees and Charges Bylaw #3909. At minimum, an application must include the following information:
- a) a completed application form including the signatures of the applicant(s) and property owner(s) of all affected properties;
  - b) a site plan in metric scale showing the location of existing **Trees**, **Trees** to be **Removed**, proposed **Replacement Trees**, and any existing or proposed structures, paving, utilities, or easements on the property;
  - c) a written rationale that includes a description of the **Tree Removal** works and why the **Tree Removal** is required; and
  - d) steps the applicant will take to ensure the proposed action will not contravene the *BC Wildlife Act, Riparian Areas Protection Regulation, Migratory Bird Regulations* or any other relevant enactments of the **City**, Province, or Canada.
- 4.2 In reviewing an application, the **Director** may request additional information that the **Director** considers relevant, including:
- a) a signed report from a **Qualified Professional**; or
  - b) a **FireSmart** assessment conducted by a **FireSmart** representative appointed by the **City**.

## ▲ 5. EXEMPTIONS

- 5.1 The following activities are exempt from the provisions of this bylaw:
- a) regular seasonal pruning that does not cause **Damage** to the **Tree**;
  - b) the **Removal** of **Trees** with a diameter less than ten centimeters (10 cm), when measured at one point four meters (1.4 m) above the ground unless situated in a **Riparian Area**, on a slope exceeding thirty percent (30%), or a **Replacement Tree**;
  - c) the **Removal** of **Trees** associated with an issued Building Permit for the construction of dwelling units on property within the MUS: Multi-Unit Small Scale Zone;



- d) the **Removal** of **Trees** as prescribed by a landscape plan that has been accepted by the **City**, for which the **City** is holding landscape securities as part of an issued Development Permit under Development Application Procedure Bylaw #4103;
- e) the **Removal** of fruit **Trees** or invasive species, as identified by the Invasive Species Council of British Columbia;
- f) the **Removal** of **Trees** deemed necessary to comply with **FireSmart** requirements as determined by a **FireSmart** representative appointed by the **City**;
- g) the emergency **Removal** of **Hazardous Trees** reported immediately to the **Director** by the end of the next business day after cutting, providing a written explanation on the hazard(s) posed by the **Tree** and any imminent danger posed to persons or property as deemed acceptable by the **Director**;
- h) the **Removal** of **Trees** as deemed necessary by a utility, emergency service, or **City** public works department; or
- i) regular farm practices on commercial farms, fruit orchards, or agricultural properties in accordance with the *Farm Practices Protection Act*.

## ▲ 6. REPLACEMENT TREE REQUIREMENTS

- 6.1 The owner of property from which a **Tree** is **Damaged** or **Removed** must ensure that the **Tree** is replaced on the same property within twelve (12) months of the date that the **Tree Cutting Permit** was issued in accordance with the following:
- a) two (2) **Replacement Trees** for any **Tree** that is **Damaged** or **Removed** with a trunk diameter of less than fifteen centimeters (15 cm), when measured at one point four meters (1.4 m) above the ground;
  - b) three (3) **Replacement Trees** for any **Tree** that is **Damaged** or **Removed** with a trunk diameter of fifteen centimeters (15 cm) or greater, when measured at one point four meters (1.4 m) above the ground; or
  - c) for **Trees Damaged** or **Removed** from **Riparian Areas** or on slopes greater than thirty percent (30%), a **Qualified Professional** may specify the number of **Replacement Trees** in accordance with provincial **Tree** replacement criteria.



### Location of Replacement Trees

- 6.2 In accordance with **Firesmart** guidelines, a new or **Replacement Tree** must not be planted within one point five meters (1.5 m) from a structure. **Replacement Trees** located within ten meters (10 m) of a structure must be deciduous. **Replacement Trees** located ten meters (10 m) or greater from a structure may be either coniferous or deciduous.

### Size and Species of Replacement Trees

- 6.3 The species of a **Replacement Tree** must conform to those specified in Landscape Standards Bylaw #5015 or if not practical or feasible for a particular property, as deemed acceptable by the **Director**. A **Replacement Tree** must meet the following size requirements:
- a) the minimum size of a replacement coniferous **Tree** shall be two meters (2 m) in height; and
  - b) the minimum diameter of a replacement deciduous **Tree** shall be six centimeters (6 cm) when measured at one point four meters (1.4 m) above the ground.
- 6.4 **Replacement Trees** must be maintained for a minimum of a two (2) year period following planting to ensure they are kept in good health in accordance with standard arboricultural practices.

## 7. SECURITY DEPOSIT

- 7.1 An applicant for a **Tree Cutting Permit** must provide the **City** with a security deposit to ensure that the replacement **Trees** are planted and maintained in good health for a minimum of two (2) years. The total security deposit will be equal to the full cost of purchasing, planting, and maintaining required **Replacement Trees**, at a base rate of five hundred dollars (\$500) per **Tree Damaged** or **Removed**, or as reasonably estimated by a **Qualified Professional** and accepted by the **Director**.
- 7.2 The security must be provided either as a cash deposit or as an irrevocable letter of credit drawn from a bank in a form of security that is acceptable to the **Director**.
- 7.3 The **Director** may draw upon the security as the **Director** considers necessary for the purpose stated in Subsection 7.1. Any amount of the security not required for that purpose, including interest, will be returned to the applicant two (2) years after the date of permit issuance contingent upon the applicant's compliance with this bylaw and the successful establishment of the **Replacement Trees**. It is the applicant's responsibility to contact the Planning and Community Services Division to request a return of securities.



## ▲ 8. DELEGATION OF AUTHORITY

- 8.1 The **Director** may issue a **Tree Cutting Permit** upon being satisfied that the application and any related information is complete, the application fees have been paid, and the proposed work can be carried out as detailed in the application.
- 8.2 The **Director** may, as a condition of issuing a **Tree Cutting Permit**, impose conditions, requirements and restrictions that ensure the purposes of this bylaw can be met.
- 8.3 The **Director** may refuse, suspend, or cancel a **Tree Cutting Permit** if the **Director** considers the proposed work cannot be carried out in accordance with this or another bylaw of the **City**, and may suspend the permit if work is not being carried out in accordance with the permit or this or another bylaw of the **City**.
- 8.4 Where a **Qualified Professional** has determined that there is insufficient space on site to locate one or more **Replacement Trees**, the **Director** may accept a payment in lieu of the requirements of Section 6 and 7, in an amount equivalent to the security deposit that would otherwise be required under Section 7 for each **Replacement Tree**, to the **Civic Tree Reserve Fund**.

## ▲ 9. RECONSIDERATION

- 9.1 If an application for a **Tree Cutting Permit** is refused, suspended, or cancelled, or the applicant is unable or unwilling to meet any conditions, restrictions or requirements of the permit set out by the **Director**, the owner or occupier of the subject property may apply for reconsideration by **Council** by submitting a written request within thirty (30) days of the decision by the **Director**, setting out the applicant's reasons, to the **City** Corporate Officer, who will arrange for **Council** to hear the matter and notify as to the time and date of hearing.
- 9.2 Pursuant to a request under Section 9.1, **Council** may consider information provided by the **Director** and other staff, contractors or third parties, that **Council** considers relevant to reconsideration, and may affirm, vary, substitute or cancel the decision of the **Director**, as **Council** considers appropriate for the purposes of this bylaw.





## ▲ 10. TREE PROTECTION CRITERIA

- 10.1 Whenever there is an excavation, demolition, construction, or alteration activity on a property that could **Damage** a **Tree**, those **Trees** must be adequately safeguarded through the Tree Protection Criteria described in Schedule A attached to this bylaw.

## ▲ 11. ENFORCEMENT, OFFENCE, AND PENALTY

- 11.1 This bylaw may be enforced by the **Director**, Bylaw Enforcement Officer, or another **Person** authorized by **Council**; and the **Director**, Bylaw Enforcement Officer, or other authorized **Person** may enter on the property for the purposes of and in accordance with Section 16 of the *Community Charter*.
- 11.2 Every **Person** who:
- a) contravenes or violates any provision of this bylaw;
  - b) allows or permits any activity or thing to be done in contravention or violation of this bylaw; or
  - c) neglects or fails to meet a requirement under this bylaw
- commits an offence, and each day that a contravention or violation continues is a separate offence.
- 11.3 This Bylaw may be enforced by:
- a) a bylaw notice pursuant to the Bylaw Notice Enforcement Bylaw #5250;
  - b) a municipal ticket pursuant to the Municipal Ticket Information Bylaw #5300;
  - c) proceedings brought under the *Offence Act*, to pay a fine of not less than \$1,000 and not more than \$50,000 and such other amounts as the court may impose in relation to the offence; or
  - d) any other remedy available to local governments.
- 11.4 The payment of a fine or other penalty imposed under this Bylaw does not relieve a person from paying amounts owing to the **City** under the Fees and Charges Bylaw or other bylaw in relation to the contravention or offence.
- 11.5 No **Person** shall provide false information, obstruct or interfere with the **Director**, Bylaw Enforcement Officer or any other **City** official in the exercise of their duties.



## ▲ 12. REPEAL

12.1 The City of Vernon Tree Protection Bylaw #4152, 1995 is repealed.



## Schedule A – Tree Protection Criteria

Prior to any excavation, demolition, construction, or alteration activity on a property that could potentially **Damage a Tree**, those **Trees** must be adequately safeguarded at the applicant’s expense through the practices described below:

- Physical barriers comprised of posts and continuous mesh screening one point two meters (1.2 m) in height installed around the **Critical Root Zone** of a **Tree** prior to any potentially damaging activity and maintained for the duration of the activity. Post placements are to avoid damaging roots.

Figure 1 – Elevation View

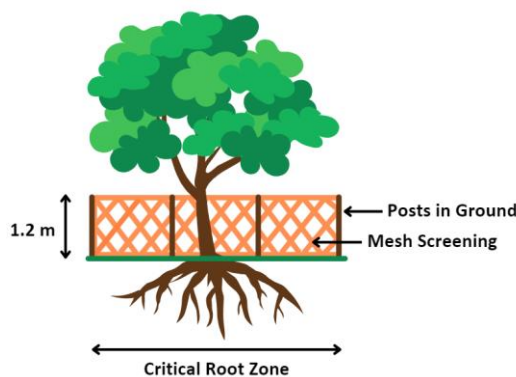
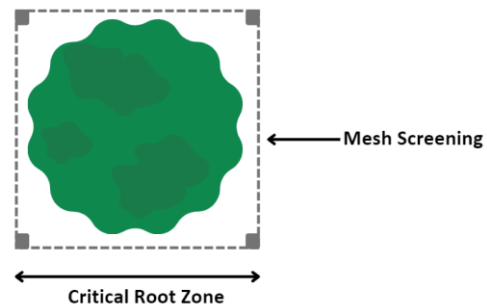


Figure 2 – Plan View



- The distance between the physical barrier and **Tree** trunk shall be determined by a **Qualified Professional** in accordance with current best practices for **Critical Root Zone** protection or using the table below:

Trunk Diameter at 1.4 m Above the Ground	Minimum Distance of Barrier to Trunk
10 cm / 100 mm	0.6 m
15 cm / 150 mm	0.9 m
20 cm / 200 mm	1.2 m
Calculation: divide trunk diameter at 1.4 m above ground (in mm) by 166 Example: 25 cm (250 mm) divided by 166 = 1.5 m minimum distance from trunk	

- Weatherproof signage must be posted on at least two sides of the barrier advising the following:

TREE PROTECTION ZONE – DO NOT ENTER  
 If barrier has fallen over, report immediately for repair  
 Phone: (###) ### - ####

- No incursions are permitted within the **Critical Root Zone**, including but not limited to material or equipment storage, soil piling, fill or grade changes, or using the **Trees** to support cables, fencing, or other structures.



THE COPORATION OF THE CITY OF VERNON

BYLAW #XXXX

A Bylaw to Amend Fees & Charges Bylaw #3909

WHEREAS the City of Vernon has adopted Fees & Charges Bylaw #3909;

AND WHEREAS it is deemed necessary to amend Fees & Charges Bylaw #3909;

THEREFORE BE IT RESOLVED that the Municipal Council of the Corporation of the City of Vernon, in open meeting assembled, enacts as follows:

1. That the following line item be added to Section 2 – Planning and Community Services:

<b>2. PLANNING AND COMMUNITY SERVICES</b>	<b>FEES</b>
CC. Tree Cutting Permits	\$50.00
DD. Civic Tree Reserve Fund (per tree)	\$500.00

2. This bylaw may be cited for all purposes as Fees & Charges Bylaw #3909, Amendment Bylaw #XXXX.
3. This bylaw shall take effect upon its adoption by the Municipal Council of the City of Vernon.

READ A FIRST TIME this \_\_\_\_ day of \_\_\_\_\_, 2024.

READ A SECOND TIME this \_\_\_\_ day of \_\_\_\_\_, 2024.

READ A THIRD TIME this \_\_\_\_ day of \_\_\_\_\_, 2024.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 Corporate Officer

THE COPORATION OF THE CITY OF VERNON

BYLAW #XXXX

A Bylaw to Amend Bylaw Notice Enforcement Bylaw #5250

WHEREAS the City of Vernon has adopted Bylaw Notice Enforcement Bylaw #5250;

AND WHEREAS it is deemed necessary to amend Bylaw Notice Enforcement Bylaw #5250;

THEREFORE BE IT RESOLVED that the Municipal Council of the Corporation of the City of Vernon, in open meeting assembled, enacts as follows:

1. That the following line items be added to Schedule 'A':

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
<b>Tree Protection Bylaw</b>						
XXXX	3.1(a)	Damage to a Tree	\$250.00	\$225.00	\$275.00	YES
XXXX	3.1(b)	Removal of a Tree	\$500.00	\$450.00	\$500.00	YES
XXXX	10.1	Contrary to Tree Protection Criteria	\$250.00	\$225.00	\$275.00	YES
XXXX	11.5	Obstruct City Official	\$500.00	\$500.00	\$500.00	NO

2. This bylaw may be cited for all purposes as Bylaw Notice Enforcement Bylaw #5250, Amendment Bylaw #XXXX.

3. This bylaw shall take effect upon its adoption by the Municipal Council of the City of Vernon.

READ A FIRST TIME this \_\_\_\_ day of \_\_\_\_\_, 2024.

READ A SECOND TIME this \_\_\_\_ day of \_\_\_\_\_, 2024.

READ A THIRD TIME this \_\_\_\_ day of \_\_\_\_\_, 2024.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

THE COPORATION OF THE CITY OF VERNON

BYLAW #XXXX

A Bylaw to Amend Municipal Ticketing Bylaw #5300

WHEREAS the City of Vernon has adopted Municipal Ticketing Bylaw #5300;

AND WHEREAS it is deemed necessary to amend Municipal Ticketing Bylaw #5300;

THEREFORE BE IT RESOLVED that the Municipal Council of the Corporation of the City of Vernon, in open meeting assembled, enacts as follows:

1. That the following line item be added to Schedule 'B':

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty
<b>Tree Protection Bylaw</b>				
XXXX	3.1(a)	Damage to a Tree	\$1500.00	\$1300.00
XXXX	3.1(b)	Remove of a Tree	\$3000.00	\$2800.00
XXXX	10.1	Contravention of Tree Protection Criteria	\$1000.00	\$800.00
XXXX	11.5	Obstruct City Official	\$3000.00	\$3000.00

2. This bylaw may be cited for all purposes as Municipal Ticketing Bylaw #5300, Amendment Bylaw #XXXX.

3. This bylaw shall take effect upon its adoption by the Municipal Council of the City of Vernon.

READ A FIRST TIME this \_\_\_\_ day of \_\_\_\_\_, 2024.

READ A SECOND TIME this \_\_\_\_ day of \_\_\_\_\_, 2024.

READ A THIRD TIME this \_\_\_\_ day of \_\_\_\_\_, 2024.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer