CITY OF RICHMOND

TREE PROTECTION

BYLAW NO. 8057

EFFECTIVE DATE – MAY 8TH, 2006

CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

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<td>November 27, 2006</td>
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Tree Protection Bylaw 8057

The Council of the City of Richmond enacts as follows:

PART ONE: APPLICATION

1.1 This bylaw applies to trees which are:
   a) on land owned or in the possession of the City;
   b) on a privately-owned parcel of land in the City;
   c) within a development permit area;
   d) within a tree retention area identified and shown on Schedule “B”; or
   e) identified for retention and protection as part of a subdivision, development permit or building permit approval process.

1.2 This bylaw does not apply to private land used for
   a) the production or cutting of trees under a valid, existing licence for a tree farm, nursery or Christmas trees; or
   b) a golf course.

PART TWO: INTERPRETATION

2.1 In this bylaw:

   CERTIFIED TREE RISK ASSESSOR A Certified Arborist with additional current training and certification in tree risk assessment as determined by Worksafe BC.

   CITY means the City of Richmond.

   COUNCIL means the municipal Council of the City of Richmond.
**CUTTING OR REMOVAL** or **CUT OR REMOVE** means to kill, remove or substantially destroy a **tree** by any means, including without limitation, knocking down or cutting into the **tree**, the topping of a **tree** and the cutting of any main stem or other leader or trunk.

**DBH (DIAMETER BREAST HEIGHT)** means the diameter of the trunk of a **tree** measured at a point 1.4 metres above the natural grade, except where the diameter of a **tree** having multiple trunks 1.4 metres above the natural grade shall be the sum of 100% of the diameter of the largest trunk and 60% of the diameter of each additional trunk.

**DIRECTOR** means the Director of Building Approvals and any person designated by the Director to act in his or her place.

**DRIP LINE** means a circle on the ground around the trunk of a **tree**, the radius of which is the distance between the outermost twigs of the **tree** and the centre point of the trunk, or its vertical extension.

**HAZARD TREE** means a **tree** identified in writing by a **certified tree risk assessor** as having defects sufficient to significantly increase the likelihood that all or part of the **tree** will fall resulting in a risk of personal injury or property damage.

**HEDGE** means a row of three or more trees that through growth and **pruning** forms a continuous dense screen of vegetation from ground level that provides privacy, fencing, wind breaking, and/or boundary definition.

**HIGHWAY** includes a street, road, lane, bridge, viaduct and any other way open to public use, other than a private right-of-way on private property.

**PARCEL** means any lot, block or other area in which land is held or into which land is subdivided but does not include a **highway**.

**PERMIT** means a permit issued by the **Director** under authority of this bylaw to **cut or remove** a **tree** or **trees**.
PRUNING means the selective removal of branches to improve timber quality, or to remove dead or diseased wood, or to correct undesirable growth patterns.

PUBLIC UTILITY means the City, B.C. Hydro Authority, Telus, Terasen Gas Inc. and any other utility company or its contractors providing a public service or utility.

REPLACEMENT TREE means a woody perennial plant with one or more substantially erect main trunks or stems, including its root system, that is required to be planted and maintained in accordance with Sections 4.3 and 7.3, and Schedule “A”.

ROOT ZONE means the area of land surrounding the trunk of a tree contained within a circle of radius equal to the dbh of the tree multiplied by 18.

TOPPING means the removal of major portions of a tree crown by cutting branches to stubs or to the trunk or cutting of the main leader or branches, and includes re-topping of previously topped trees.

TREE means:

a) a woody perennial plant with one or more substantially erect main trunks or stems, including its root system, which has reached or could reach a height of at least 4.5 metres and has a dbh of at least 20 centimetres;

b) a woody perennial plant with one or more substantially erect main trunks or stems, including its root system, regardless of height or dbh, where located on land that has been identified as an environmentally sensitive area in Schedule “D”; or

c) a woody perennial plant with one or more substantially erect main trunks or stems, including its root system, regardless of height or dbh, where located on land that is in the ownership or possession of the City.
TREE PROTECTION BARRIER means a sturdy protection barrier or temporary fence at least 1.2 metres in height, installed around the drip line of a tree that is to be retained.

TREE RETENTION AREA means those areas of the City shown and identified on Schedule “B”; WATERCOURSE means a channel through which water flows at any time of the year and includes a brook, river, stream, creek, lake, pond and any other body of water running through or situated partially or fully within the City.

PART THREE: RESTRICTIONS AND EXEMPTIONS

3.1 Restrictions

3.1.1 A person must not cut or remove any tree, or cause, suffer or permit any tree to be cut or removed, except in accordance with the terms and conditions of a valid permit issued under this bylaw. Without limiting the generality of the foregoing, this section includes replacement trees.

3.1.2 A person must comply with the terms and conditions of a permit issued under this bylaw.

3.1.3 Except to the extent permitted by a permit, or as provided for in section 3.2 a person must not damage a tree by carrying out any of the following activities:

a) cutting or damaging the roots of a tree growing within the drip line;
b) operating trucks, backhoes, excavators or other heavy equipment over the roots of a tree growing inside the drip line;
c) placing fill, building materials, asphalt or a building or structure on land inside the drip line of a tree;
d) denting, gouging or damaging the trunk of a tree;
e) removing bark from a tree;
f) depositing concrete washout or other liquid or chemical substances harmful to the health of a tree on land inside the drip line of a tree;
g) removing soil from inside the drip line of a tree;
h) blasting inside the drip line of a tree;
i) cutting back the top portion of a tree’s branches so as to significantly alter its normal canopy, except if the tree forms part of a hedge;
j) undermining the roots of a tree growing inside the drip line; or
k) altering the ground water or surface water level within the drip line of a tree.
3.2 Exemptions

3.2.1 A permit is not required to cut or remove a tree where:

a) a development permit and/or rezoning has been approved which addresses the removal of the tree;

b) the tree cutting or removal is necessary for the purposes of farm operations as defined in the Farm Practices Protection (Right to Farm) Act, as amended from time to time;

c) the tree cutting or removal is for the installation of roads or services shown on an engineering drawing approved by the City in respect of a building permit or subdivision approval;

d) a tree must be cut or removed on an emergency basis because it has been severely damaged by natural causes and poses an imminent danger of falling and injuring persons or property;

e) the tree cutting or removal is carried out by the City or its agents on public property;

f) the tree cutting or removal is carried out using standard arboricultural practices for the maintenance of above ground utility conductors by a public utility or its contractors;

g) the cutting or removal is of a tree less than 20 centimetres dbh by a British Columbia Land Surveyor when cutting survey lines of a width of less than two (2) metres;

h) the cutting or removal constitutes normal pruning of trees, including pruning by a public utility in accordance with sound horticultural practice or as required for the safe operation of overhead transmission lines.

3.2.2 A permit is required but the permit fee is not required to cut or remove one(1) tree per parcel during a 12 month period.

3.2.3 A permit is not required for the pruning of a hedge.

PART FOUR: PERMIT APPLICATION PROCESS

4.1 General Conditions of Permit

4.1.1 A permit for the cutting or removal of any tree to which this bylaw applies shall be in the form issued by the Director.

4.1.2 A permit issued under this bylaw is non-transferable.

4.1.3 The permit shall be displayed in an accessible and conspicuous location on the parcel to which it pertains no less than 72 hours prior to and during tree cutting or removal operations.
4.2 Application Requirements

4.2.1 Every application for a permit shall be made in writing to the Director and shall include:

a) a non-refundable application fee in the amount set from time to time in the Consolidated Fees Bylaw No. 8636 unless the application is for permission to remove a hazard tree or one tree under section 3.2.2, in which case there shall be no fee;

b) the following documents, plans and information relating to the proposed tree cutting or removal:

   (i) a statement of purpose and rationale for the proposed tree cutting or removal;

   (ii) a tree cutting and replacement plan drawn to approximate scale identifying:

      A. the boundaries of the subject parcel;

      B. any abutting streets, lanes or public access rights of way;

      C. the location of existing buildings and structures;

      D. the location, species and dbh of those trees proposed to be cut or removed;

      E. the location, species and dbh of those trees proposed to be retained and protected;

      F. the location, species and dbh of proposed replacement trees;

      G. the location of significant topographic and hydrographic features and other pertinent site information;

   (iii) the street location and legal description;

   (iv) the consent in writing of the registered owner of the property, if different from the applicant, authorizing the applicant to act as the owner’s agent;

   (v) the consent in writing of the registered owners of the parcels where the base of the tree to be cut or removed is located.

   (vi) the methods proposed for control of drainage and erosion impacts during and after the tree cutting or removal;

   (vii) the proposed methods for disposal of woodwaste and other debris;

   (viii) the proposed methods of noise and dust control during the tree cutting or removal operation;

   (ix) the proposed completion dates for tree cutting or removal;

   (x) if required by the Director:
A. a report prepared by a professional engineer, professional biologist or certified arborist with experience in, as the circumstances require, geotechnical engineering, hydrology or tree management, certifying that the proposed tree cutting or removal will not create an adverse impact including flooding, erosion, land slip or contamination of a watercourse;

B. where the site of the tree cutting or removal is on a parcel adjacent to or containing any part of a watercourse, a survey plan prepared by a BC Land Surveyor or professional engineer showing the top-of-bank of such watercourse;

C. where the tree cutting or removal is for a hazard tree, a report prepared by a certified tree risk assessor certifying that the tree is dead, diseased, damaged or otherwise constitutes a physical hazard to persons or property; and

(xi) such further and other information as the Director determines is necessary to adequately describe the nature and extent of the tree cutting or removal operation.

4.3 Replacement Trees

4.3.1 For parcels containing a one-family dwelling as a condition of issuing a permit under this bylaw it is required that one replacement tree be planted and maintained for each tree cut or removed on the applicant’s parcel in accordance with the requirements of Schedule “A”.

For tree replacements on all other parcels, the Director, as a condition of issuing a permit under this bylaw, shall require one or more replacement trees be planted and maintained on the applicant’s parcel in accordance with the requirements of Schedule “A.”

If a tree or trees located on any parcel form part of a hedge, the Director may require that less than one replacement tree be planted and maintained for each tree that is cut.

In the event that the replacement tree cannot, in the opinion of the Director, be accommodated on the parcel, the Director may require the applicant to plant the replacement tree on City owned property in a location designated by the Director.

4.3.2 Replacement trees shall be planted and maintained in accordance with sound horticultural and arboricultural practices to the satisfaction of the Director.

4.3.3 Replacement trees are not required for tree cutting or removal permitted under section 3.2.2. or for the cutting or removal of a hazard tree.
4.4 Permit Issuance or Refusal

4.4.1 The Director may issue a permit if:

a) an application for a permit complies with the requirements of this bylaw; and

b) the proposed tree cutting or removal complies with this bylaw and all other applicable City bylaws.

4.4.2 The Director may refuse to issue a permit if the proposed tree cutting or removal is within a tree retention area.

4.5 Expiry

4.5.1 Every permit shall expire 12 months from the date of issue or upon such earlier date as may be specified in the permit.

4.6 Renewal, Extension or Modification

4.6.1 If the tree cutting or removal operations authorized by a permit are not completed before the permit expires, or it becomes necessary to alter or deviate from the particulars of the permit application or the tree cutting and replacement plan submitted for a permit, the Director may renew, extend or modify the permit upon written request of the permit holder, subject to the following:

a) a permit holder has no vested right to receive an extension, renewal or modification and the Director may require that a new permit be obtained;

b) the permit holder shall pay a non-refundable fee in the amount set from time to time in the Consolidated Fees Bylaw No. 8636;

c) the Director may not renew or extend a permit for a period of more than two years from the date of issuance of the original permit;

d) the Director may require that the permit holder provide additional information authorized by this bylaw as a pre-condition to considering an application for a permit renewal, extension or modification; and

e) all terms and conditions set out in the original permit shall apply to each renewal, extension or modification of the permit except as amended or modified by the renewal, extension or modification.

PART FIVE: REGULATIONS

5.1 Tree Cutting or Removal

5.1.1 Every cutting or removal of a tree shall comply with, and every permit issued under this bylaw is subject to, the observance or fulfilment of the following requirements, restrictions and regulations, to the satisfaction and approval of the Director:
a) **tree** parts and woodwaste shall be properly disposed of by chipping or removal from site in accordance with all applicable **City** bylaws and Provincial regulations;

b) each **tree** to be **cut or removed** shall be clearly identified with a flag, paint, survey tape or other such method;

c) a **tree protection barrier** shall be placed around any **tree** or **trees** which are not to be **cut or removed**, in such a manner to ensure that the trunk, branches and root structure are not damaged by the **cutting or removal** operations. The **tree protection barrier** must be constructed prior to the issuance of the **permit** and must remain intact for any construction or demolition site throughout the entire period of construction or demolition;

d) precautions shall be taken to ensure that **trees** which are not to be **cut or removed** are not subject to any of the damaging activities prohibited by subsection 3.1.3;

e) no **tree cutting or removal** activities may be carried out between the hours of 6:00 p.m. and 8:00 a.m. the following day;

f) all damage to drainage facilities, **watercourses**, **highways** or other public or private property arising from the removal of a tree shall be promptly and properly repaired to the satisfaction of the **Director** at the expense of the permit holder;

g) all **watercourses**, groundwater aquifers, waterworks, ditches, drains, sewers or other established drainage facilities shall be kept free of all woodwaste arising from or caused by the **tree cutting or removal** operations;

h) all hazards or potential hazards arising from the **tree cutting or removal** operation shall be adequately fenced or otherwise protected for the safety of the public;

i) **tree cutting or removal** operations must not encroach upon, undermine, damage or endanger any adjacent property or any setback area prescribed in the **permit** or a bylaw; and

j) **tree cutting or removal** operations shall be limited only to the area specified in the **permit** which shall be clearly marked at the site and such markings maintained for the duration of the **permit**.

5.1.2 The **Director** may issue a **permit** subject to the observance or fulfilment of any additional conditions specified in the **permit** which in the opinion of the **Director** are necessary to achieve the purposes of this bylaw.
PART SIX: ADMINISTRATION

6.1 Inspection

6.1.1 The Director is hereby authorized at all reasonable times to enter upon and inspect any lands to determine whether the requirements, restrictions, regulations, terms, conditions and directions of this bylaw or a permit issued under this bylaw are being observed.

6.1.2 The Director may, at all reasonable times, assess or inspect, or cause an assessment or inspection to be made of any trees to which this bylaw applies, including an assessment of the location, size, species and condition of such trees, in the following circumstances:

a) where land is subject to an application for subdivision, approval of a servicing plan prior to subdivision, a development permit, a development variance permit, a temporary commercial or industrial use permit or a building permit;

b) when replacement trees have been planted as required by this bylaw; or

c) when an application for a permit to carry out tree cutting or removal operations has been made under this bylaw.

6.1.3 No person shall prevent or obstruct or attempt to prevent or obstruct the Director or designate from entering upon lands as authorized by subsections 6.1.1 and 6.1.2.

6.2 Notice of Non-compliance

6.2.1 The Director may give notice, in the form established in Schedule “C”, to any person of a breach of, or non-compliance with, any of the provisions of this bylaw or a permit issued under this bylaw, and such person shall immediately cease all tree cutting or removal activities until such breach or non-compliance is remedied to the satisfaction of the Director, and every owner of land shall refuse to suffer or permit further tree cutting or removal operations upon the owner’s land until such time as the breach or non-compliance is remedied to the satisfaction of the Director.

6.3 Failure to Remedy Non-compliance

6.3.1 In the event that a person having received notice under Section 6.2 fails within the time specified therein to remedy such breach, the City or its appointed agents may enter upon the lands or any part thereof and carry out the works required to remedy the breach, and the expense of doing so shall be paid by the person in breach and, if not paid within 90 days, the expense, with interest at the prescribed rate and costs, shall be recovered from the owner of the lands in the same manner as municipal taxes.

6.4 Suspension or Cancellation of Permit

6.4.1 Without limiting the application of Part Seven (Offences and Penalties), if:

a) there is a contravention of any term, condition, requirement or restriction of this bylaw or a permit issued under this bylaw; or
b) a permit was issued under this bylaw on the basis of statements made in the permit application or a report, declaration or record required under this bylaw, that were false or misleading with respect to a material fact or that omitted to state a material fact, the omission of which made the statement false or misleading;

the Director may:

(i) suspend in whole or in part the rights of the permit holder under the permit;

(ii) cancel the permit; or

(iii) amend or attach new conditions to a permit with the consent of the permit holder.

6.5 Right of Reconsideration

6.5.1 Where an applicant or owner of property is subject to a requirement or a decision made by the Director under this bylaw and is dissatisfied with the requirement or decision, the applicant or owner may apply to the City Council for reconsideration of the matter within 30 days of the requirement or decision being communicated to them.

6.5.2 An application for reconsideration must be delivered in writing to the City Clerk and must set out the grounds upon which the applicant considers the requirement or decision of the Director is inappropriate and what, if any, requirement or decision the applicant or owner considers the Council ought to substitute.

6.5.3 At the meeting of Council, Council may hear from the applicant and any other person interested in the matter under reconsideration who wishes to be heard and may either confirm the requirement or decision of the Director or substitute its own requirement or decision.

PART SEVEN: OFFENCES AND PENALTIES

7.1 Any person who contravenes or violates any provision of this bylaw or of any permit issued under this bylaw, or who suffers or allows any act or thing to be done in contravention or violation of this bylaw or any permit issued under this bylaw, or who fails or neglects to do anything required to be done under this bylaw or any permit issued under this bylaw, commits an offence; and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

7.2 Where one or more tree is cut or removed or damaged, other than as authorized by this bylaw, or more than one tree is not replaced or maintained in accordance with a permit issued under this bylaw, a separate offence is committed in respect of each such tree.
7.3 Upon being convicted of an offence under this bylaw, a person shall be liable to pay a fine of not less than $1,000 and not more than $10,000;

7.4 In addition to the penalties imposed under section 7.3, by order of the court, a person convicted of an offence under this bylaw may be directed to:

a) not do any act or engage in any activity that may result in the continuation or repetition of the offence;

b) pay the costs incurred by the City in investigating and prosecuting the offence;

c) pay compensation to the City for any damage or loss sustained by the City because of the commission of the offence to a maximum of $25,000 or higher monetary limit as may be specified under the Small Claims Act in force at the time of the offence;

d) take any action the court considers appropriate to remedy any harm that resulted from the commission of the offence.

7.5 Pursuant to section 7.4 (d) the City may seek an order directing a person convicted of an offence under this bylaw to complete an education or training program for instruction in appropriate care and management of trees to a standard established by a provincial, national or international body for professional arboriculture, landscaping, or nursery practice.

7.6 In addition to any other penalty which may be imposed under this bylaw, where a person cuts, removes or damages, or causes, suffers or permits any tree to be cut, removed, or damaged in contravention of this bylaw or in violation of any term or condition of a permit issued under this bylaw, that person, within 30 days of receiving notice of such requirement from the Director, shall:

a) submit for the Director’s approval a tree cutting and replacement plan in accordance with the requirements of Schedule “A”, specifying the location and species of all replacement trees; and

b) plant and maintain on the same parcel in accordance with the approved tree cutting and replacement plan a minimum of two (2) replacement trees for each tree unlawfully cut, removed or damaged and in the event the Director determines it is not feasible or practical to replace the trees on the same parcel, the replacement trees shall be planted on City land in a location designated by the Director.”

PART EIGHT: PREVIOUS BYLAW REPEAL

8.1 Bylaw No. 8014, adopted by Council on December 19, 2005, is hereby repealed.
PART NINE: SEVERABILITY AND CITATION

9.1 If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

9.2 This Bylaw is cited as “Tree Protection Bylaw No. 8057”.

PART TEN: FEES BYLAW

10.1 The Fees Consolidated Fees Bylaw No. 8636, as may be amended from time to time, applies to this bylaw.
SCHEDULE A to BYLAW NO. 8057

Replacement Trees

Where replacement trees are required to be provided pursuant to this bylaw, such replacement trees shall be provided and planted as follows:

1) For tree removals not related to demolition or construction on parcels containing a one-family dwelling:
   a) deciduous replacement trees are to be a minimum of 2m in height or of a minimum 6cm caliper*,
   b) coniferous replacement trees are to be a minimum of 2m in height.

2) For tree removals for all other properties and permits related to construction, demolition, rezoning, development permits, subdivisions or building permits:
   (a) every deciduous replacement tree shall be of the minimum caliper* specified for replacement trees in Column 3 of Table 1 of this Schedule,
   (b) every coniferous replacement tree shall be a tree of the minimum height specified for replacement trees in Column 2 of Table 1 of this Schedule.

3) Every replacement tree shall be spaced from existing trees and other replacement trees in accordance with an approved forest management plan or landscape plan and in all cases shall be planted in accordance with the current BCSLA (British Columbia Society of landscape architects) or BCLNA (British Columbia Landscape & Nursery Association) Landscape Standards, and all replacement trees shall meet current BCSLA or BCLNA standards.

Table 1

<table>
<thead>
<tr>
<th>D.B.H. of Tree Cut or Removed</th>
<th>Minimum Height of Coniferous Replacement Tree COLUMN 2</th>
<th>Minimum Caliper* of Deciduous Replacement Tree COLUMN 3</th>
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<tbody>
<tr>
<td>8” – 12” (20-30cm)</td>
<td>11.5 ft (3.5 m)</td>
<td>2.5” (6cm)</td>
</tr>
<tr>
<td>12” – 16” (30-40cm)</td>
<td>14 ft (4 m)</td>
<td>3” (8cm)</td>
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<tr>
<td>16” – 20” (40-50cm)</td>
<td>16 ft (5 m)</td>
<td>3.5” (9cm)</td>
</tr>
<tr>
<td>20” – 24” (50-60 cm)</td>
<td>18 ft (5.5 m)</td>
<td>4” (10cm)</td>
</tr>
<tr>
<td>24”+ (60cm+)</td>
<td>20 ft (6 m)</td>
<td>4.5” (11cm)</td>
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*Caliper is the diameter of the trunk measured at 15cm above the ground.”
SCHEDULE B to BYLAW NO. 8057

Those areas outlined in bold on the plan shown below are designated as tree retention areas under this bylaw.
SCHEDULE C to BYLAW NO. 8057

NOTICE OF NON-COMPLIANCE
and
STOP WORK ORDER

YOU ARE HEREBY NOTIFIED that the City of Richmond considers activity on this property to be in breach of its Tree Protection Bylaw Number 8057.

AND ALL PERSONS SHALL IMMEDIATELY CEASE the following activity on this property:

____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

EVERY PERSON WHO FAILS TO COMPLY WITH THIS ORDER MAY, UPON CONVICTION FOR AN OFFENCE AGAINST THE SAID BYLAW, BE LIABLE TO A PENALTY AS STIPULATED IN THE BYLAW.

Persons affected by this Order may seek further information at the Building Approvals Department, Richmond City Hall, 6911 No. 3 Road, Richmond, British Columbia V6Y 2C1.

ADDRESS of PROPERTY

DATE DIRECTOR

NO PERSON MAY REMOVE REVERSE, ALTER, DEFACE, COVER, REMOVE OR IN ANY WAY TAMPER WITH THIS NOTICE WITHOUT AUTHORIZATION BY THE CITY OF RICHMOND.
SCHEDULE D to BYLAW NO. 8057