



Province of
British Columbia

Ministry of
Municipal Affairs

800 Johnson Street
Victoria
British Columbia
V8V 1X4

OFFICE OF THE
INSPECTOR OF MUNICIPALITIES
OF BRITISH COLUMBIA

D20A-39

August 24, 1995

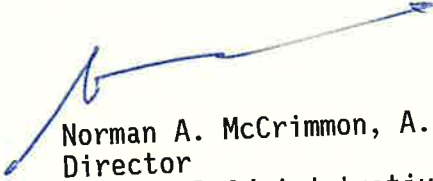
Mr Robert Earl
Administrator
District of Port Edward
567 Sunset Drive
Port Edward, B.C.
VOV 1G0

Dear Mr. Earl:

Returned herewith is one copy of Bylaw No. 374, cited as "District of Port Edward Tree Protection Bylaw No. 374, 1995", with evidence of registration thereon.

As this bylaw does not provide for the repeal of existing tree protection Bylaw No. 371, Council should enact a simple "repeal" bylaw for such purpose at the earliest opportunity.

Yours very truly



Norman A. McCrimmon, A.C.I.S., P.Adm.
Director
Municipal Administrative Services

Enclosure

District of Port Edward

Tree Protection Bylaw No. 374 1995

A. The Council may by bylaw regulate and prohibit the cutting, removal and damaging of trees and for such purpose may require permits to cut or remove trees and establish for those permits.

B. The Council considers that it is in the public interest to ensure that tree removal and cutting of trees in the District of Port Edward be restricted.

NOW THEREFORE the Council of the District of Port Edward in open meeting assembled, enacts as follows:


Citation

1. This Bylaw may be cited as "District of Port Edward Tree Protection Bylaw No. 374, 1995"

Application

2. This Bylaw applies to those areas of the District of Port Edward shown on the plan attached to this Bylaw as Schedule "A".

Prohibition

3. The cutting, removal or damaging of trees in a Tree Protection Area is prohibited except where permitted by and carried out in accordance with the terms of this Bylaw.
 4. No person shall fail to comply with the terms and conditions of a permit issued pursuant to this Bylaw.
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Exemptions

5. Despite Section 3, this Bylaw does not apply:
 - (a) to trees less than 2 meters in height;
 - (b) to trees on a lot of .5 hectares or less in area;
 - (c) to highways, the soil and freehold of which are vested on the Crown or title to which is registered in the name of the District of Port Edward;
 - (d) to land within a statutory right-of-way registered in the name of the District of Port Edward;
 - (e) to parks dedicated by subdivision plan or title to which is held in the name of the District of Port Edward.

6. Without limiting the exemptions in Section 5 and despite Section 3, trees on a lot, having an area in excess of 0.5 hectares, may be cut or removed from any portion or portions of such lot provided that:
 - (a) the total aggregate areas of such portions does not, in the case of a lot having an area of 5 hectares or less, exceed 10% of the total area of the lot, and in the case of 1 lot having an area of greater than 5 hectares, exceed 5% of the total area of the lot;
 - (b) no portion or portions of a lot as referred to in Section 6 (a) fall within:
 - (i) a required setback area abutting either a controlled access or arterial highway as designed or classified pursuant to the Highway Act, R.S.B.C. 19791 or
 - (ii) any area of lot on which the construction of buildings or structures is prohibited by Zoning Bylaw No. 350, 1995;
 - (c) a tree cutting permit has first been issued pursuant to this Bylaw authorizing the trees to be cut or removed; and
 - (d) one or more of the following conditions exist:
 - (i) a valid and subsisting building permit has been issued authorizing construction of a building or structure on the lot;

- (ii) a final approval of subdivision has been granted by the Approving Officer and the owner of the lands has entered into an agreement with the District of Port Edward pursuant to Section 991 of the Municipal Act, R.S.B.C. 1979 c. 290; or
- (iii) A preliminary approval of subdivision has been granted by the Approving Officer on the condition that proposed highways and statutory rights-of-way be surveyed and cleared in anticipation of or for the purpose of dedication, transfer and installation of works and service required to be provided by the Approving Officer or by Bylaw.

Permits

7. When trees may be cut or removed pursuant to Section 6, the owner of the land on which the trees are located shall apply to the Council for a tree cutting permit which application shall:
 - (a) be substantially in the form attached to this Bylaw as Schedule "B".
 - (b) provide all the information required therein; and
 - (c) be accompanied by a fee calculated as set out on the application form.
8. Despite Section 6 and Section 7, no tree cutting permit shall be issued in respect of trees on land where a previous tree cutting permit has already authorized tree cutting or removal of trees, except where the extent of cutting and removal previously authorized was less than the limit established by Section 6(a), or where the previous tree cutting permit has expired and was not exercised to the full extent of the authorization. In such instances a further tree cutting permit may be issued by the Council pursuant to an application by the owner and further payment of fees, but only to the extent that such authorization when combined with the actual exercise of rights under a previous tree cutting permit does not in the aggregate exceed the limitation provided in Section 6(a).
9. A tree cutting permit shall be substantially in the form as attached to this Bylaw as Schedule "C" and such permit and all authorizations and approvals granted by it, shall expire one year from the date of issuance.
10. A tree cutting permit shall only be issued by resolution of Council.

Offense

11. Every person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention of this Bylaw is guilty of an offence against this Bylaw and is liable to the penalties hereby imposed.

Penalty

12. Every person who commits an offense against this Bylaw is liable to a fine and penalty of not more than \$10,000.00 for each offence.

Schedules

13. Schedules "A", "B" and "C" are and shall form part of this Bylaw.

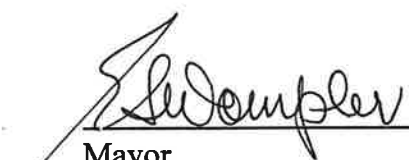
READ a first time this 25th day of July, 1995

READ a second time this 25th day of July, 1995

READ a third time this 25th day of July, 1995

RECONSIDERED and adopted this day of, 1995.

JULY 25th DAY OF 1995
DOE



Mayor



Clerk

Certified a true copy of bylaw
cited as " No., 1995".

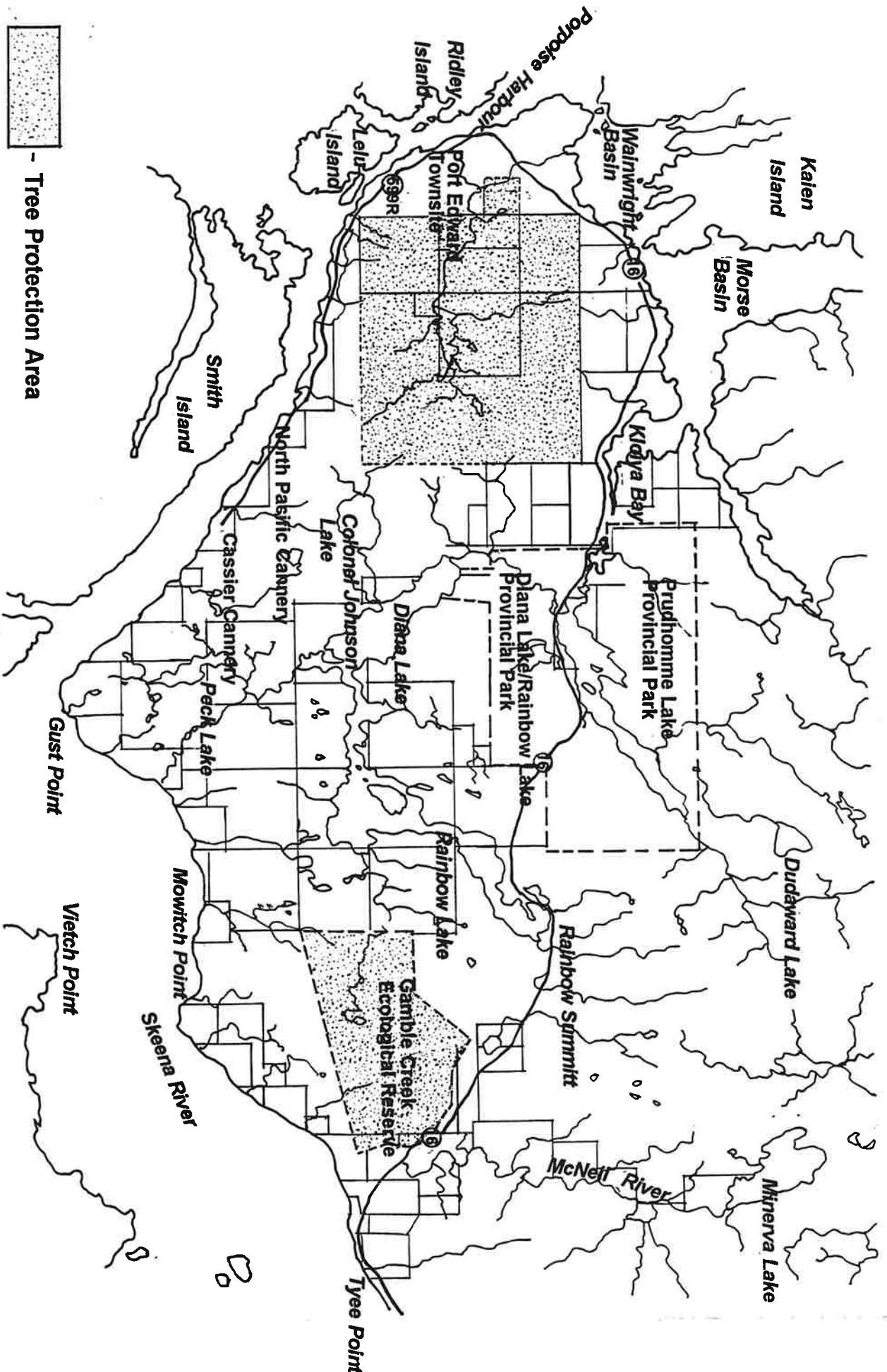


Clerk

*A true copy of By-Law No. 374
registered in the office of the Inspector
of Municipalities this 24th day of
August 1995.*



Deputy Inspector of Municipalities



— Tree Protection Area

District of Port Edward

Tree Protection Area By-law No. 374

scale: N.T.S. date: July 15, 1995

SCHEDULE "B"

(To District of Port Edward Rural Tree
Protection By-law No. 374, 1995)

Application Form

District of Port Edward

Application for Tree Cutting Permit (District of Port Edward Rural Area
Tree Protection By-law No. 371, 1995)

1. I, _____ of _____ in the
(name) (address)
_____ hereby make application to cut and remove that tree
(municipality)
(those trees) situate on property municipally described as _____
(address)
in the Municipality of _____ and legally described as
_____ identified, described and shown on the (legal
description)

property attached to this application and physically identified and demarcated on the
lands by tape, ribbons or stakes.

2. Attached and forming part of this Application is:

(i) a paper print of the current subdivision or other plan deposited in the Land
Title Office describing the lot;

(ii) a fully dimensioned sketch plan of the lot showing the location and areas
of that portion or portions of the lot where trees are proposed to be cut or removed;

(iii) a calculation and statement of the area in square meters of the portion or
portions of the lot from which trees are proposed to be removed;

(iv) a copy of the current certificate of title for the lot as registered in the Land
Title Office.

Dated the _____ day of _____, 199__.

3. I have read a copy of District of Port Edward Rural Area Tree Protection By-law No. 374 1995 and am aware of the regulations therein.

FEES

4. Fees shall be calculated on the basis of the area of that portion or portions of the lot from which trees are proposed to be cut or removed as determined by the application. The fee shall be \$300.00 for each half hectare or part thereof of area from which trees are proposed to be cut or removed.

Signature of Applicant

Where Applicant is not the registered owner of the property, this Application will not be considered complete or processed until the registered owner signs below.

I, _____ the registered owner of the property described in this Application hereby consent to the Application being made and to the issuance of a permit to the Applicant. I certify that the information in this Application is correct and true and I acknowledge that I the person responsible for compliance with all provisions of Municipality of Port Edward Rural Area Tree Protection By-law No. 374, 1995.

Dated the _____ day of _____, 199__

Signature of Registered Owner

NOTE: Please ensure the sketch plan accompanying this application is:

- (a) dimensioned including the boundaries of the lot and the boundaries of the areas of the portion or portions of the lot from which trees are proposed to be cut and removed;
- (b) drawn to scale and marked with the scale and with a north arrow;
- (c) contains all the required information;
- (d) accompanied by the required fee.

This application shall not be considered complete and shall not be processed until all information required by this form has been provided and all documents and fees have been provided and paid

SCHEDULE "C"

To District of Port Edward Rural Area Tree
Protection By-law No. 374, 1995

The District of Port Edward

TREE CUTTING PERMIT

1. This Permit is issued pursuant to the Municipality of District of Port Edward Rural Area Tree Protection By-law No. 374, 1995.
2. This permit applies only to those certain lands legally described as:

(the "Lands")

3. This Permit authorizes the Permittee to cut and remove only the trees in those areas on the Lands shown and described on Schedule 1 to this Permit subject to the terms and conditions hereinafter set out.
4. This Permit is issued subject to the following terms and conditions:
 - (a) any tree authorized to be cut or removed by the Permit shall only be cut or removed in strict compliance with the provisions of the District of Port Edward Rural Area Tree Protection By-law No. 374, 1995.
 - (b) no tree shall be cut or removed in those areas described on Schedule 1 to this Permit until:
 - (i) such areas have first been demarcated on the Lands by tape, ribbon or stakes;
 - (ii) such demarcated area or areas have been inspected by the Municipal Engineer or his designate to ascertain whether they comply with the permission herein; and

(iii) the Director of Public Works or his designate has signed this Permit in the space provided below.

5. The authorization herein to cut or remove trees expires and is of no further force or effect one year after the date of issuance of this Permit.

6. This Permit is issued by Council resolution on the _____ day of _____, 199__.

For Official Use

I, _____, the Director of Public Works or designate have inspected the lands to which this Permit applies for the Purposes of Section 4(b) of this Permit.

Dated this _____ day of _____, 199__

Director of Public Works or Designate