
CITY OF KELOWNA

MEMORANDUM

Date: November 26, 2003
File No.: 4000-00
To: City Manager
From: Inspection Services Manager
Subject: Nuisance Trees & Shrubs Bylaw Amendments

RECOMMENDATION

THAT Council approve the proposed amendments to the "Nuisance Tree and Shrub Bylaw No. 6469-89".

BACKGROUND

Council adopted Bylaw 6469 in 1989 to set policy for dealing with shrubs and trees on private properties that are causing problems for adjacent streets, sidewalks or utilities or which Council believes is dangerous or affects the convenience or safety of the public. Wording in the bylaw defines that "Nuisance shall mean any part of a tree, shrub, hedge or bush which extends over a highway at a height lower than 5 meters, or which Council believes is dangerous, or which Council believes affects the safety or convenience of the public, or which becomes injurious to any road bed, sidewalk, utility or other works."

The definition as it exists results in enforcement staff obtaining a professional opinion each time an owner disagrees that a situation is dangerous. This is done to add further argument to convince an owner to take care of the problem himself. It also provides staff with the information that would be necessary to convince Council that a tree is dangerous. In most cases, once the professional assessment of the tree is presented to an owner the owner resolves the problem themselves.

Subsequent to the OK Mountain Park Fire many complaints are being received about standing dead trees on adjacent properties. All of these trees must be considered to be hazardous since they are likely to fall within the next few years. The proposed wording in the bylaw amendment will enable staff to more efficiently handle complaints about these standing dead trees because just the fact that they are standing dead trees within striking distance of an adjacent property or street will classify them as hazardous. The changes will also enable staff to handle other trees that have been professionally assessed as hazardous without returning to Council to have Council declare the trees to be hazardous.

Respectfully Submitted,

Keith Skinner
Inspection Services Manager

KS/ss