

CITY OF LANGFORD

BYLAW NO. 2269

A BYLAW TO PROTECT, REGULATE, AND PROHIBIT THE CUTTING DOWN, REMOVAL, AND DAMAGING OF TREES IN THE CITY OF LANGFORD.

WHEREAS Section 8(3)(c) of the Community Charter allows a local government to prohibit and/or regulate the cutting of trees;

AND WHEREAS the Council for the City of Langford considers it in the public interest to provide for the protection and retention of Protected Trees in certain areas and for the regulation of their cutting down and removal;

NOW THEREFORE the Council of the City of Langford in open meeting assembled enacts as follows:

1. TITLE

This bylaw may be cited for all purposes as “City of Langford Tree Protection Bylaw No. 2269, 2026”.

2. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

“Arborist” means a practitioner of arboriculture who is also Certified by and in good standing with the International Society of Arboriculture and holds a current Tree Risk Assessment Qualification (TRAQ) issued by the International Society of Arboriculture;

“Arborist Report” means a technical written report prepared by an Arborist, which may include one or more of the following:

- a. relevant information including, but not limited to, surveyed location, species, size and condition of the subject tree or trees;
- b. the reasons for any proposed removal of a tree or trees;
- c. the recommended tree protection and mitigation measures; and
- d. a tree replacement plan;

“Best Arboricultural 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;

“Building Envelope” means that part of a Lot on which the primary building may be sited under the setback regulations of the City's Zoning Bylaw, or as varied through the issuance of a Development Variance Permit or Development Permit;

“Caliper diameter” means the width of a main stem of a juvenile tree, measured at a height of 15 centimetres above the root ball;

“City” means the City of Langford and includes, where the context requires, persons employed by or acting as agents of the City;

“Crown” means the foliage bearing section of a Protected Tree formed by its branches but does not include the stem or trunk;

“Cut or Cutting” means cutting down, knocking down, dismantling, or piercing any or all parts of any Protected Tree including its roots, but does not include pruning of a Protected Tree in accordance with Best Arboricultural Practices.

“Damage” means:

- a. poisoning, burning, or pruning in a manner not in accordance with arboricultural best practice, including removal of more than 25% of the Protected Tree's total live foliage or bud bearing branches or limbs,
- b. topping, unless the Protected Tree in question has been previously topped and regenerative growth has a high likelihood of failure due to weak branch attachment, excessive branch elongation and end weight, or the formation of extensive decay or cavities that cannot be mitigated other than by re-topping the Protected Tree,
- c. shearing, harming or undermining the roots of the Protected Tree,
- d. denting, gouging, drilling, harming, or affixing anything to the branches or the trunk of a Protected Tree,
- e. removing bark from a Protected Tree,
- f. operating trucks, backhoes, excavators, or other heavy machinery within the Protected Root Zone of a tree,
- g. depositing liquid or chemical substances harmful to the health of a tree within the Protected Root Zone of a tree,
- h. placing fill, building materials, or structures within the Protected Root Zone of a tree,
- i. adding or removing soil from land within the Protected Root Zone of a tree which changes the original soil grade, or
- j. doing anything that would cause the Protected Tree to die;

“DBH” means “Diameter at breast height” and is measured as is depicted in 'Schedule A' attached hereto;

“Development Permit” means the approval of an application for Development Permit issued by the City;

“Director” means the person holding the position of Director of Parks, Recreation and Facilities for the City, and any person appointed to act in the place, or under the direction of the Director;

“Hazardous Tree” means a Protected Tree that has, in the opinion of an Arborist:

- a. a high or extreme TRAQ risk rating, or
- b. an imminent likelihood of failure;

“Landscaping Requirements” means the treatment of land, in respect of which a Development Permit is granted, prescribing such matters as the planting, siting, and composition of trees, hedges, shrubs or grass;

“Lot” means a parcel of land;

“OCP” means the City of Langford Official Community Plan Bylaw, as amended;

“Owner” has the same meaning as given to it in the *Community Charter*, S.B.C. 2003, c. 26;

“Protected Root Zone” means:

- a. the area of land surrounding the trunk of a Protected Tree that contains the bulk of the critical root system of the tree, as defined on a plan prepared by an Arborist, that the Director approves, or
- b. where a plan within the meaning of subsection (a) of this definition has not been prepared and approved, means the area of land surrounding the trunk of a Protected Tree contained within a circle having a radius which is calculated by multiplying the DBH of the tree by 18;

“Protected Tree” means a self-supporting, perennial, woody plant that has a trunk or stem and a root system meeting any of the following criteria:

- a. a DBH equal to or greater than 20 cm;
- b. planted as a requirement of a Development Permit;
- c. located on City-owned or occupied land;
- d. a tree of any size, located within an area designated within the Environmental
- e. Development Permit Area classification;
- f. protected by a restrictive covenant in favor of the City; or
- g. contains evidence of nesting or use by raptors as defined in the *Wildlife Act*, R.S.B.C. 1996, c. 488, an osprey, or a heron colony;

“Public Utility” means a public utility as defined through the *Utilities Commission Act*, R.S.B.C. 1996, c. 473;

“Qualified Environmental Professional” means a person in good standing with a professional regulatory body set out through 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;

“Remove, Removing, Removed, or Removal” means to Cut a Protected Tree and to remove it from the Lot where it exists;

“Replacement Tree” means a tree required to be planted to replace a tree Cut or Removed in accordance with this Bylaw;

“Tree” means a self-supporting, perennial, woody plant that has a trunk or stem and a root system;

“Tree Permit” means a permit issued by the Director under Section 6. of this Bylaw;

“Tree Protection Barrier” means a barrier constructed around the Protected Root Zone of a tree in accordance with Schedule B of this Bylaw.

3. PROHIBITIONS AND APPLICATION

1. This Bylaw applies to Protected Trees on any property in the City of Langford.

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2. No person shall Damage, Cut, or Remove a Protected Tree or cause, suffer or permit any such Protected Tree to be Damaged, Cut, or Removed, except where permitted by and in accordance with the terms of this Bylaw.

4. EXCEPTIONS

This Bylaw does not apply to:

1. Cutting or Removal of a Protected Tree pursuant to the *Railway Safety Act*, S.B.C. 2004, c. 8, the *Hydro and Power Authority Act*, R.S.B.C. 1996, c. 212, the *Oil and Gas Activities Act*, S.B.C. 2008 c. 36, the *Workers Compensation Act*, R.S.B.C. 2019, c. 1, or any regulation under these acts or under Section 50 of the *Community Charter*, S.B.C. 2003, c.26;
2. Cutting or Removal of a Protected Tree by City employees, or their agents, during the discharge of their duties;
3. Cutting or Removal of a Protected Tree by British Columbia land surveyors during the discharge of their duties;
4. Cutting or Removal of a Protected Tree 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 operations of the Public Utility's infrastructure;
5. Cutting or Removal of a Protected Tree in accordance with a Development Permit issued by the City; and
6. Cutting or Removal of a Protected Tree species that is a regulated invasive plant or an unregulated invasive plant of concern in British Columbia as declared by the Province or the Invasive Species Council of BC.

5. EMERGENCY TREE REMOVALS

1. Despite any other provisions in the Bylaw, a person may Cut or Remove a Protected Tree before applying for a Tree Permit if the Protected Tree is in imminent danger of falling and injuring persons or property such that there is no time to obtain a Tree Permit prior to the failure.
2. A person who has Cut or Removed a Protected Tree pursuant to Section 5.1. must:
 - a. Apply for a Tree Permit on the next business day in accordance with the requirements of this Bylaw and provide the Director with a photograph or video depicting the state of the Protected Tree prior to the Cutting or Removal; and
 - b. Not Remove the portions of the trunk, limbs, roots, or other remains of the Protected Tree necessary to confirm there was imminent danger from the site prior to the Director having determined whether the emergency Cutting or Removal was justified.

3. If the City determines that the Protected Tree was not in imminent danger or was in imminent danger but due to reasons other than natural causes, the City may impose a penalty in accordance with Section 12 of this Bylaw.

6. TREE PERMITS

1. The Director, in their sole discretion, may issue a Tree Permit to Cut or Remove a Protected Tree if they are satisfied that at least one of the following applies:
 - a. The Protected Tree is dead, or more than 50% of the Crown is dead;
 - b. The Protected Tree is a Hazardous Tree, and the risk cannot be mitigated other than through Cutting or Removal;
 - c. The Protected Tree is within lands regulated through the City's Interface Fire Hazard Areas Development Permit Area, as delineated through the OCP, and notwithstanding provisions which otherwise grant exception from the requirements of the Interface Fire Hazard Areas Development Permit Area Guidelines, Cutting or Removal would be consistent with the Landscaping Requirements prescribed through the Interface Fire Hazard Areas Development Permit Area Guidelines;
 - d. The Protected Tree is causing significant damage to one of the following installations or constructions, and it is not possible to modify or relocate the installation or construction on the Lot in order to avoid Cutting or Removing the Protected Tree:
 - i. an existing principal use building,
 - ii. an existing accessory building, or
 - iii. an existing utility service;
 - e. The Protected Tree is located within the Building Envelope of the Lot and Cutting or Removal is necessary for the purpose of constructing a principal use building, an addition to a principal use building, or an accessory building;
 - f. The Protected Tree is located outside of a Building Envelope of the Lot, but will be critically impacted by the footprint of the construction of a principal use building or addition to a principal use building within the Building Envelope, and it is not possible to modify or relocate the construction on the Lot in order to avoid Cutting or Removing the Protected Tree;
 - g. The Protected Tree will be critically impacted by the footprint of one of the following installations or constructions, and it is not possible to modify or relocate the installation or construction on the Lot in order to avoid Cutting or Removing the Protected Tree:
 - i. A utility service,
 - ii. A driveway, or
 - iii. An off-street parking area that is required under the City's Zoning Bylaw;
 - h. The Protected Tree is located within a required construction access, and the construction access cannot be modified in order to avoid Cutting or Removing the Protected Tree; or
 - i. The Protected Tree is causing or, in the sole discretion of the Director, can be expected to cause, undue hardship.

2. An application for a Tree Permit must be made in the form prescribed for that purpose by the Director;
3. In addition to the requirements listed in Section 6.2., the Director may require the person to provide any of the following documents:
 - a. An Arborist Report from an Arborist confirming that a Protected Tree is a Hazardous Tree if, in the opinion of the Director, it is necessary to confirm whether the Protected Tree is a Hazardous Tree;
 - b. An Arborist Report if, in the opinion of the Director, it is necessary based on the nature, extent, siting, or impact of any Cutting or Removal;
 - c. A report prepared by Qualified Environmental Professional if, in the opinion of the Director, it is necessary to confirm the Protected Tree poses a fire risk and that fire risk cannot be reduced or eliminated other than through the Cutting or Removal of the Protected Tree;
 - d. If the Director considers that the Cutting or Removal could result in:
 - i. slope destabilization or landslide, flooding or erosion;
 - ii. adverse impacts on adjacent properties;
 - iii. detrimental effects on watercourses, fish or wildlife habitat, or other important environmental features or functions; or
 - iv. risk of personal injury, or damage to property,

A report by a Qualified Environmental Professional addressing those risks and certifying that, if carried out in accordance with recommendations in the report, the risks may be minimized, and how they can be minimized;

- e. Other information that the Director determines necessary to adequately describe the nature and extent of the proposed Cutting or Removal.
- 4. Pursuant to Subsection 16(6)(d) of the *Community Charter* the City has the authority to enter onto property for the purpose of inspecting and assessing Protected Trees.
- 5. The Tree Permit is valid is for one year from the date of issuance.

7. PERMIT AUTHORITY

1. On receiving a complete application, signed by the Owner, and on being satisfied that the application meets the requirements of this Bylaw, the Director may issue a Tree Permit, and may attach any terms, conditions, restrictions and requirements to the Tree Permit as they consider necessary or advisable. The Tree Permit holder and the Owner must comply with those conditions.
2. The Director may, where they deem necessary, retain the services of an Arborist or Qualified Environmental Professional to independently review materials submitted in accordance with the provisions of Section 6.3 of this Bylaw, in support of an application for a Tree Permit.

3. Where an independent review initiated under Section 7.2, results in findings that do not support the issuance of a Tree Permit, the costs of the independent review shall be paid by the Owner to the City.
4. The Director may suspend, revoke, or cancel a Tree Permit if they consider that work or activity being carried out is in violation of any of the terms, restrictions, requirements, or conditions of the Tree Permit or any provision of this Bylaw, or that Damage, whether or not intentional, has occurred or is likely to occur to any Protected Trees not subject to the Tree Permit or to adjacent properties.

8. TREE REPLACEMENT

1. Every applicant for a Tree Permit shall provide a tree replacement plan acceptable to the Director.
2. Any tree that is permitted to be Removed by the Director must be compensated for in accordance with Table 1, unless otherwise compensated for in accordance with Section 8.3.
3. Any tree that is permitted to be Removed within a designated Environmentally Sensitive or Riparian Development Permit Area must be compensated for in accordance with Table 2.

Table 1: Tree Replacement requirements for trees Removed outside of an Environmentally Sensitive Development Permit Area

Diameter of tree to be Removed, based on DBH	Tree Replacement Ratio (Removed : replaced)
0 – 30 cm	1:1
>30 – 60 cm	1:2
>60 – 90 cm	1:3
>90 cm	Biologist replanting plan required.

Table 2 – Tree Replacement requirements for trees Removed within an Environmentally Sensitive and Riparian Development Permit Areas

Type of Removal	Replacement Ratio (tree)
Removal of top of tree (maximum 1/3 of total tree height)	1:1
0-151 mm DBH	1:2
152-304 mm DBH	1:2
305-456 mm DBH	1:3
457-914 mm DBH	1:4
>915 mm DBH	Biologist replanting plan required

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4. Any tree on existing or future frontage dedication that is permitted to be Removed must be compensated for in accordance with Tree Replacement requirements set out in *The City of Langford Subdivision and Development Servicing Bylaw*.
 5. Replacement plantings must be completed in an approved location and security in accordance with Section 9 must be provided.
 6. Replacement Trees must be a minimum size at the time of planting as outlined below:
 - a. A minimum 5cm Caliper Diameter for deciduous trees; and
 - b. A minimum of 2m in height for coniferous or evergreen trees.
 7. Every Owner who is issued a Tree Permit shall, in accordance with the associated tree replacement plan, plant Replacement Trees within 1 year of the date the permit was issued.
 8. Where an Owner submits an Arborist report that indicates that the subject Lot cannot accommodate a Replacement Tree or Replacement Trees, the Director will review the Arborist report and the tree replacement plan in the context of the Lot.
 - a. If the Director approves the Arborist report under this section, the Owner shall be required to contribute \$400 in lieu of each Replacement Tree not planted.

9. SECURITY

1. Where Replacement Trees are required as a condition of a Tree Permit, for the purpose of ensuring the performance of the requirements, the applicant must provide to the City security in the form of cash, cheque, or debit payment for each tree to be replaced in the amount specified in Section 9.2.
2. The amount of security required for the provision, installation and maintenance of Replacement Trees, as may be required by this Bylaw, shall be \$400.00 per Replacement Tree.
3. The amount of security deposit collected to cover the cost and maintenance of a Replacement Tree set out in Section 9.1 and 9.2 shall be released as follows:
 - a. By fifty (50) percent of the original amount after the planting of Replacement Trees has been approved as determined by the Director; and
 - b. By the balance of the deposit after one year from the date of the first reduction provided the Director, in their sole discretion, determines the Replacement Tree has been maintained in good health.
4. The City may transfer any remaining security amount to the Tree Reserve if the requirements for release of security have not been satisfied with one year from the date of issuance of the Tree Permit.

10. TREE PROTECTION DURING CONSTRUCTION

1. Where excavation, demolition, construction, or engineering works are occurring within five (5) metres of the trunk of a Protected Tree, or the proposed work may directly have a negative

impact upon a Protected Tree, a Tree Protection Barrier must be installed around the Protected Tree in accordance with Schedule "B". A Tree Protection Barrier may also be required at the discretion of the Director.

2. A Tree Protection Barrier must remain in place and in accordance with Schedule "B" until the removal of the Tree Protection Barrier is approved by the Director.
3. No person shall disturb the area within a Protected Root Zone by site grading, deposition or storage of soil or any other material, disposal of any toxic material, access by any vehicular traffic or heavy equipment, use of the area as an amenity space during construction, use of tree trunks as a winch support, anchorage, or temporary power pole or in any other manner.
4. Notwithstanding sections 10.2 and 10.3, a Tree Protection Barrier may be temporarily removed or relocated in order to allow work to be done within or near the tree protection zone if the Owner has, prior to such removal or relocation, provided the City with:
 - a. A report from an Arborist, approved by the Director, setting out the reasons and proposed duration for such removal or relocation; and
 - b. A signed letter of assurance from an Arborist, in the form prescribed for that purpose from time to time by the Director, confirming that the Arborist will be onsite and supervising all such work,

And thereafter the Owner shall only remove or relocate the Tree Protection Barrier in accordance with the approved report and at those times during which the Arborist is onsite and supervising all such work.

11. INSPECTION AND AUTHORITY

1. The Director or a City employee authorized by the Director may enter on any property at all reasonable times for the purpose of inspecting and assessing Protected Trees.
2. Where the Director considers that a contravention of this Bylaw has occurred, the Director 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 thirty (30) days.
3. A person to whom a notice is delivered under Section 11.2. must fully comply with any requirements stated in the notice, within the period stated therein, or if not stated, within 30 days of the date of the notice.
4. The Director may issue a stop work order (the "Order") if any Protected Tree is being Cut without a Tree Permit or contrary to a permit or this Bylaw, or if any Protected Tree is being Damaged in contravention of this Bylaw. Upon receipt of an Order, the Owner and all persons having notice

of the Order must immediately cease the Cutting or activity causing Damage and must not resume unless authorized by the Director.

5. No person shall disobey an Order issued under Section 11.4. of this Bylaw.

12. CONTRAVENTION AND PENALTIES

1. Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw or who neglects or refrains from doing anything required to be done by any of the provisions of this bylaw shall be deemed to be guilty of an infraction hereof and shall be subject to fines as prescribed under the *Offence Act* R.S.B.C., 1996 c. 338 or as set out in the Municipal Ticket Information Bylaw No. 34, 1993, as amended from time to time if that person:
 - a. Cuts, Removes or Damages a Protected Tree contrary to this Bylaw or contrary to the terms and conditions of a Tree Permit;
 - b. Violates any of the provisions of this Bylaw or a Tree Permit;
 - c. Submits misleading, inaccurate, incomplete or erroneous information to the City in order to qualify for an exception or obtain a Tree Permit;
 - d. Suffers or permits any act or thing to be done in contravention or violation of any provision of this Bylaw or a Tree Permit; or
 - e. Omits to do or refrains from doing anything required to be done by any of the provisions of this Bylaw or a Tree Permit.
2. Where more than one (1) Protected Tree is Cut, Removed, suffered or Damaged in violation of this Bylaw, a separate offence is committed in respect of each such Protected Tree.
3. Each day that a violation exists, or continues, shall constitute a separate offence.
4. Upon being convicted of an offence under this bylaw, a person shall be liable to pay a fine of not less than \$5,000.
5. In the event that the Owner fails to pay costs imposed under Section 12.4. of the Bylaw before the 31st day of December in the year following the year that the compliance was effected by the City, the costs shall be added to and form part of the taxes payable on the Lot as taxes in arrears.
6. In addition to any other penalty which may be imposed under this bylaw, where an Owner Cuts, Removes or Damages, or causes or allows any Protected Tree to be Cut, Removed or Damaged in contravention of this bylaw or of any term or condition of a Tree Permit issued under this bylaw, the Owner shall, within 30 days of receiving notice of such requirement from the Director:
 - a. Submit for the Director's approval a tree replacement plan providing for 3 Replacement Trees to be planted for each Protected Tree unlawfully Cut, Removed, or Damaged and specifying the location of such Replacement Trees; and
 - b. Submit security in accordance with Section 9 of this bylaw.

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7. Every Owner who submits a tree replacement plan and security under Section 12.6 of this bylaw shall plant Replacement Trees in accordance with the approved tree replacement plan and Sections 8.5 and 9.1 of this bylaw.
 8. Prosecution of a person pursuant to Section 12.1. of this Bylaw does not exempt the person from the provisions of the remainder of Section 12 of this Bylaw.

13. SEVERABILITY

1. If any provision of this Bylaw is found to be invalid or unenforceable, such provision, or any part thereof, will be severed from this Bylaw and the resultant remainder of this Bylaw will remain in full force and effect.

14. REPEAL

1. Bylaw No. 2206, Bylaw to Prohibit the Cutting of Trees is hereby repealed.

READ A FIRST TIME this 29th day of June, 2026.

READ A SECOND TIME this 29th day of June, 2026.

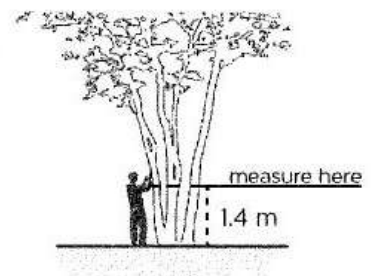
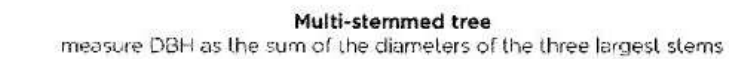
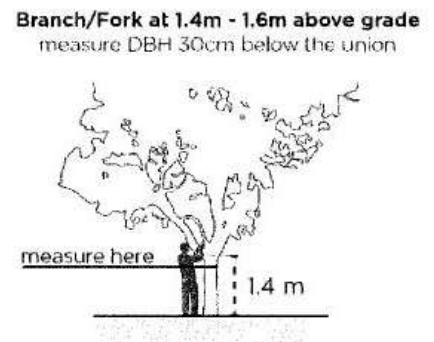
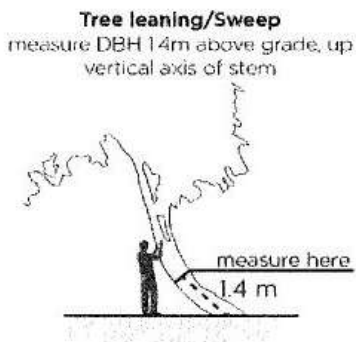
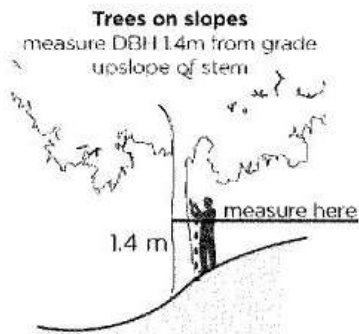
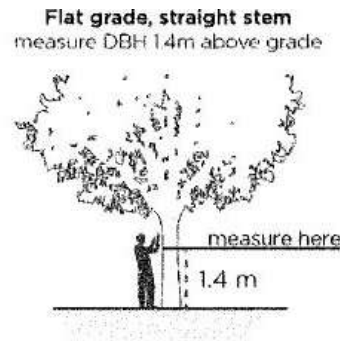
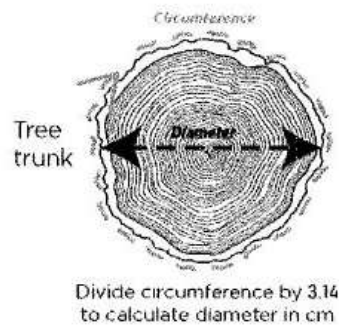
READ A THIRD TIME this 29th day of June, 2026.

ADOPTED this 20th day of July, 2026.

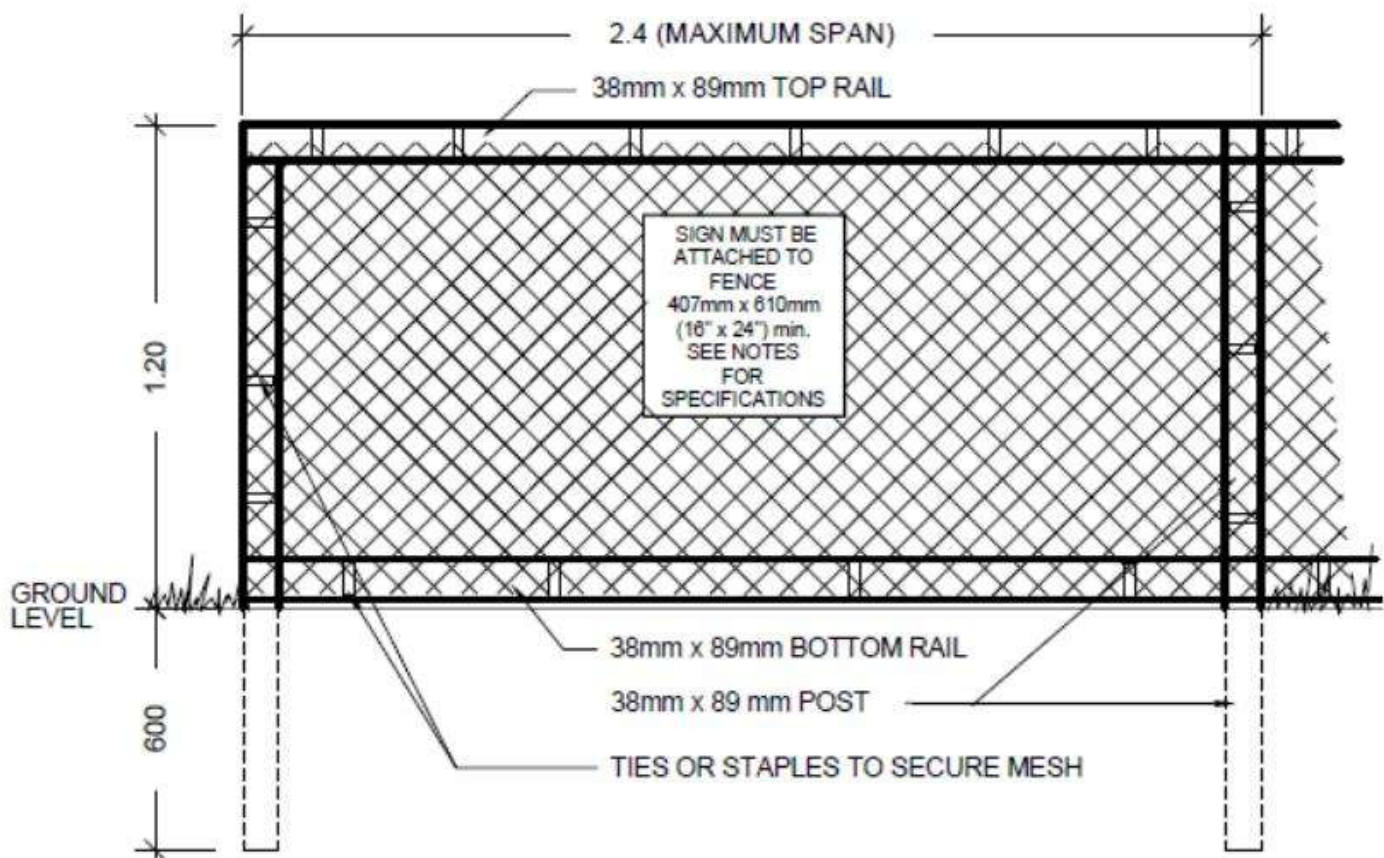
PRESIDING COUNCIL MEMBER

CORPORATE OFFICER

CITY OF LANGFORD **BYLAW NO. 2269** **“Schedule A”**



“Schedule B” TREE PROTECTION FENCING



TREE PROTECTION BARRIER REQUIREMENTS

The requirements for a Tree Protection Barrier are as follows:

- a. The barrier must be placed around the outside of the Protected Root Zone of the tree, or as approved by the Director; and
- b. The barrier must meet the following specifications;
 - a. it must have a minimum height of 1.2 m,
 - b. 38 mm x 89 mm timbers must be used for posts, top and bottom rails (in rocky areas, metal posts (T-bar or rebar) drilled into rock will be accepted),
 - c. spacing between vertical posts must be a maximum of 3.0 metres on centre,
 - d. the structure must be sturdy with vertical posts driven firmly into the ground,
 - e. there must be continuous plastic mesh high visibility screening (e.g. orange snow fencing), and
 - f. it must have visible all weather 500 mm x 500 mm signage on it with the wording "Warning – Tree Protection Zone"