
CITY OF KELOWNA

MEMORANDUM

Date: April 22, 2004
File No.: 4000-00
To: City Manager
From: Licence and Bylaw Enforcement Supervisor
Subject: Amendments to City of Kelowna Nuisance Trees & Shrubs Bylaw No. 6469-89

RECOMMENDATION

THAT Nuisance Trees and Shrubs Bylaw No. 6469-89 be amended as follows:

- a) By adding the following definition to Section 1:

“Certified Arborist” – shall mean a person accredited as such by the International Society of Arboriculture or other recognized professional arborist association.;

- b) By adding a new section to the bylaw as Section 9 to read:

“9. This bylaw shall not apply to private property or conditions on private lands which affect other private properties only.”;

AND THAT the necessary amending bylaw be advanced for reading consideration by Council.

BACKGROUND

On December 1, 2003 City Council adopted a resolution to have staff review the Nuisance Trees and Shrubs Bylaw with recommendations for amending the bylaw pertaining to the ways of dealing with hazards to public property apart from private properties. We completed a brief survey of nine municipalities (Kamloops, Prince George, Nanaimo, North Vancouver, Victoria, Surrey, New Westminster, Chilliwack and Abbotsford) with the results that the majority of municipalities deal with public property issues only leaving private property matters open to civil litigation between property owners. The proposed wording and amendments to the bylaw will enable staff to more efficiently handle complaints concerning standing dead or hazardous trees that affect public property while assisting staff in avoiding neighbourhood or personal disputes between property owners and other non-related or frivolous complaints.

Respectfully Submitted,

Al Dixon
Licence and Bylaw Enforcement Supervisor

AD/ss