

**NOTICE OF MEETING
AND MEETING AGENDA****COMMITTEE OF THE WHOLE**

DATE: Friday, April 1, 2016
TIME: 10:00 a.m.
LOCATION: Council Chambers, Harrison Hot Springs

1. CALL TO ORDER

Meeting called to order by Mayor Facio

2. INTRODUCTION OF LATE ITEMS**3. APPROVAL OF AGENDA****4. ITEMS FOR DISCUSSION**

1. Report of Manager of Development and Community Services – March 28, 2016 Item 4.1
Page 1
Re: Pay Parking Proposals

Recommendation:

THAT the report titled "Pay Parking Proposals" be received for information.

2. Report of Deputy Chief Administrative Officer/Corporate Officer – March 15, 2016 Item 4.2
Page 3
Re: Sign Bylaw Amendment

Recommendation:

THAT the report titled "Sign Bylaw Amendment" be received for information;
and

THAT Council provide direction on the draft Bylaw No. 1082.

3. Report of Deputy Chief Administrative Officer/Corporate Officer – March 15, 2016 Item 4.3
Page 17
Re: Tree Management and Preservation Bylaw No. 1015

Recommendation:

THAT the report titled "Tree Management and Preservation Bylaw No. 1015" be
received for information.

5. ADJOURNMENT



VILLAGE OF HARRISON HOT SPRINGS

REPORT TO COUNCIL

TO: Mayor and Council **DATE:** March 28, 2016
FROM: Lisa Grant **FILE:** 5480-01
Manager of Development and Community Services
SUBJECT: Pay Parking Proposals

ISSUE:

Implementing pay parking system for the downtown core area of Harrison Hot Springs

BACKGROUND:

At the June 1, 2015 Regular Council Meeting, a resolution was passed directing staff to begin the process to implement pay parking for Esplanade Avenue, and the northern portions of St. Alice, Hot Springs Road, Maple Street, Chehalis Street, and Spruce Street.

In early 2016, the Village released a request for proposals from parking proponents. The Village received seven proposals.

The proposals were evaluated on the following criteria:

- Revenue generation potential
- Adaptability of the system
- Enforcement
- Initial Startup costs
- User-friendliness
- Use of green technology
- Experience of the proponent

Staff reviewed all seven proposals using the above criteria on a weighted point scale. In regards to overall scoring, Precise ParkLink was the high scoring proposal.

Proposal overview:

The preferred candidate as mentioned above is Precise ParkLink. They are based in Vancouver and have two local municipal clients. According to their proposal, nineteen (19) multi-space parking meters with 'pay and display'. The number of

parking meters can be increased or decreased depending on our needs. Although this may affect the cost/profit.

The proposal is suggesting that the units be rented for the first two years of the program. After that time, we can reassess if the Village would want to purchase the units. There is the option to use solar panel to reduce costs and utilize green technology to power the parking meters.

Precise ParkLink will also provide enforcement and share enforcement revenues 50/50 with the Village.

Pay parking would be conducted on a seasonal basis according to the proposal – April to October and enforced during the day. This allows free parking in the evenings. The following is the proposed pay structure:

- \$2 per hour
- \$8 daily maximum to 7pm, or
- \$10 daily maximum to 9pm

Next Steps:

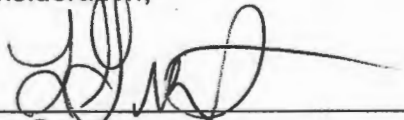
To move forward with pay parking, staff is recommending that discussions begin with Precise ParkLink to sign an agreement to begin pay parking in August 2016; and that the following engagement take place with the community:

- Meeting with the Chamber
- Community meeting
- Provide a press release, post information on our website, social media accounts and advertisements and/or story in the local newspaper.

RECOMMENDATION:

THAT the report titled "Pay Parking Proposals" be received for information.

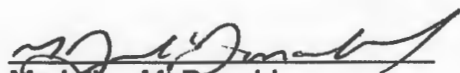
Respectfully submitted for your consideration;



Lisa Grant

Manager of Development and Community Services

CHIEF ADMINISTRATIVE OFFICER COMMENTS:



Madeline McDonald

Chief Administrative Officer



VILLAGE OF HARRISON HOT SPRINGS

REPORT TO COUNCIL

TO: Mayor and Council **DATE:** March 15, 2016

FROM: Debra Key **FILE:** 3900-01
Deputy Chief Administrative Officer/CO

SUBJECT: Sign Bylaw Amendment

ISSUE: Amendments to Sign Bylaw No. 987, 2011

BACKGROUND:

The current Sign Bylaw No. 987 was adopted in September of 2011. The bylaw regulates the placement of billboards, business, election, home occupation, promotional, sandwich boards and third party signage. The bylaw also prohibits certain types of signs such as billboards, signs in residential, signs on walls and fences and signs on telephone/hydro poles. There are also several exceptions for signage, such as temporary, construction or signs that are necessary for identification purposes.

Every person who wishes to place a sign must make application and pay a \$50.00 fee to the Village for a sign permit. The following signs have varying requirements, depending upon what the use is; business/premises, Village capital works temporary sign, sandwich board sign, freestanding sign, third party sign, promotional sign, home occupation sign and election sign.

At a Committee of the Whole meeting in July of 2014, discussion occurred with respect to the proliferation of sandwich boards signage around the Village Plaza. The bylaw was referred to the Chamber of Commerce which resulted in comments for consideration of Council. The bylaw was before Council but has been referred back to staff for further review.

At a meeting of Council on March 10, 2016, Council requested that staff prepare a bylaw to include provisions for all signage to be in the English language and that placement of sandwich board signs on municipal property, including sidewalks, civic plaza, boulevards, streets, parking areas, parking stalls, public parks and beach areas be prohibited.

Staff has reviewed copy of a legal opinion sought by the City of Richmond on the issue of whether the municipality could legally implement a requirement that the content of some or all signs for which a sign permit is required pursuant to the bylaws be expressed in the English language in addition to any other language of the permit applicant's choice.

That opinion states, in part:

"In our opinion, a bylaw which imposed an English language content requirement, whether or not in addition to another language, would violate section 2(b) of the Charter of Rights and Freedoms ("Charter") by infringing on the right to freedom of expression. It is not certain whether that infringement would be justifiable under section 1 of the Charter as being a reasonable limit on the right to freedom of expression. In order to be justifiable, the City would need to establish there is a compelling or sufficiently important issue to be remediated that the City has the necessary legal authority to impose a restriction or condition on the content of signs, and that the proposed restriction or condition is both proportional to the issue to be remediated and only minimally impairs freedom of expression. Courts will be more likely to support the validity of a restriction on freedom of expression if the regulator has undertaken both relevant studies of the issue and engaged in broad public consultation....."

Assuming that the City could establish a sufficiently important objective to require that English be included on any or all signs, the regulation would need to impose a minimal impairment on freedom of expression and be proportional to the objective in terms of its positive and negative effects. To be justifiable as a limit on a Charter freedom, the City would need to establish that compelling health safety, economic or social welfare objectives are at stake. A strong factual basis would need to be established that requiring English on signs would correct or achieve a significant and important problem or purpose which is not being met in the absence of that regulation.

Section 8(4) and 65 of the Community Charter provide specific authority for municipal regulation of signs:

8(4) A council may, by bylaw, regulate and impose requirements in relation to matters referred to in section 65.

65 The authority of a council under section 8(4) may be exercised in relation to the erection, placing, alteration, maintenance, demolition and removal of signs, sign boards, advertisements, advertising devices and structures.

It is important to note that these sections authorize the City to regulate the location, size, and specific physical features of signs, but do not directly provide authority for the regulation of the content of the signs. The imposition of a mandatory English component to the text of signs would likely be considered a content component."

Based on this opinion, the City of Richmond engaged in a comprehensive outreach and engagement campaign to explore the issue of language on signs in the context of community harmony. The City continues with its outreach and education program and has introduced a "de-cluttering" provision to control visual clutter. They have committed to continuing the outreach initiative to promote the use of the English language on business signs and will report back to their Council in the summer of 2016.

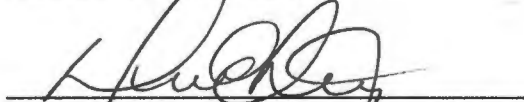
I have enclosed a copy of the existing Sign Bylaw and a copy of the draft amendment with respect to sandwich boards.

RECOMMENDATION:

THAT the report titled "Sign Bylaw Amendment" be received for information; and

THAT Council provide direction on the draft Bylaw No. 1082.

Respectfully submitted:


Debra Key
Deputy Chief Administrative Officer/CO

REVIEWED BY:


Madeline McDonald
Chief Administrative Officer

**VILLAGE OF HARRISON HOT SPRINGS
BYLAW NO. 987**

A bylaw to regulate signs

WHEREAS the Village of Harrison Hot Springs has deemed it advisable to establish a bylaw to regulate signs in the Village of Harrison Hot Springs.

NOW THEREFORE in open meeting assembled, the Mayor and Council of the Village of Harrison Hot Springs enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as the "Village of Harrison Hot Springs Sign Bylaw No. 987, 2011".

2. INTERPRETATIONS

"Billboard" means a panel, sign-board, bulletin board, boarding or boarding mounted on a building or free-standing structure, and use or intended to be used for the posting or displaying of notices or advertising materials pasted, glued, fastened or otherwise affixed thereto.

"Business/Premises" means a building that is used to carry on commercial or industrial undertakings of any kind from within the boundaries of the Village, providing professional, personal, or other services for the purpose of gain or profit, but does not include an activity carried on by the Federal and/or Provincial Governments, their agencies or corporations.

"Election" as defined in the *Election Act* [RSBC 1996] Chapter 106.

"Civic Properties" means property owned by the Village and highways.

"Freestanding" means a sign wholly or partially supported from the ground by a structure which is independent of any building or structure

"Home Occupation" means a business carried on in a dwelling unit by a resident of that dwelling unit

"Promotional" means the publicizing, advancement, encouragement and fostering of an enterprise

"Sandwich Board" means a one or two face non-illuminated portable sign with a maximum area of 2 square metres on each side.

"Third Party" means a sign that directs attention to products sold or services on property other than which the sign is affixed

3. PURPOSE

The focus of the Village activities is to attract, encourage and enhance tourism and business development to the community, and therefore as a matter of interpretation a bylaw will always be interpreted in a way that will benefit the objectives of the Village in the promotion of tourism.

4. GENERAL PROVISIONS

- 4.1 Signs may be erected or lit providing they do not interfere with the visibility of a traffic control device or to interfere with an access or egress from a highway or intersection.
- 4.2 Signs may be equipped with flashing, oscillating or moving lights or beacons providing they do not cast a direct beam on any highway or business/residential premises or to interfere with the visibility of a motorist on a highway.
- 4.3 Only signs owned by Federal and Provincial Governments or the Village shall be permitted on a road right-of-way or on property owned by the Village, unless otherwise provided for in this bylaw.
- 4.4 Signs or part thereof shall not be suspended or projected over a highway right-of-way or property owned by the Village unless approved by the Village.
- 4.5 Signs projecting over private pedestrian area shall have a clearance to the underside of the projection of at least 2.5 metres above grade.
- 4.6 Signs shall not project over a travel portion of a lane or road right-of-way.
- 4.7 All signs must be aesthetically pleasing in appearance and maintained in a good state of repair pursuant to the Village's Sign Design Guidelines
- 4.8 Only signs authorized by the Village are permitted within the lakeshore beach area.
- 4.9 *Election or commercial signs will not be permitted within 100 meters of the Village Office or at the Memorial Hall property. (AB #1009)*

5. PROHIBITIONS

- 5.1 Except as provided elsewhere in this bylaw the following are prohibited.
 - a) Billboard signs
 - b) A sign located on a balcony or roof of a building
 - c) Signs in residential zones

- d) A sign erected on Village owned property or highway
- e) A sign situated on walls, fences or elsewhere on or adjacent to a highway or public place that exhibits writing or pictures or the writing of words or making of pictures or drawings which are indecent or may tend to corrupt or demoralize or considered grossly insulting language rather immoral or indecent
- f) Signs or notices affixed to telephone/hydro poles.

6. EXEMPTIONS

6.1 The following signs are exempt from this bylaw.

- a) Sign displayed within a shop or office
- b) A sign that identifies a building
- c) A sign owned or leased by the Village for municipal purposes
- d) Sign of a construction company on the lands where construction is being carried out provided the sign does not exceed a copy area of 3 square metres.
- e) A sign advertising the lease or sale of the property upon which the sign is located provided the sign shall not exceed 1.5 square metre copy area for residential properties and 4 square metres copy area for commercial properties copy area.
- f) A temporary sign advertising special events including sporting events, community causes, charitable fundraising campaigns and non-profit arts and cultural events provided they are not displayed longer than 30 days and are removed within 4 days following the end of the event.
- g) A sign on a building advertising a business or businesses within the building.
- h) Signs on benches occupying municipal property under agreement with the Village.
- i) Signs on municipal property where prior approval has been obtained from the Village.
- j) Tourist information sign(s) with a copy area not to exceed 4 square metres.

7. DUTIES AND RESPONSIBILITIES OF THE SIGN OWNER

- 7.1 No person shall commence the installation of or authorize or permit the installation of a sign unless a valid permit as required by this bylaw has first been obtained.
- 7.2 The owner shall ensure any sign erected on his/her property when the purpose of the message thereon is no longer required is removed.

- 7.3 The owner shall ensure that all signs are constructed in accordance with all applicable legislation, regulations and bylaw and maintained to a safe and presentable standard to avoid risk of injury to any person or damage to any property.
- 7.4 Illuminated signs shall be connected to an electrical circuit on the premise which it pertains. All electrical installations shall be approved by the Province of British Columbia Electrical Safety Branch.
- 7.5 Freestanding signs and structures shall be designed and constructed in accordance with part 4 of the British Columbia Building Regulations to resist wind, seismic and dead loads. A professional engineer may be required to submit signed, sealed and dated structural drawings and may be required to supervise all engineering components of the sign.
- 7.6 Freestanding signs and signs located in landscaped areas shall have a clearance space of 2.5 metres between the lowest portion of the sign and the finished grade of sidewalk or street.

8. APPLICATION

- 8.1 An application for a sign permit shall be completed on the prescribed form and be accompanied by the fee as prescribed in Schedule "A".
- 8.2 The applicant, in addition to the requirements of the Village's building regulation bylaw shall provide a plan of the proposed copy area and the intended location of the sign on an appropriate site plan.

9. TYPES OF SIGNS AND REGULATIONS

9.1 Business/Premises Sign

Businesses may advertise their activity on their business premise by means of sign with a copy area of not more than of 3 square metres either attached to the building or a sign supported from the ground by structural members and independent from the building which shall be regulated, constructed, installed as follows:

- a) Signs shall not extend beyond the property line and shall not interfere with public safety.
- b) Only one sign shall be allowed on each property except
 - i) properties having a frontage of greater than 15 metres and an area exceeding ¼ hectare one freestanding sign shall be permitted for each additional ¼ ha or part thereof, or
 - ii) property situated on a corner lot one freestanding sign shall be permitted adjacent to each intersecting highway.

- c) Business/Premise signs shall only be permitted in commercial and institutional zoned properties and shall be restricted to advertise the business(es) on that property unless otherwise provided for in this bylaw.

9.2 Village's Capital Works – Temporary Sign

For any business that may be affected by the Village's capital works or other construction projects may with the approval of the Village place a temporary business sign on road right-of-way or other commercial properties subject to the following:

- a) prior permission is granted by the Village or Commercial Property owner.
- b) the sign is removed within 10 days of completion of the capital works or other construction project or where the construction no longer interferes with the business to which the sign pertains.
- c) the copy area of the sign shall not exceed 4 square metres.

9.3 Sandwich Board Signs

Sandwich board signs will be permitted subject to the following conditions:

- a) Up to three (3) signs per business
- b) the sandwich board sign may only be displayed adjacent to or within 300 metres of the business owner's property.
- c) as determined by the building inspector or bylaw enforcement officer the sign shall not be placed in a manner that is a nuisance to or impede vehicle or pedestrian traffic or is a safety hazard.
- d) the sign shall not be located in parking areas or parking stalls.
- e) the sign must be kept in clean and good repair and in a presentable condition at all times, as determined by the Bylaw Enforcement Officer.
- f) the Village at its sole discretion may have the signs removed if the owner fails to do so on notice by the Village.

9.4 Freestanding Signs

- a) Freestanding signs are permitted subject to the following:
 - i) the number of freestanding sign located on the site shall not exceed the greater of 1 per each street frontage of the site or 1 for each 2 businesses located on the site.
 - ii) the area of the freestanding sign shall not exceed 4 square metres plus an additional 1 square metre for each 15 metres of street frontage of the

site which abuts the street, provided that the maximum area of a freestanding sign shall not exceed 8 square metres.

- iii) the maximum height of a freestanding sign shall not exceed 10 metres.

9.5 Third Party Signs

- a) Third party signs including signs advertising the property for sale are permitted subject to the following conditions:
 - i) Third party signs may be permitted in commercially zoned properties or residential properties of 1 acre or greater located adjacent to Hot Springs Road.
 - ii) if the property is occupied by a business activity or residence up to two third party signs may be permitted.
 - iii) If it is vacant commercial property up to three third party signs may be permitted.
 - v) third party signs may have a copy area not greater than 4 square metres.
 - vi) all third party signs must be renewed annually.

9.6 Promotional Signs

- a) Signs required to advertise a special or community event may be permitted subject to the following:
 - i) signs shall be located entirely on the property of the event or another location as approved by the Village.
 - ii) signs shall be displayed for not more than 30 day prior to the event and must be removed 4 days following the event.
 - iii) signs shall be limited to 2 sides with a maximum copy area of 3 square metres per side.

9.7 Home Occupation

- a) Signs advertising accessory home occupation as defined and permitted in the Village's zoning bylaw may be permitted subject to the following:
 - i) signs shall not exceed a copy area of 1 square metre and only one sign shall be permitted.
 - ii) signs may be placed flat against an exterior wall of a building or attached to a fence or gate

- iii) signs are to be non-illuminated
- iv) a free standing sign shall not exceed 2 metres in height.
- v) the sign must be contained within the property of the Home Occupation.

9.8 Election signs

- a) Election signs are permitted subject to the following:
 - i) every candidate who posts or displays an election sign on civic property shall remove the sign within 7 days after the election. Failure to remove the sign will result in a fine under the Bylaw Notice Enforcement Bylaw.
 - ii) election signs shall only be posted or displayed during the election period
 - iii) no signs shall be posted or displayed on or near civic property or sidewalk in a manner which interferes with motorist visibility or represents a safety hazard to the pedestrian traffic.
 - iv) *no signs shall be posted or displayed within the cross-hatched area, described as the southwest corner of Highway No. 9 (Hot Springs Road) and McPherson Road, north to the corner of the property along Hot Springs Road legally described as part W ½ of SE ¼, except plan RP6466, RP11965, PL13018, 17111, 26374, 33628, S 12, Tp 4, Range 29, W6M, NWD; to the south along the property line legally described as Lot 1, Sec 12, Tp 4, Range 29, W6M, NWD, Plan LMP53147 to McPherson Road, containing 245 square metres, commonly known as the Village Front Entrance, as shown on Schedule "B" attached hereto and forming part of this Bylaw. (AB #1061)*

10. ENFORCEMENT

- a) the Bylaw Enforcement Officer or Building Inspector are hereby empowered to:
 - i) enter at all reasonable times onto any property subject to the regulation of this bylaw to ascertain whether the regulations or directions are being observed.
 - ii) order a person who is violating any of the provisions of this bylaw to comply with such provisions within the time specified.
 - iii) order a "stop work" if any part of the work is proceeding in contravention of any of the provisions of this bylaw if there is an unsafe condition on the real property on which the work is being carried out.
 - iv) order the removal of any sign or part thereof constructed or maintained in contravention of any of the provisions of this bylaw or building code.

- v) revoke the permit issued under this bylaw or building code if:
 - a) there is contravention of the bylaw
 - b) if the permit was issued in error
 - c) if the permit was issued on the basis of incorrect information or;
 - d) any fees required to be paid in this bylaw have not been paid.

11. PENALTIES

- 11.1 Every person who commits an offence contrary to the provisions of this Bylaw is liable on summary conviction to a penalty of not more than \$2,000.00 or imprisonment for up to six months in addition to the costs of prosecution.
- 11.2 Each day that a violation is permitted to exist constitutes a separate offence.

12. REPEAL

That "Village of Harrison Hot Springs Sign Bylaw No. 949, 2010 be hereby repealed in its entirety.

13. READINGS AND ADOPTION

"Village of Harrison Hot Springs Sign Bylaw No. 987, 2011" adopted on the 19th day of September, 2011.

Amendment Bylaw No. 1009 adopted on the 4th day of June, 2012.

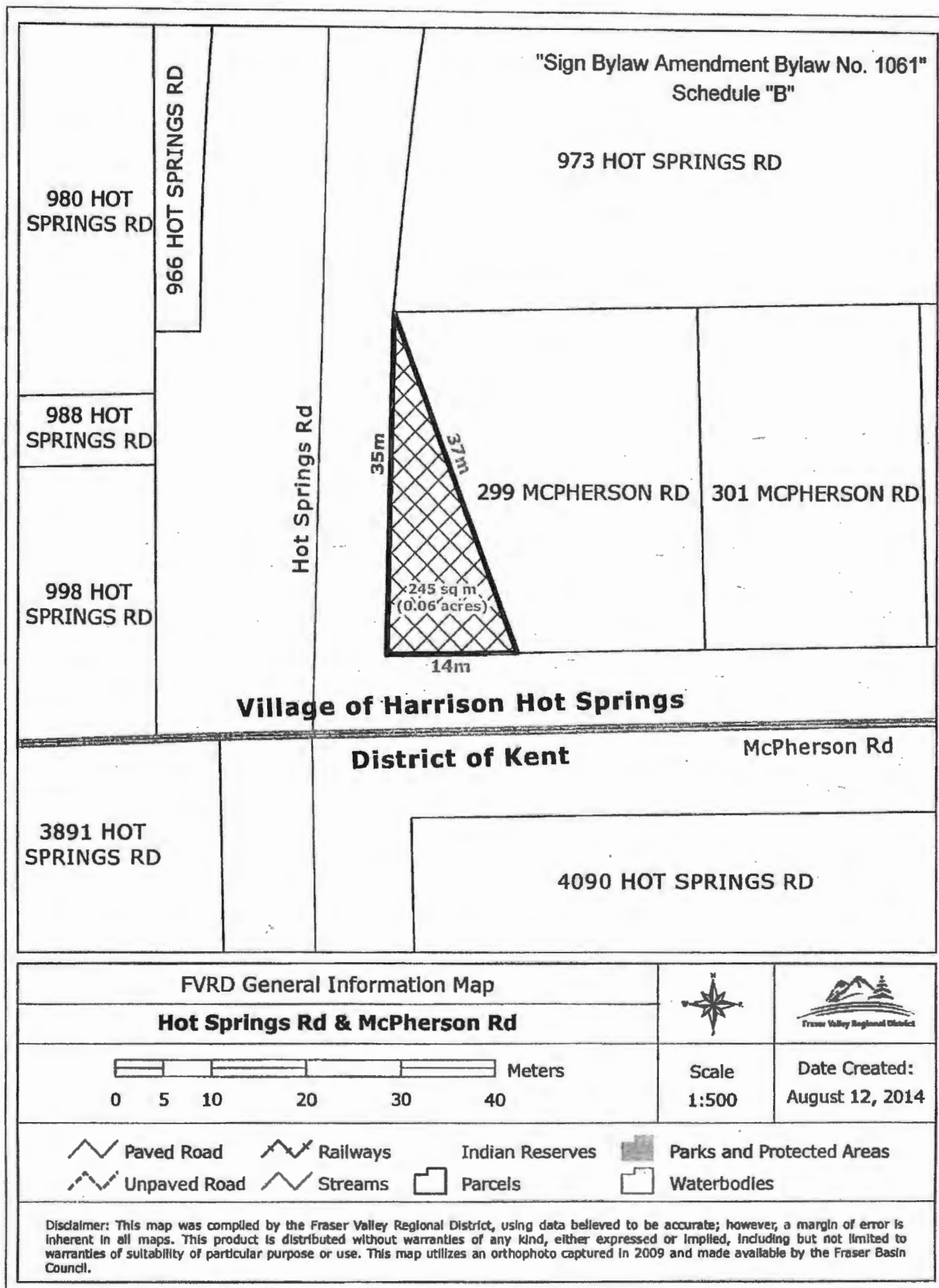
Amendment Bylaw No. 1061 adopted on the 8th day of September, 2014.

"Ken Becotte"
Mayor

"Debra Key"
Corporate Officer

BYLAW NO. 987 SIGN SCHEDULE "A"**Fee Schedule**

- | | |
|---|---------|
| 1. All signs except sandwich boards,
elections and temporary signs | \$50.00 |
|---|---------|





HARRISON HOT SPRINGS

Naturally Refreshed

VILLAGE OF HARRISON HOT SPRINGS BYLAW NO. 1082

A bylaw to amend "Sign Bylaw No. 987, 2011"

The Council of the Village of Harrison Hot Springs in open meeting assembled, enacts as follows:

1. This Bylaw may be cited for all purposes as Village of Harrison Hot Springs "Sign Amendment Bylaw No. 1082, 2016".
2. Said Bylaw is hereby amended by deleting Section 9.3(a) through to (f) under Sandwich Board Signs in its entirety and replacing it with the following:

"9.3 Sandwich Board Signs

- a) *sandwich board signs are prohibited on municipal property, including sidewalks, civic plaza, boulevards, streets, parking areas, parking stalls, public parks and beach areas."*

READ A FIRST TIME THIS DAY OF MARCH, 2016

READ A SECOND TIME THIS DAY OF MARCH, 2016

READ A THIRD TIME THIS DAY OF MARCH, 2016

ADOPTED THIS DAY OF , 2016

Leo Facio
Mayor

Debra Key
Corporate Officer



VILLAGE OF HARRISON HOT SPRINGS

REPORT TO COUNCIL

TO: Mayor and Council **DATE:** March 15, 2016

FROM: Debra Key, Deputy Chief Administrative Officer/CO **FILE:** 3900-01

SUBJECT: Tree Management and Preservation Bylaw No. 1015

ISSUE: To review the Tree Management and Preservation Bylaw No. 1015

BACKGROUND:

In March of 2015, Council considered information provided by staff and made recommendation to repeal the current Tree Management Bylaw. At a meeting on April 7, 2015 a repeal bylaw was considered but was not adopted. At a Regular Council meeting of January 18, 2016, Council referred the Tree Management and Preservation Bylaw back to staff to review certain provisions in the bylaw.

The current Tree Management and Preservation Bylaw provides for the preservation and management of trees in the Village, including respecting the rights of private property ownership. It regulates the cutting, trimming or removal of trees which are 7.5 metres (25 feet) or more in height and has a trunk diameter of 300 millimetres (12 inches) or more. Any tree, fruit tree, shrub or other ornamental tree that does not fall into this category is exempt from the bylaw. Currently, applicants are required to pay a fee of \$40.00 to cut, trim or remove a tree on their private property.

If the property owner has a tree on their property that falls under the definition of "distinct tree", removal may be approved if there are no other reasonable alternatives as determined by a qualified person. A "qualified person" is defined as a person qualified under the International Society of Arboriculture (ISA).

Most owners of private property within the Village are diligent about maintaining their trees in a healthy condition. Property owners may attend the Village Office to apply for a permit if they find it necessary to remove or trim trees as they become unmanageable, inhibit growth of other vegetation, are within a building envelope, are a danger and/or potential hazard or die naturally. There is also provision for the Village to request a report by a qualified person, if there are no other reasonable alternatives.

One of the challenges for property owners is the requirement to attain the services of a qualified person (such as arborist) to assess trees that may pose a hazard and/or are deemed to be a distinct tree, such as maples, fir, hemlock or cedar that are over 80 - 100 centimetres (31 - 39 inches) in diameter. Arborist fees can be expensive for property owners which can run as high as \$200.00 for assessments and any additional costs to obtain an Arborist Report.

The current practice is to have the Village horticulturist conduct a quick assessment of the tree to determine health and condition and/or pruning, trimming or removal feasibility. This practice alleviates the need for the property owner to attain the services of an arborist.

If any property owner removes a tree without a permit, in addition to any fines or penalties, he/she may be required by the CAO to provide for replacement trees.

In the case of an applicant for a commercial or multi-family development, the Village may request the applicant for a tree survey plan and subsequent tree replacement plan during the zoning or development processes. For Development Permit areas, landscaping deposits may also be required to ensure the completion of such plans.

Criteria for requests to trim or remove trees are listed below:

Please indicate the reason you are applying for a tree management and preservation permit from the reasons listed below and provide a sketch of the property with the general location of buildings and trees.
<input type="checkbox"/> The growth of existing trees is so dense that it blocks the sunlight and inhibits growth of other vegetation.
<input type="checkbox"/> The root system of the tree(s) is causing or could potentially cause damage to the building foundations, sidewalks, and/or ancillary buildings.
<input type="checkbox"/> Trees are located too close to a building where damage can be caused to the building or roof system.
<input type="checkbox"/> Where, in the opinion of a qualified person, the tree is dying or represents a danger or hazard to the property or adjoining properties.
<input type="checkbox"/> Where trees are located in the building envelope of new construction.
<input type="checkbox"/> Other (please provide explanation in this space).

In the case where trees are located in a building envelope, applications are not processed until the applicant has applied for a building permit.

In 2014, twenty four (24) Tree Management and Preservation Permits were issued for a revenue total of \$960.00, in 2015 twenty (20) permits were issued for a total of \$800.00 and for 2016, four (4) permits at \$160.00.

In 2014 and 2015 no Bylaw Offence Notices were issued for Tree Bylaw offences. In 2016, to date, two notices were issued to one person for cutting a tree down without a permit. Offenders claimed they were unaware of the bylaw and paid the fines immediately.

The current fine under the Bylaw Notice Enforcement Bylaw for Cutting a Tree without a Permit is \$200.00.

Several smaller municipalities do not have Tree Protection Bylaws and larger municipalities have fairly restrictive bylaws in place for the management and preservation of trees. Some examples are:

The District of Hope allows developed properties to remove hazardous trees where 2% or less of all trees on a property are being removed.

In the case of subdivision or development of lands, permits are required and have varying requirements and/or replacement guidelines. A base application fee is \$25.00, plus \$2.00 per tree and requirement for a security deposit. Fines for violations are from up to \$2,000 for each tree.

The District of Mission has a bylaw that supports the Silverdale Urban Residential Neighbourhood Plan whereby relevant studies are conducted on individual properties prior to alteration of environment for tree cutting and is only applicable to an area designated as Urban/Urban Reserve and for any tree having a diameter of at least 20 centimetres (7.87 inches) and a height of 150 centimetres (59.05 inches).

It does not require tree permits when no more than 5 trees are cut for every 0.4 hectare on a parcel of land, to a maximum of 50 trees on a parcel of land. If an owner has a valid building permit and cutting of trees is necessary for the construction or if a tree is within 30 metres of a residential dwelling no permit is required.

In Mission, where a permit is required, a replacement tree must be planted on the same parcel, and within 3 months of the date of cutting of the tree. Fines for violations range from not less than \$1,000 and not more than \$10,000 for each offence. No application fee was listed in the bylaw or fee bylaw.

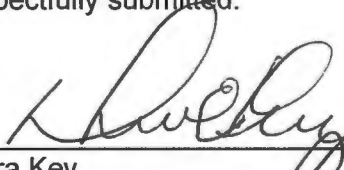
The District of Kent does not have tree bylaw.

Attached is a copy of the current Tree Management and Preservation Bylaw No. 1015 for your reference.

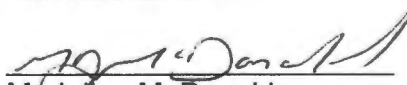
RECOMMENDATION:

THAT the report titled "Tree Management and Preservation Bylaw No. 1015" be received for information.

Respectfully submitted:


Debra Key
Deputy Chief Administrative Officer/CO

REVIEWED BY:


Madeline McDonald
Chief Administrative Officer

VILLAGE OF HARRISON HOT SPRINGS

BYLAW NO. 1015

HARRISON HOT SPRINGS

Naturally Refreshed

Being a Bylaw to manage and preserve trees

WHEREAS Section 8 (3) (c) of the *Community Charter* provides that a Council may, by bylaw, regulate, prohibit and impose requirements in relation to the protection and management of trees within the Village of Harrison Hot Springs;

NOW THEREFORE, the Council of the Village of Harrison Hot Springs, in open meeting assembled, hereby enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as "Tree Management and Preservation Bylaw No. 1015, 2012."

2. DEFINITIONS

"Distinct Tree" means:

- Big Leaf Maple over 100 centimetres in diameter
- Black Cottonwood over 80 centimetres in diameter
- Douglas Fir over 100 centimetres in diameter
- Grand Fir over 100 centimetres in diameter
- Western Hemlock over 100 centimetres in diameter
- Western Red Cedar over 120 centimetres in diameter

"Qualified Person" means a person qualified under the International Society of Arboriculture (ISA).

"Tree" means any living, erect, woody plant which:

- a) is 7.5 metres or more in height; and
- b) has a trunk diameter of 300 millimetres or more measured in accordance with Section 4.

3. AREA OF APPLICATION

- a. The purpose of this bylaw is to preserve and maintain trees in the Village of Harrison Hot Springs subject to the terms of this Bylaw, and respecting the rights of private property ownership.
- b. In addition to the requirements of this Bylaw, in relation to tree pruning or cutting, all owners and occupiers of land must comply with all requirements of the Ministry of Environment, Department of Fisheries and Oceans, and any other authority having jurisdiction.

4. MEASUREMENT OF TREE DIAMETER

For the purposes of this Bylaw:

- a. The trunk diameter of the tree shall be determined by dividing the circumference of the trunk measured 1.3 metres above the ground by 3.142; and
- b. The trunk diameter of a tree having multiple trunks 1.3 metres above the ground shall be the diameter of the trunk having the greatest diameter.

5. TREE MANAGEMENT & REMOVAL

- a. Owners are encouraged to maintain all trees on their property in a healthy condition.
- b. As necessary, and on application to the Village, Owners may remove trees where:
 - i) The growth of existing trees is so dense that it blocks the sunlight and inhibits growth of other vegetation;
 - ii) The root system of the tree(s) is causing or potentially will cause damage to building foundations, sidewalks and ancillary buildings;
 - iii) Trees are located too close to a building where damage can be caused to the building or roof system;
 - iv) Where in the opinion of a qualified person, the tree is dying or represents a danger or hazard to the property or adjoining properties;
 - v) Where trees are located in the building envelope of new construction; and

vi) Subject to the approval of the Village by the issuance of a tree removal permit.

- 1) Unless recommended otherwise and monitored by a qualified person, trees will not be topped, or severely pruned, without approval of the Village.
- 2) "Distinct trees" may only be removed if there are no other reasonable alternatives as determined by a qualified person and upon application to and approval by the Village.

6. APPLICATION FOR PERMIT

- a. Every application for a tree removal permit shall be accompanied by a non-refundable application fee in the amount of \$40.00, and where requested by the Village, a report by a qualified person;
- b. The permit application shall be made on the prescribed form and shall be accompanied by a plan identifying the location of trees on the lot in sufficient detail with explanation to the satisfaction of the Village.

7. REPLACEMENT TREES

- a. Any owner who removes a tree without a permit may, in addition to any fines or penalties, be required by the Chief Administrative Officer in consultation with the Bylaw Enforcement Officer and the Parks Leadhand to provide no more than two trees for each tree removed.
- b. Where replacement trees are provided in accordance with Section 7.a, such replacement trees shall be provided and planted as follows:
 - i) Replacement trees shall be planted in the location(s) designated by the Village.
 - ii) The size of the replacement tree shall be a minimum of 25 mm (1") in diameter 1.2 m above the root ball and a minimum of 2.0 m tall.
 - iii) the species of any replacement tree shall be at the direction of the Village.

8. ADMINISTRATION AND ENFORCEMENT

- a. Bylaw Enforcement Officer or Parks Leadhand or their designate may enter at all reasonable times on any property to make an assessment or inspection for any purpose under this Bylaw or to determine whether the regulations of this Bylaw are being observed, but only after reasonable notice of intended entry is given to the owner or occupier.

- b. No person shall prevent or obstruct or attempt to prevent or obstruct entry of any Village employee or agent authorized to enter upon property by this Bylaw.

9. PENALTY AND ENACTMENT

Except where the penalty is otherwise provided for in the **Community Charter**, every person who offends against any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention or violation of the provisions of this Bylaw, or neglects to do or refrains from doing anything required to be done by this Bylaw, shall be deemed to have committed an offence under this Bylaw and shall be liable to fines specified under the Bylaw Notice Enforcement Bylaw.

10. REPEAL


- a. That "Tree Protection Bylaw No. 917, 2009" and all Schedules attached thereto be repealed in its entirety.

READ FOR A FIRST TIME THIS 13th DAY OF AUGUST, 2012


READ FOR A SECOND TIME THIS 13th DAY OF AUGUST, 2012

READ FOR A THIRD TIME THIS 13th DAY OF AUGUST, 2012

ADOPTED THIS 10th DAY OF SEPTEMBER, 2012



Mayor



Corporate Officer