

**BOULEVARD TREE LIGHTING BYLAW**

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to permit and regulate the placing of lighting on trees located on public boulevards.

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Under its statutory powers, including sections 8(3)(c) and 194 of the *Community Charter*, the Council of the City of Victoria enacts the following provisions:

## PART 1 – INTRODUCTION

### Title

- 1 This Bylaw may be cited as the “BOULEVARD TREE LIGHTING BYLAW”.

### Definitions

- 2 In this Bylaw,

“boulevard”

- (a) means that part, of a public street, located between the outside curb, or roadway shoulder if there is no curb, and the boundary of adjoining property, and
- (b) includes the median segregating traffic on a public street;

“commercial area”

means any commercially zoned properties in the City of Victoria that are adjacent to trees on City boulevards;

“GFCI”

means a ground fault circuit interrupter;

“LED”

means a light-emitting diode;

“ornamental lights”

means lights that

- (a) are LED,
- (b) are manufactured for ornamental purposes,
- (c) are used for ornamental purposes,
- (d) are frosted or clear, and
- (e) emit a white or off-white colour;

“permit holder”

means a licensed electrical contractor who holds both of the following permits issued under this Bylaw:

- (a) electrical permit (including survey),

- (b) tree lighting permit (annual);

“street”

every road, street, lane, or right of way designed or intended for, or used by, the general public for the passage of vehicles;

“tree”

means a tree that is on a public boulevard in a commercial area.

## **PART 2 – LIGHTING REGULATIONS**

### **Prohibition of tree lights**

- 3** A person must not place, or cause or allow the placing of ornamental lights on a tree, unless that person is a permit holder.

### **Placement of lights**

- 4** (1) A permit holder placing, or causing or allowing the placing of, a string of lights on a tree must ensure that the string
  - (a) is securely placed in that tree;
  - (b) does not constrict or otherwise damage the tree’s limbs at the time of that installation or at any time afterwards.
- (2) A permit holder must ensure that a person placing or removing lights on or from a tree, under that holder’s permit, does not climb that tree during that installation or removal.
- (3) A permit holder must ensure that
  - (a) electrical connections and other related matters comply with the directions set out under that person’s permit by the issuing Electrical Inspector; and
  - (b) each tree on which lights are to be placed is provided with one GFCI receptacle that is
    - (i) in a weatherproof enclosure, and
    - (ii) is wired underground from the City’s electrical system with protection set at no more than 15 amperes.

### **Maintenance of lights**

- 5** A permit holder must maintain in good condition the lights, and their wiring, installed under that person’s tree lighting permit.

### PART 3 – PERMITS

#### Applying for permit

- 6 A person who owns or operates a business located adjacent to a tree must apply, or have an electrical contractor apply on that person's behalf, for an electrical permit and an annual tree lighting permit for the placing of ornamental lights on that tree.

#### Electrical permit

- 7 The following requirements and conditions apply to an electrical permit:
- (a) application must be made in the form provided by the City's Permits and Inspections Department;
  - (b) a survey must be conducted by an Electrical Inspector of the City before an electrical permit is issued;
  - (c) the applicant must pay to the City the fee for an electrical permit set out in Schedule A;
  - (d) works specified for installation in the survey may be completed by a contractor or by the City.

#### Tree lighting permit

- 8 The following requirements and conditions apply to an annual tree lighting permit:
- (a) application for a tree lighting permit for a tree must be made after an applicant has obtained an electrical permit for the same tree;
  - (b) the applicant must pay to the City the fee for a tree lighting permit set out in Schedule A;
  - (c) the permit is valid only for the use of ornamental lights only;
  - (d) the permit is valid for one year;
  - (e) the permit is no longer valid if the tree for which it is issued is no longer healthy or safe enough to hold ornamental lights;
  - (f) 10 days after the expiry of an electrical permit, the ornamental lights to which it applies become the City's property and the City may remove the lights from the tree.
  - (g) the permit is no longer valid if
    - (i) the permit holder places or causes to allow the placing of lights other than ornamental lights on the tree to which the permit applies,
    - (ii) the permit holder no longer carries on business adjacent to the tree to which the permit applies, or

- (iii) the permit holder, or the electrical contractor to whom the permit was issued on the permit holder's behalf, fails to comply with a requirement under sections 9, 10, 12, or 14;
- (h) the City's rights under section 13.

## **PART 4 – LIABILITIES**

### **Costs**

- 9** (1) A permit holder must pay all costs related to:
- (a) the City's costs, referred to in section 11, of removing unlawfully or improperly installed lights;
  - (b) the cost of damage to lights resulting from the City's inspection or maintenance of the tree, when the lights are not removed by the permit holder in accordance with section 12;
  - (c) the cost of damage to lights resulting from an activity of the City that is necessary to redress, without notice to the permit holder, damage to the tree caused by wind, accident, or a similarly unexpected event;
  - (d) the City's costs of removing, and returning to a former permit holder, lights removed from a tree, under section 13, after the lapsing of that person's permit.
- (2) A permit holder is not responsible for the costs of electricity used by the lights for which that person's permit is issued.

### **Electrical contactors**

- 10** (1) A permit holder's electrical contractor must be a licensed electrical contractor under the *Safety Standards Act* and its regulations and all other laws.
- (2) A permit holder, and that person's electrical contractor, must maintain and provide to the City's Electrical Inspector records of the work done in connection with the placing of lights on a tree under that holder's permit.

### **Improperly or unlawfully installed lights**

- 11** The City may remove lights from a tree if they were installed unlawfully, or in an improper manner not in accordance with this Bylaw or a permit.

### **Maintenance of trees**

- 12** A permit holder must disconnect or remove the lighting on a tree when that is requested by the City's Parks Department, by one month's written notice to the permit holder, for the purpose of annual inspection and maintenance of the tree.

**City's removal of lights after permit lapsed**

- 13** The City may remove, and keep or return to their former permit holder, the lighting and wiring left on a tree by that permit holder after that person's tree lighting permit lapses.

**Insurance**

- 14** A permit holder must maintain public liability insurance of at least \$2 million, with the City as an additional named insured, in relation to an installation of lights under that person's permit.

**PART 5 – OFFENCES & PENALTIES*****Offence Act***

- 15** A person who contravenes a provision of this Bylaw is guilty of an offence and is liable on conviction to the penalties prescribed under the *Offence Act*.

READ A FIRST TIME the	<b>25<sup>th</sup></b>	day of	<b>August,</b>	2005.
READ A SECOND TIME the	<b>25<sup>th</sup></b>	day of	<b>August,</b>	2005.
READ A THIRD TIME the	<b>25<sup>th</sup></b>	day of	<b>August,</b>	2005.
ADOPTED on the	<b>8<sup>th</sup></b>	day of	<b>September,</b>	2005

**"ROBERT G. WOODLAND"**  
CORPORATE ADMINISTRATOR

**"ALAN LOWE"**  
MAYOR

**SCHEDULE A**  
**Permit Fees**

Electrical Contractors Work Permit: fees per Application for Electrical Permit (Schedule A)

Survey Permit: prior to granting permission \$ 66

Tree Lighting Permit: annual required \$100