

CITY OF KELOWNA

BYLAW NO. 12167

Amendment No.2 to the Municipal Properties Tree Bylaw No. 8042

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Amendment No. 2 to Municipal Properties Tree Bylaw No. 8042 be amended as follows:

1. THAT PART 3.0 - 3.1 DEFINITIONS be amended by adding the following definition:

“Officer” means a City employee whose duties include the enforcement of this chapter including but not limited to those persons holding the positions of: Bylaw Enforcement Officer, Parks Services Manager, and Urban Forestry Supervisor;”
2. AND THAT PART 6.0 General Provisions, 6.2 be amended by adding the following

“, and the Tree Barrier and Installation Policy as identified in Schedule “C” of this bylaw.”;
3. AND THAT PART 6.0 General Provisions, 6.4 be deleted in its entirety and replaced with the following:

“Any construction activity that is likely to occur within the critical root zone as defined in Schedule “C” of this Bylaw requires proactive installation of protective barriers as detailed in Schedule “C”;
4. AND THAT Part 12.0 PENALTY, 12.1 be deleted in its entirety and replaced with the following:

“Every **person** who commits an offence against this bylaw is liable to a fine and penalty not exceeding Fifty Thousand Dollars (\$50,000.00) for each **City tree** unlawfully cut down or damaged in addition to the Equitable Compensation as outlined in Section 8.0 of this bylaw;”
5. AND THAT Part 13.0 SCHEDULES, 13.1 be amended by adding the following

“; and Schedule C - Tree Barrier and Installation Policy”;
6. AND FURTHER THAT the attached SCHEDULE “C” **Tree Barrier and Installation Policy** be added.
7. This bylaw may be cited for all purposes as "Bylaw No. 12167 being Amendment No. 2 to Municipal Properties Tree Bylaw No. 8042."
8. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Schedule "C"

Tree Barrier and Installation Policy

PURPOSE

Tree protection barriers are placed around trees for the prevention of tree trunks, branches, and roots being damaged by any construction activities/operations. Under the terms of this Bylaw, no person shall remove, transplant, prune, deface or otherwise injure a tree on city-owned property without the written permission of the City of Kelowna Parks Department.

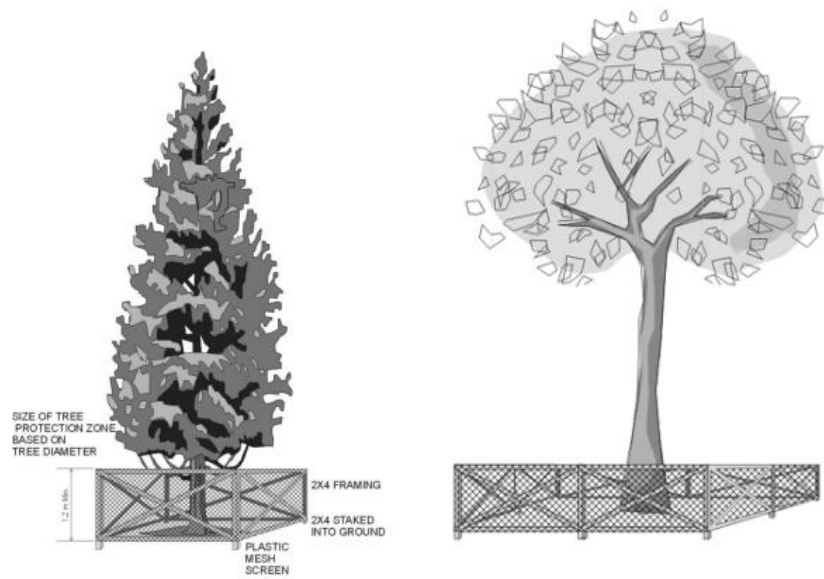
BACKGROUND

1. Tree Protection Barriers are to be installed prior to any demolition, excavation, or construction on site.
2. Tree Protection Barriers must remain upright and in place throughout the entire construction process.
3. Trees of any size on boulevards must be protected.
4. No incursions inside or against the Tree Protection Barriers are to occur, including, but not limited to: garbage/debris storage, material or equipment storage, porta-potties, soil piling, fill or grade changes, surface treatments or excavations of any kind, equipment fueling or chemical mixing, etc.

Specifications for Construction

1. 1.2 m (~4') in height;
2. A minimum of 2"x 4" construction to be used for vertical posts, top and bottom rails and crossbracing (in an "X"); round, un-treated vertical posts may be used with a minimum diameter of 9 cm.
3. Spacing between vertical posts to be no further apart than 3.7 m (12') on center.
4. Structure must be sturdy with vertical posts driven firmly into the ground.
5. Continuous plastic mesh screening (e.g. orange snow fencing).
6. Posted with visible signage advising that encroachment inside the protected area is forbidden.
7. Located at distances based on tree diameter, use table below:

Trunk Diameter (DBH) measured at 1.4 m from the ground	Critical Root Zone minimum fence distance from the tree
20 cm (7.9")	1.2 m (3.9')
25 cm (9.8")	1.5 m (4.9')
30 cm (11.8")	1.8 m (5.9')
35 cm (13.8")	2.1 m (6.9')
40 cm (15.7")	2.4 m (7.9')
45 cm (17.7")	2.7 m (8.9')
50 cm (19.7")	3.0 m (9.8')
55 cm (21.7")	3.3 m (10.8')
60 cm (23.6")	3.6 m (11.8')
75 cm (29.5")	4.5 m (14.8')
90 cm (35.4")	5.4 m (17.7')
100 cm (39.4")	6.0 m (19.7')
• For distances not on this table divide the DBH (in cm) by 16.6	
• Example: 80 cm ÷ 16.6 = 4.8 m	



Signage to be posted on each tree protection barrier on at least two sides (weather-proof, 11"x17" minimum size):

