



VILLAGE OF HARRISON HOT SPRINGS NOTICE OF MEETING AND AGENDA

REGULAR COUNCIL MEETING

Date: Tuesday, May 19, 2009
Time: 7:00 p.m.
Location: Council Chambers, Harrison Hot Springs, British Columbia

1. CALL TO ORDER			
	(a)	Meeting called to order by Mayor Becotte	
2. INTRODUCTION OF LATE ITEMS			
3. APPROVAL OF AGENDA			
4. ADOPTION AND RECEIPT OF MINUTES			
<input type="checkbox"/> Regular Council Meeting Minutes – May 4, 2009		THAT the minutes of the Regular Council Meeting of May 4, 2009 be adopted.	Item 4.1 Page 1
<input type="checkbox"/> Communities in Bloom Committee Meeting Minutes – April 8, 2009		THAT the minutes of the Communities in Bloom Committee Meeting of April 8, 2009 be received.	Item 4.2 Page 11
5. BUSINESS ARISING FROM THE MINUTES			
6. PUBLIC AND STATUTORY HEARINGS			
7. DELEGATIONS AND PETITIONS			

8. CORRESPONDENCE

<input type="checkbox"/> Letter dated April 21, 2009 from District of Kent re Kent-Harrison Sewer Project	Item 8.1 Page 15
<input type="checkbox"/> Letter dated April 21, 2009 from UBCM re Acceleration of Community Works Funds Payments	Item 8.2 Page 17
<input type="checkbox"/> Letter dated April 28, 2009 from Encorp Pacific (Canada) re BC Bottle Depot Association	Item 8.3 Page 19
<input type="checkbox"/> Letter dated May 9, 2009 from The Harrison Highlanders re donation	Item 8.4 Page 23

9. BUSINESS ARISING FROM CORRESPONDENCE

10. REPORTS OF COMMITTEES, COMMITTEE OF THE WHOLE AND COMMISSIONS

<input type="checkbox"/> Communities in Bloom Committee Meeting Minutes of April 8, 2009	<p>Recommendation:</p> <p>THAT a sign be placed on the fencing to indicate that the community garden site is a program of Communities in Bloom.</p> <p>Recommendation:</p> <p>THAT the cost of the conference banner and \$1300 for two boat tours for the participant of the conference be paid for from the Communities in Bloom annual budget.</p>	Item 10.1 Page 11
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11. REPORTS FROM MAYOR

K. Becotte – verbal

12. REPORTS FROM COUNCILLORS

D. Harris - verbal
D. Kenyon - verbal
A. Jackson - verbal
B. Perry – verbal

13. REPORTS FROM STAFF

<input type="checkbox"/> Approval of Street Closure for Poker Run – May 12, 2009	<p>Report of Chief Administrative Officer – May 12, 2009 Re: Approval of street closure for the Poker Run</p> <p>Recommendation:</p> <p>THAT Council approves the closure of Esplanade between Hot Springs Road and Maple Avenue from 8:00 a.m. to 11:00 p.m. Friday, August 7, 2009 to allow for the Poker Run “Show and Shine” event.</p>	Item 13.1 Page 25
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14. BYLAWS

- ☐ **Bylaw No. 913 Zoning Bylaw Amendment**
- ☐ **Bylaw No. 914 Council Procedure Bylaw – May 12, 2009**
- ☐ **Bylaw No. 915 Parks, Beaches, Public Areas and Boulevards - May 14, 2009**
- ☐ **Bylaw No. 916 Outdoor Campfire Regulation – May 14, 2009**
- ☐ **Bylaw No. 917 Tree Protection – May 12, 2009**

Memo of Chief Administrative Officer to Mayor – May 14, 2009

THAT Bylaw No. 913, 2009 being a Bylaw to amend Village of Harrison Hot Springs Zoning Bylaw No. 672-1996 be reconsidered.

Report of Chief Administrative Officer – May 12, 2009

Re: Council Procedure Bylaw No. 914

Recommendation:

THAT Council receives this report and draft Council Procedure Bylaw No. 914 for information; and

THAT Council gives first three readings to Bylaw No. 914 at the regular meeting of Council on June 15, 2009.

Report of Chief Administrative Officer – May 14, 2009

Re: Bylaw No. 915 Use of Parks, Beaches, Public Areas and Boulevards

Recommendation:

THAT Council receives this report; and

THAT Council provides three readings of the Park Regulation Bylaw No. 915, 2009.

Report of Chief Administrative Officer - May 14, 2009

Re: Bylaw No. 916 Outdoor Campfire Regulation

Recommendation:

THAT Council receives this report;

THAT Council gives first, second and third readings to Bylaw 916, a bylaw to regulate the burning of outdoor fires within the Village of Harrison Hot Springs; **OR**

THAT Council gives first and second readings to Bylaw 916 and calls for a public information meeting to consider the proposed bylaw to establish regulations for the burning of outdoor fires in the Village of Harrison Hot Springs; and

THAT Council repeals Bylaw 816, 2004 in its entirety including amendments thereto upon adoption of the new Bylaw 916.

Report of Chief Administrative Officer – May 12, 2009

Re: Bylaw No. 917 Tree Protection Bylaw

Recommendation:

THAT Council receives this report;

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Page 41

Item 14.2
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Item 14.3
Page 61

Item 14.4
Page 67

Item 14.5
Page 77

<p><input type="checkbox"/> Bylaw No. 918 Bylaw Notice Enforcement Amendment – May 14, 2009</p> <p><input type="checkbox"/> Bylaw No. 919 Floodplain Management Amendment - May 14, 2009</p>	<p>THAT Council gives first, second and third readings to Bylaw 917, a bylaw to regulate the cutting and trimming of trees within the Village of Harrison Hot Springs; OR</p> <p>THAT Council gives first and second readings to Bylaw 917 and calls for a public information meeting to consider the proposed bylaw to regulate the cutting and trimming of trees within the Village of Harrison Hot Springs; and</p> <p>THAT Council repeals Bylaw 695 in its entirety including amendments thereto upon adoption of the new Tree Protection Bylaw 917.</p> <p>Report of Chief Administrative Officer – May 14, 2009 Re: Bylaw No. 918 Bylaw Notice Enforcement Amendment</p> <p>Recommendation:</p> <p>THAT Council receives this report;</p> <p>THAT Council gives three (3) readings to the Bylaw Notice Enforcement Amendment Bylaw No. 918; OR</p> <p>THAT Council gives one (1) or two (2) readings to the Bylaw Notice Enforcement Amendment Bylaw No. 918 and sets a time and place for a public information meeting to hear public comments before adoption.</p> <p>Report of Chief Administrative Officer – May 14, 2009 Re: Bylaw No. 919 Floodplain Management Amendment</p> <p>Recommendation:</p> <p>THAT Council receive this report; and</p> <p>THAT Council give first, second and third readings to the Flood Management Amendment Bylaw no. 919, 2009</p>	<p>Item 14.6 Page 85</p> <p>Item 14.7 Page 93</p>
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15. QUESTIONS FROM THE PUBLIC

16. ADJOURNMENT


Larry Burk
Chief Administrative Officer

**VILLAGE OF HARRISON HOT SPRINGS
MINUTES OF THE REGULAR MEETING OF COUNCIL**

DATE: May 4, 2009
TIME: 7:00 p.m.
PLACE: Council Chambers

IN ATTENDANCE: Mayor Ken Becotte
Councillor Allan Jackson
Councillor Bob Perry
Councillor Dave Kenyon
Councillor Dave Harris

Chief Administrative Officer, Larry Burk
Director of Finance, Dale Courtice

ABSENT:

Recording Secretary, Debra Key

1. CALL TO ORDER

The Mayor called the meeting to order at 7:00 p.m.

2. INTRODUCTION OF LATE ITEMS

☐ Memo from Chief
Administrative Officer – May
4, 2009 re Heritage BC
Annual Conference

**Memo from Chief Administrative Officer – May 4, 2009
Re: Heritage BC Annual Conference in Kelowna June 4-6, 2009**

☐ Delegation

Request for Delegation

☐ Climate Charter and GHG
Inventories

**Wedler Engineering Consulting Services
Climate Charter and GHG Inventories**

3. APPROVAL OF AGENDA

**Moved by Councillor Perry
Seconded by Councillor Harris**

THAT the agenda be approved as amended.

CARRIED

4. ADOPTION AND RECEIPT OF MINUTES

☐ Regular Council Meeting
Minutes of April 20,
2009

**Moved by Councillor Harris
Seconded by Councillor Kenyon**

THAT the minutes of the Regular Council Meeting of April 20, 2009
be adopted.

*Village of Harrison Hot Springs
Minutes of the Regular Council Meeting
May 4, 2009*

CARRIED

☐ Special Council Meeting
Minutes of April 30,
2009

Moved by Councillor Kenyon
Seconded by Councillor Perry

THAT the minutes of the Special Council Meeting of April 30, 2009 be adopted.

CARRIED

5.

BUSINESS ARISING FROM THE MINUTES

Canada Post – Community Mail Boxes – Mayor suggested staff pursue this issue.

Moved by Councillor Perry
Seconded by Councillor Harris

THAT Councillor Perry initiate a letter writing campaign to Canada Post.

CARRIED

6.

PUBLIC AND STATUTORY HEARINGS

7.

DELEGATIONS

Moved by Councillor Harris
Seconded by Councillor Kenyon

THAT the delegation Zolton Kiss be tabled to May 19, 2009.

CARRIED

8.

CORRESPONDENCE

☐ Email dated April 16, 2009 from Canada Post Corporation re change of mode of delivery for Harrison Hot Springs

☐ Memo dated May 1, 2009 to Council re Heritage Advisory Committee presentation

9.

BUSINESS ARISING OUT OF CORRESPONDENCE

The CAO reminded Council and the public that the Heritage Advisory Committee presentation will be on May 7, 2009 at 7:00 p.m. at the

*Village of Harrison Hot Springs
Minutes of the Regular Council Meeting
May 4, 2009*

Memorial Hall.

10.

**REPORTS OF COMMITTEES, COMMITTEE OF THE
WHOLE AND COMMISSIONS**

The Mayor reported on the upcoming meetings of select committees and commissions and that Terms of Reference are being finalized.

Mayor Becotte and Councillor Harris to Co-Chair the Heritage Advisory Committee.

☐ Heritage Advisory
Committee Appointment

Moved by Councillor Kenyon
Seconded by Councillor Harris

THAT John Allen, Marg Doman and Liz Scotson be appointed to the Heritage Advisory Committee.

☐ Canada Day Committee
Appointment

CARRIED

Moved by Councillor Harris
Seconded by Councillor Perry

Mayor and Councillor Harris to Canada Day Committee with Mayor Becotte to Chair.

THAT Veronica Lever and Chris Wilson be appointed to the Canada Day Committee.

CARRIED

**11. Mayor's
Report**

REPORTS FROM MAYOR

Met with FVRD Board – a delegation from the Fraser Basin Council provided handouts to directors regarding social well being and sustainability. They listened to a delegation - Friends of Rail for the Valley who are trying to get support for the light rail transit to the Valley using old Inter Urban railway lines that used to run from New Westminster to Chilliwack.

LMLGA Conference is being held at Harrison Hot Springs Resort and Spa on May 6, 7 & 8, 2009.

Village of Harrison Hot Springs
Minutes of the Regular Council Meeting
May 4, 2009

Information was presented to the Agassiz Harrison Observer inclusion on the “back page”.

The Village’s 60th Anniversary Celebrations are ongoing. In conjunction with completions of various projects, there will be ribbon cutting ceremonies on May 30, 2009 at the Plaza, Hot Springs Bridge, Sani-Station and Walnut Bridge.

Moved by Councillor Perry
Seconded by Councillor Harris

THAT the Mayor’s report be received.

CARRIED

REPORTS FROM COUNCILLORS

Councillor Harris

April 21, 2009 attended the Special Council Meeting with Chehalis First Nations at the Harrison Hot Springs Resort & Spa. Looking forward to working with the Band on cultural issues.

April 25, 2009 attended Pitch-In Day at Harrison Hot Springs beach area.

April 30, 2009 attended a Special Council Meeting regarding the Financial Plan.

May 5, 2009 will be meeting with the Parking Committee (Chamber of Commerce).

Moved by Councillor Harris
Seconded by Councillor Kenyon

THAT Dave Harris be appointed as liaison to the Chamber of Commerce Parking Committee.

CARRIED

Communities In Bloom Judging Day will take place on July 20, 2009. CIB Judges will be Don Alberg from Qualicum Beach and Ria Smith from Armstrong, BC

*Village of Harrison Hot Springs
Minutes of the Regular Council Meeting
May 4, 2009*

Moved by Councillor Harris
Seconded by Councillor Kenyon

THAT Council terminate the agreement with Wedler Engineering Consulting Services.

CARRIED

Councillor Kenyon Attended Pitch-In on April 25, 2009. Muddy Waters should be thanked for providing refreshments.

EDC in the process of working on dates for meetings.

Councillor Jackson April 18, 2009 attended FVRD TAC meeting with In'CHUCK First Nations.

APC is almost ready to have its first meeting.

Councillor Perry April 25, 2009 attended the luncheon for FVRL.

April 29, 2009 attended the FVRL Board General Meeting. Had a celebration of two hybrid trucks for the board. Three local MLA's attended.

April 29, 2009 attended J. Thomas Photographic studio for portrait sitting.

April 30, 2009 attended Library in Agassiz and attended Chilliwack to celebrate send off Barry Penner on his campaign.

Moved by Councillor Harris
Seconded by Councillor Jackson

THAT the Councillors' reports be received.

CARRIED

REPORTS FROM STAFF

☐ 2008 Audited Financial
Statements – April 29, 2009

Moved by Councillor Kenyon
Seconded by Councillor Harris

Report of Director of Finance – April 29, 2009

Re: 2008 Audited Financial Statements

THAT Council adopts the 2008 Audited Financial Statements.

CARRIED

*Village of Harrison Hot Springs
Minutes of the Regular Council Meeting
May 4, 2009*

Councillor Harris disclosed potential interest in the subject property and excused himself from the chambers at 7:47 p.m.

**Moved by Councillor Jackson
Seconded by Councillor Perry**

**□ Development Permit DP
02/09 – 670 Hot Springs Road
– April 29, 2009**

Report of Chief Administrative Officer – April 29, 2009

Re: Development Permit DP 02/09 for property at 670 Hot Springs Road

THAT Council approve Development Permit (DP02/09) with variances for 670 Hot Springs Road.

CARRIED

Councillor Harris re-entered the Chambers at 7:50 p.m.

**Moved by Councillor Kenyon
Seconded by Councillor Jackson**

**□ Development Permit DP
03/09 – 916 Hot Springs Road
– April 30, 2009**

Report of Chief Administrative Officer – April 30, 2009

Re: Development Permit for property at 916 Hot Springs Road

THAT Council approve the issuance of a Development Permit DP 03/09; and

THAT an indemnification clause be included in the Development Permit.

CARRIED

**Moved by Councillor Jackson
Seconded by Councillor Perry**

**□ Policy 1.19 Council
Remuneration and Expense
Allowance**

Report of Chief Administrative Officer – April 30, 2009

Re: Policy 1.19 Council Remuneration and Expense Allowance

THAT Council approve the Council Remuneration and Expense Allowance Policy 1.19; and

THAT Council repeal Bylaw No. 882 in its entirety.

CARRIED

*Village of Harrison Hot Springs
Minutes of the Regular Council Meeting
May 4, 2009*

☐ Heritage BC

**Report of Chief Administrative Officer – May 4, 2009 (Verbal)
Re: Heritage BC Annual Conference in Kelowna June 4-6, 2009**

Mayor suggested that the Heritage information be shared with the Heritage Advisory Committee members.

☐ Climate Charter

**Report of Chief Administrative Officer – May 4, 2009 (Verbal)
Re: Climate Charter and GHG Inventories**

CAO reported that the Village is signed up for the Climate Action Charter. The Province has put forth two Bills and has given a target date of March 31, 2009, but most likely will provide extensions. This is for municipalities to measure greenhouse gas, etc. There are seminars available to review the processes in order for municipalities to achieve this. Mayor asked that this be referred to Sustainability & Infrastructure Committee - Councillors Jackson and Harris.

On May 27, 2009 there will be an “Open House” at the Village Office to celebrate the 60th Anniversary of the Village of Harrison Hot Springs. Invitations were conveyed to all Council and the public to drop by between 10:00 a.m. and 3:00 p.m.

Councillor Jackson asked about Bylaw 816 Outdoor Campfire Regulation changes he proposed. The CAO indicated this should be brought forward at the next Regular Council meeting.

12.

BYLAWS

☐ Bylaw No. 909 – amend
Fee Schedule Bylaw No. 906

**Moved by Councillor Jackson
Seconded by Councillor Perry**

THAT Bylaw No. 909, 2009 being a Bylaw to amend Fee Schedule Bylaw No. 906 be adopted.

CARRIED

☐ Bylaw No. 910 – establish
the Financial Plan for the
years 2009-2013.

**Moved by Councillor Kenyon
Seconded by Councillor Harris**

THAT Bylaw No. 910, 2009 being a Bylaw to establish the Financial Plan for the years 2009-2013 be adopted.

CARRIED

**OPPOSED BY COUNCILLOR JACKSON
OPPOSED BY COUNCILLOR PERRY**

*Village of Harrison Hot Springs
Minutes of the Regular Council Meeting
May 4, 2009*

☐ Bylaw No. 911 – establish
tax rates for 2009

Moved by Councillor Kenyon
Seconded by Councillor Harris

THAT Bylaw No. 911, 2009 being a Bylaw to establish tax rates for 2009 be adopted.

CARRIED
OPPOSED BY COUNCILLOR JACKSON
OPPOSED BY COUNCILLOR PERRY

☐ Bylaw No. 913 – amend
Village of Harrison Hot
Springs Zoning Bylaw No.
672-1996

Moved by Councillor Harris
Seconded by Councillor Jackson

Report of Chief Administrative Officer – April 29, 2009

Re: Application to rezone the lands at 853 Hot Springs Road –RZ
02/07

THAT Bylaw No. 913, 2009 being a Bylaw to amend Village of Harrison Hot Springs Zoning Bylaw No. 672-1996 be received for first reading;

CARRIED

Moved by Councillor Harris
Seconded by Councillor Jackson

THAT Bylaw No. 913, 2009 being a Bylaw to amend Village of Harrison Hot Springs Zoning Bylaw No. 672-1996 be received for second reading;

CARRIED

Moved by Councillor Perry
Seconded by Councillor Harris

THAT Bylaw No. 913, 2009 being a Bylaw to amend Village of Harrison Hot Springs Zoning Bylaw No. 672-1996 be received for third reading;

CARRIED

13.

QUESTIONS FROM THE PUBLIC

M. Doman asked about Council Remuneration and Expense Allowance Policy.

*Village of Harrison Hot Springs
Minutes of the Regular Council Meeting
May 4, 2009*

Z. Kiss commented on meetings being conduct under Robert's Rules of Order.

P. Stenson inquired as to what Council's direction will be on the current Post Office. P. Stenson suggested speakers be limited to one topic at a time.

L. Facio asked about Spirit Square and a possible curfew. The Mayor stated there have been ongoing meetings with RCMP about enhanced security. Asked about portable ramps for skaters.

R. Haluzan asked about Tugboat Junction and whether or not the owner has been in compliance. The Mayor indicated that this should be brought up at the Public Hearing which is now rescheduled for May 25, 2009.

M. Juneau stated he has a problem with the number of rabbits that seem to be roaming around. CAO asked Mr. Juneau to submit complaint to Bylaw Enforcement Officer.

G. Guimont advised the website does not seem to be current. The CAO commented that the Village is currently working out some website problems.

L. Scotson stated she was disappointed with the Council's remuneration increase. She asked about past Mayor's involvement for the 60th Anniversary celebrations.

13.

ADJOURNMENT

Moved by Councillor Kenyon

Seconded by Councillor Harris

CARRIED

Certified a true and correct copy of the minutes of the Regular Meeting of Council held May 4, 2009 in the Council Chambers, Village of Harrison Hot Springs, BC

Ken Becotte
Mayor

Larry Burk
Chief Administrative Officer

**VILLAGE OF HARRISON HOT SPRINGS
MINUTES OF THE
COMMUNITIES IN BLOOM COMMITTEE MEETING**

DATE: April 8, 2009
TIME: 7:00 p.m.
PLACE: Council Chambers, Harrison Hot Springs, BC

IN ATTENDANCE: Chair D. Harris
Vice-Chair B. Perry
G. Guimont
C. Harris
C. Hepnar
L. Hooper

Recording Secretary, E. Heistad

ABSENT:

1. CALL TO ORDER

The Chair called the meeting to order at 7:00 p.m.

2. MINUTES

Moved by G. Guimont
Seconded by C. Hepnar

THAT the minutes of the Communities in Bloom Committee meeting of October 8, 2008 be adopted.

CARRIED

3. DELEGATIONS

None

4. CHAIRPERSON'S REPORT

Community garden is now up and running as of April 1, 2009 there are 15 plots in total with 14 spoken for.

Moved by Guimont
Seconded by L. Hooper

THAT a sign be placed on the fencing to indicate that the community garden site is a program of Communities in Bloom.

CARRIED

**VILLAGE OF HARRISON HOT SPRINGS MINUTES OF
COMMUNITIES IN BLOOM COMMITTEE MEETING
April 8, 2009
PAGE (2)**

Chair gave an update on the projects in the Village.

5. COMMITTEE MEMBERS REPORT

6. ITEMS FOR DISCUSSION

- a. Communities in Bloom Committee – 2009** The Chair gave out a contact list of committee members. He also gave out the vision, mandate and goals of the committee. He asked that the members look over the documents and give their feed back at the next meeting.
- b. Judging Day 2009** The Chair reviewed the draft itinerary for this year's judging. G. Guimont suggested that the BBQ lunch should be "green" no water bottles or paper plates. She suggested a catered lunch with the CIB Committee and judges in Rosemary's garden and coffee and cake at the Village office with the staff and community groups later in the afternoon. She felt that the judges could circulate with the various community groups easier without eating lunch. It was suggested that there should be time scheduled to stop along the way for a coffee and washroom break at approximately 10:00 a.m. at Muddy Waters and possibly give the judges a travel mug with Village logo on it as a keepsake. The Chair stated that the breakfast will start at 7:30 a.m. this year. The photo albums need to be updated to include the gardens of the week winners.
- c. Garden of the Week** The Committee decided that the judging for the Garden of the Week will begin in May and run through to July this year. G. Guimont and L. Hooper volunteered to walk about the Village and pick winners every second week.
- d. 2009 CIB Conference** The Chair explained that a Communities in Bloom Conference banner for the front entrance will cost \$640 and the theme for this year's conference will be "Gardening with Nature".

Moved by C. Hepnar
Seconded by C. Harris

THAT the cost of the conference banner and \$1300 for two boat tours for the participant of the conference be paid for from the Communities in Bloom annual budget.

CARRIED

VILLAGE OF HARRISON HOT SPRINGS MINUTES OF
COMMUNITIES IN BLOOM COMMITTEE MEETING

April 8, 2009

PAGE (3)

**d. Membership
Drive**

The Chair explained that the committee is always looking for new members. Anyone interested in joining needs to send in a letter expressing interest to the office

7.

ADJOURNMENT

Moved by G. Guimont

Seconded by C. Harris

That the meeting be adjourned.

CARRIED

The meeting adjourned at 8:32 p.m.

Certified a true and correct copy of the
minutes of the Communities in Bloom
Committee Meeting held April 8, 2009 in
Council Chambers, Village of
Harrison Hot Springs, B.C.

Dave Harris
Chair

Larry Burk
Chief Administrative Officer



7170 Cheam Avenue
PO Box 70
Agassiz, British Columbia
Canada V0M 1A0

Tel: (604) 796-2235
Fax: (604) 796-9854
Web: www.district.kent.bc

April 21, 2009

COPY

File: VHHS

Mayor Ken Becotte
Village of Harrison Hot Springs
PO Box 160
Harrison Hot Springs, BC
V0M 1K0

Dear Mayor Becotte,

Re: Kent-Harrison Sewer Project

I am writing this letter in reply to your letter dated March 20, 2009 requesting a formal agreement that the District consider accepting all waste water flows from the Village of Harrison Hot Springs into the District's Waste Water Treatment Plant (WWTP).

As stated in previous correspondence and during the March 9, 2009 Joint Council meeting, the District is supportive of the Village's proposal to connect its waste water flows into the District's WWTP as it is the best option from an economical and environmental perspective.

In the interest of ensuring that the Village's project is not unnecessarily delayed, the District is prepared to draft a Letter of Understanding and Operating Agreement for your review and consideration.

We look forward to continuing to work with you on this important initiative.

Sincerely,

Lorne Fisher
MAYOR

pc: ✓ L. Burk, Chief Administrative Officer (Harrison)
W. Mah, Chief Administrative Officer (Kent)
D. Kohuch, Director of Development Services
M. Thiessen, Director of Engineering Services

FILE #	DATE
✓ 000	APR 23 2009
<input type="checkbox"/> ACCTS	<input type="checkbox"/> PIR
<input type="checkbox"/> DCAO	<input type="checkbox"/> ADMIN
<input type="checkbox"/> DIR F	<input type="checkbox"/> B/L ENF
<input type="checkbox"/> SUP PAY	<input checked="" type="checkbox"/> MAYOR
<input type="checkbox"/> PAYROLL TAX	<input checked="" type="checkbox"/> COUNCIL
ITEM A B C	
COUNCIL AGENDA	
DATE <u>May 19</u>	
INITIAL <input type="checkbox"/>	
(ITEMS: A - REQ, ACTION; B - INFO - W RESP; C - INFO ONLY)	

UNION OF
BRITISH
COLUMBIA
MUNICIPALITIES

Administration provided
By UBCM

Funding provided by:
Government of Canada

Canada

In partnership with:
The Province of BC

**BRITISH
COLUMBIA**

The Best Place on Earth

Gas Tax/Public Transit
Management Services
Secretariat

Municipal House
525 Government St
Victoria BC V8V 0A8

Phone: 250 356-2947
Fax: 250 387-4470

Website:

www.civicnet.bc.ca
under
Programs & Services

Federal Gas Tax and Public
Transit Agreements

Gas Tax/Public Transit Management Services

...delivering the federal gas tax and public transit agreement funding in British Columbia

April 21, 2009

Mayor Ken S Becotte and Council
Village of Harrison Hot Springs
PO Box 160
Harrison Hot Springs, BC V0M 1K0

Dear Mayor Ken S Becotte and Council:

RE: ACCELERATION OF COMMUNITY WORKS FUNDS PAYMENTS

The Gas Tax Fund is part of the Government of Canada's commitment to stimulate the economy and create jobs through investments in public infrastructure. On April 3, the federal government made an announcement highlighting that Gas Tax Funds will double in fiscal 2009/10, as compared to the previous year, and committing to accelerate the first payment of Gas Tax Funds for this fiscal year.

The doubling of Gas Tax Fund payments is provided for in the Canada – British Columbia – UBCM Gas Tax Agreement, and is taken into consideration in estimating Community Works Fund (CWF) payments to individual local governments, available on our website at <http://www.civicnet.bc.ca/siteengine/ActivePage.asp?PageID=294> under "Community Works Fund Allocations by Local Government".

The current year payment is the final payment under the original Gas Tax Agreement. However, UBCM, along with the governments of Canada and BC, have signed an extension agreement that will provide funding of about \$250 million in each of the 2010/11 to 2013/14 fiscal years, for a total of just over \$1 billion in this period. Estimated CWF payments for eligible local governments for these fiscal years are also available in the same location on our website as noted above. In addition, the federal government has committed to making the Gas Tax a permanent program, although details of the permanent program are not yet known.

Typically, the federal government pays Gas Tax Funding to UBCM in two equal instalments in July and November each year, and UBCM then pays CWF payments to eligible local governments in these same months. However, the federal government announcement provided a one-time acceleration of funds, and the funds for the first half of this year's payment were delivered to UBCM last week. Given this, UBCM intends to similarly accelerate the first CWF payment to local governments.

April 21, 2009
Page 2

UBCM will pay the first half of the 2009/10 CWF payment upon receipt and verification of a local government's 2008 Annual Gas Tax Report. Under separate cover, we have provided Gas Tax reporting instructions to the contact copied in this letter, outlining the reporting requirements and deadlines. While the July 1 reporting deadline remains in place, we encourage all local governments to report earlier than the deadline in order to accelerate their first CWF instalment for this fiscal year.

We support the Government of Canada's leadership in accelerating Gas Tax Fund payments, and encourage you and your staff to take advantage of accelerated CWF payments, by filing your 2008 Annual Gas Tax Report as soon as you are able. If you have any questions about the acceleration or other Gas Tax matters, please feel free to contact program staff by telephone at 250 356-2947 or by email at gt-pt@civicnet.bc.ca.

Sincerely,



Robert Hobson
President

pc Dale Courtice, Director of Finance

FILE #	DATE
	APR 24 2009
<input checked="" type="checkbox"/> BAO	<input type="checkbox"/> ACCTS P/R
<input type="checkbox"/> DCAO	<input type="checkbox"/> ADMIN
<input checked="" type="checkbox"/> DIRF	<input type="checkbox"/> B/LENF
<input type="checkbox"/> SUP P/W	<input checked="" type="checkbox"/> MAYOR
<input type="checkbox"/> PAYROLL TAX	<input checked="" type="checkbox"/> COUNCIL
ITEM A B C	
COUNCIL AGENDA	
DATE MAY 19	
	INITIAL <input type="checkbox"/>
(ITEMS: A - REQ, ACTION; B - INFO - W RESP; C - INFO ONLY)	



April 28, 2009

Ken Becotte and Councillors
Village of Harrison Hot Springs
Box 160
Harrison Hot Springs BC V0M 1K0

ATTENTION: Ken Becotte

FILE #	DATE
5360-03	ADD 30 2009
<input type="checkbox"/> DCAO	<input type="checkbox"/> ACCTS P/F
<input type="checkbox"/> DCAO	<input type="checkbox"/> ADMIN
<input type="checkbox"/> DIR F	<input type="checkbox"/> B/L ENF
<input type="checkbox"/> SUP P/W	<input checked="" type="checkbox"/> MAYOR
<input type="checkbox"/> PAYROLL/TAX	<input checked="" type="checkbox"/> COUNCIL
ITEM A B C	
COUNCIL AGENDA	
DATE MAY 19	
INITIAL <input type="checkbox"/>	
(ITEMS: A - REQ, ACTION; B - INFO - W RESP; C - INFO ONLY)	

celebrating
15
years
1994-2009

I have recently become aware of a letter writing campaign by the BC Bottle Depot Association (BCBDA). They ask local government to join their advocacy for a wholesale reconstruction of the product stewardship system in British Columbia. They offer no factual basis for their remarkable suggestion except that they prefer the Alberta solution; one that, on evidence, has lower environmental performance, is more expensive and administratively complex but does guarantee the Alberta Bottle Depot Association a steady stream of membership dues.

Here are the factual errors in the BCBDA letter:

1. Only a minority (1/3) of depots are members of BCBDA; and this organization has no standing within the regulation nor with Encorp or any stewardship agency
2. The recycling industry for products covered by stewardship programs is in no danger of either failure or collapse; to the contrary no depot has failed in the last ten years
3. All Encorp programs are meeting their recovery targets. Beverage recovery for 2008 was 77% (one of the highest in Canada) up from 76% in 2007.
4. 90% of the population (not 30% as alleged by BCBDA) have access to electronics collection sites and, at 6 lbs per capita, recovery results are the second highest in North America
5. Compensation offered for the collection of electronics in BC is comparable to other programs and other provinces with electronics programs. As a bargaining ploy, BCBDA has boycotted this very successful program. Incidentally they have also boycotted the voluntary dairy program even though 75% of the depots are active participants
6. Encorp does not receive the eco fees from the electronics recycling program; these revenues go the Electronic Stewardship Association of BC. There are no eco fees for the dairy program. Encorp's utilization of unredeemed deposits to pay for recycling costs is approved by the Province and has been validated by the courts in BC



BCBDA offers no suggestions as to how a Beverage Container Management Board would contribute to improved environmental results. Clearly, BCBDA interest is to stabilize their source of membership dues and to assist the preservation of their association. The BC industry stewardship system is admired throughout North America; we do not need to dismantle it. In light of these considerations, I respectfully ask you to consider carefully their request before giving it your support.

Please contact me if you or your council would like more discussion on stewardship in British Columbia. For your reference, I have enclosed my letter to Minister Barry Penner written in response to the BCBDA open letter.

Yours truly,

ENCORP PACIFIC (CANADA)

A handwritten signature in dark ink, appearing to read "NEIL HASTIE".

Neil Hastie
President & CEO



April 6, 2009

Honourable Barry Penner
Minister of Environment and
Minister responsible for Water Stewardship and Sustainable Communities
PO Box 9047 – STN PROV GOVT
Victoria BC V8W 9E2

Dear Minister,

Re: BC Bottle Depot Association Letter of March 13, 2009

On March 13, 2009, the BC Bottle Depot Association (BCBDA) wrote to you and other members of the Legislative Assembly. The letter was brought to my attention by a member of the Legislative Assembly.

The BCBDA's letter contains numerous inaccuracies and advances a distorted interpretation of the regulatory regime for product stewardship in BC. Moreover, the letter recklessly diminishes the notable environmental achievements made by BC stewardship agencies which are widely admired throughout North America.

By way of context, the BCBDA is a voluntary association made up of only one-third of the bottle depots in BC. It is not recognized as a bargaining agent by Encorp or by any other stewardship program and has no standing within regulation.

The BCBDA is asking government to overhaul the *Recycling Regulation* and to abandon one of the Province's core principles, namely industry management of regulated recycling programs. It is asking government to re-enter the field of recycling to create an agency with direct management authority over recycling financing and operating methods.

In making this request, the BCBDA opposes the BC approach to stewardship and advocates for an Alberta model: a model that is more expensive, cumbersome to regulate, and achieves lower environmental performance. A feature of the Alberta model is that it guarantees the Alberta Bottle Depot Association a steady stream of membership dues.

Positive and improving environmental outcomes are the best measures of public policy and strategies for stewardship. Encorp's performance in diverting beverage containers and electronic devices from landfill and into the recycling economy has been well documented and compares or exceeds standards set anywhere in North America. We are continuously working to improve our performance. We can do so without dismantling the regulatory system established in BC.



The following points address the various inaccuracies in the BCBDA letter:

1. The bottle depot system is not in jeopardy. To the contrary, the steady income provided by Encorp sustains family-owned bottle depot businesses and supports significant goodwill value and maintains a ready market for owners who wish to retire. There has not been a single bottle depot business failure in the past ten years.
2. Our financial statements are independently audited and publicly available and contain no errors. Encorp and its auditors are available to the BCBDA should it wish to obtain a better understanding of our audited statements.
3. Encorp did not inflate recovery rates in 2001-2004. We publish the collected volumes reported to us by depot owners for which we pay deposits and handling fees. The fraud case identified in the BCBDA letter has been resolved in our favour and Encorp has collected on the award granted by the courts.
4. Electronic collection facilities are located throughout the province covering well in excess of 90% of the population. A collection facility is opening in Quesnel in April 2009. The BCBDA has advocated that its members boycott this program even though the Return It™ Electronics program is one of the most successful in North America and the handling fees paid to collection sites are consistent with, if not higher than those in effect in other provinces.
5. The voluntary milk collection program is supported by 75% of depots notwithstanding the advice from the BCBDA that its members boycott this program. Collected volumes in 2008 were 70% higher than in 2007. Handling fees were increased by 15% in 2008.
6. Encorp has long standing relationship with its contractors and has not had any unresolved disputes.
7. As expected, we have defended ourselves successfully whenever BCBDA has initiated legal proceeding/arbitrations against us. This approach is a distraction and waste of time and money. Our success in these proceedings is a reflection of the weakness of the BCBDA's claims.

In closing, we meet regularly with Ministry staff and work diligently to keep them informed of our activities. The majority of BCBDA complaints about Encorp are known to arise out of their desire to be the bargaining agent for their members and for pecuniary interests, not out of an interest to enhance environmental outcomes.

Please feel free to contact me if you or your staff would like additional information or clarification with respect to issues raised in this letter or on our operations generally.

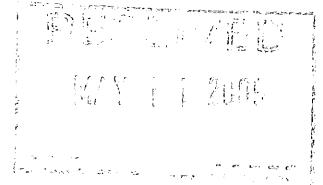
Yours truly,
ENCORP PACIFIC (CANADA)

Neil Hastie
President & CEO



THE HARRISON HIGHLANDERS

246 Balsam Avenue
Harrison Hot Springs, BC V0M-1K0
T (604) 796-8920



May 9th 2009.

Mayor Ken Becotte and Council,

I would like to extend the thanks of the Harrison Highlanders for the generous grant. This grant will be used to assist with the purchase of uniforms. We will all take great pleasure in wearing our new kilts and tunics when playing in an around The Village.

Sincerely

Tom Browning P/M.

1850 +

FILE #	MAY 11 2009	
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<input type="checkbox"/> PAYROLL TAX	<input checked="" type="checkbox"/> COUNCIL	
ITEM	A	B (C)
COUNCIL AGENDA		
DATE May 19		
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(ITEMS: A - REQ, ACTION; B - INFO - W RESP; C - INFO ONLY)		



VILLAGE OF HARRISON HOT SPRINGS

REPORT TO COUNCIL

TO: Mayor and Council **DATE:** May 12, 2009
FROM: Larry Burk,
Chief Administrative Officer **FILE:** 8100-20
SUBJECT: Approval of street closure for the Poker Run

RECOMMENDATION:

THAT Council approves the closure of Esplanade between Hot Springs Road and Maple Avenue from 8:00 am to 11:00 pm Friday, August 7, 2009 to allow for the Poker Run "Show and Shine" event.

DISCUSSION:

The Poker Run organizing committee are planning to run a "show and shine" as part of this year's event. This idea has shown tremendous success in other Poker Runs and provides a much more people oriented more intimate connection between the boat owners and spectators. This part of the event is expected to increase the visitors and spectators significantly.

They have requested that they be permitted to close Esplanade Avenue between Hot Springs Road and Maple Avenue on August 7, 2009 between the hours of 8:00 am and 11:00 pm. (see the attached map). In order to close any road in the Village approval of Council is required.

Access to Esplanade and Maple for emergency vehicles during the closure will be guaranteed by the event organizers.

For an interesting observation about the benefits of the Poker runs around the Pacific Northwest please see the attached survey results. It appears that the benefits to Harrison Hot Springs from a tourist marketing event are significant.

BUDGETARY CONSIDERATIONS:

There are no budgetary considerations with the proposed closure. The event organizers will take care of all security and will be responsible for notifying emergency providers such as fire, police and ambulance.

The local Search and Rescue Society, Agassiz and Harrison Hot Springs Fire Departments are providing all security and traffic control during the event as well as the street closure so the expertise to provide a professional response is basically assured.

POLICY CONSIDERATIONS:

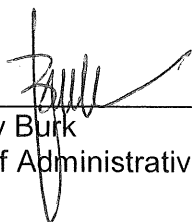
A resolution of Council is required to close any street in the Village.

ALTERNATIVES/OPTIONS:

Council can turn down the application; OR

Council can approve the application. RECOMMENDED

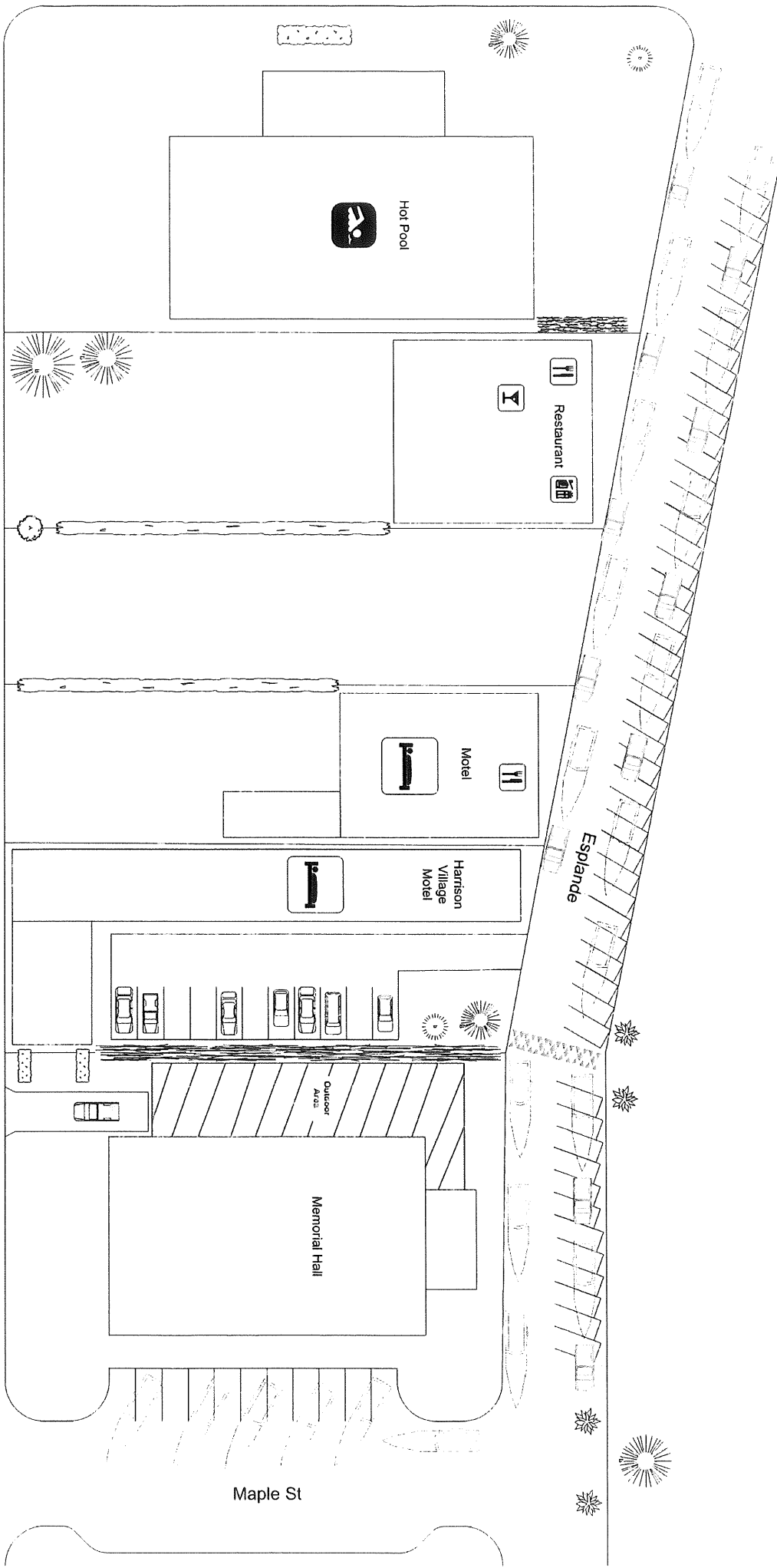
Respectfully submitted for your
consideration;



Larry Burk
Chief Administrative Officer

Harrison Lake Poker Run
Street Show & Welcome Party

Lillooet Ave

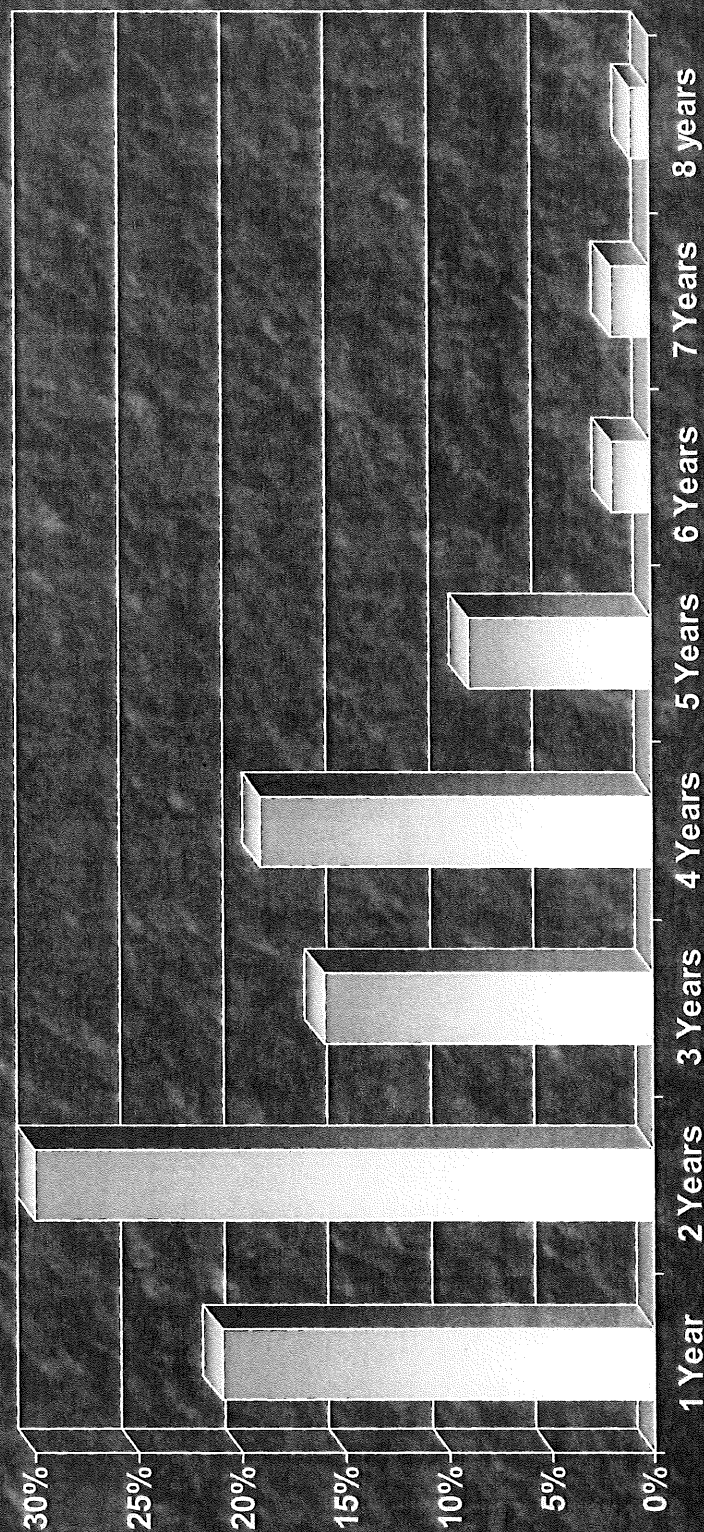


Maple St

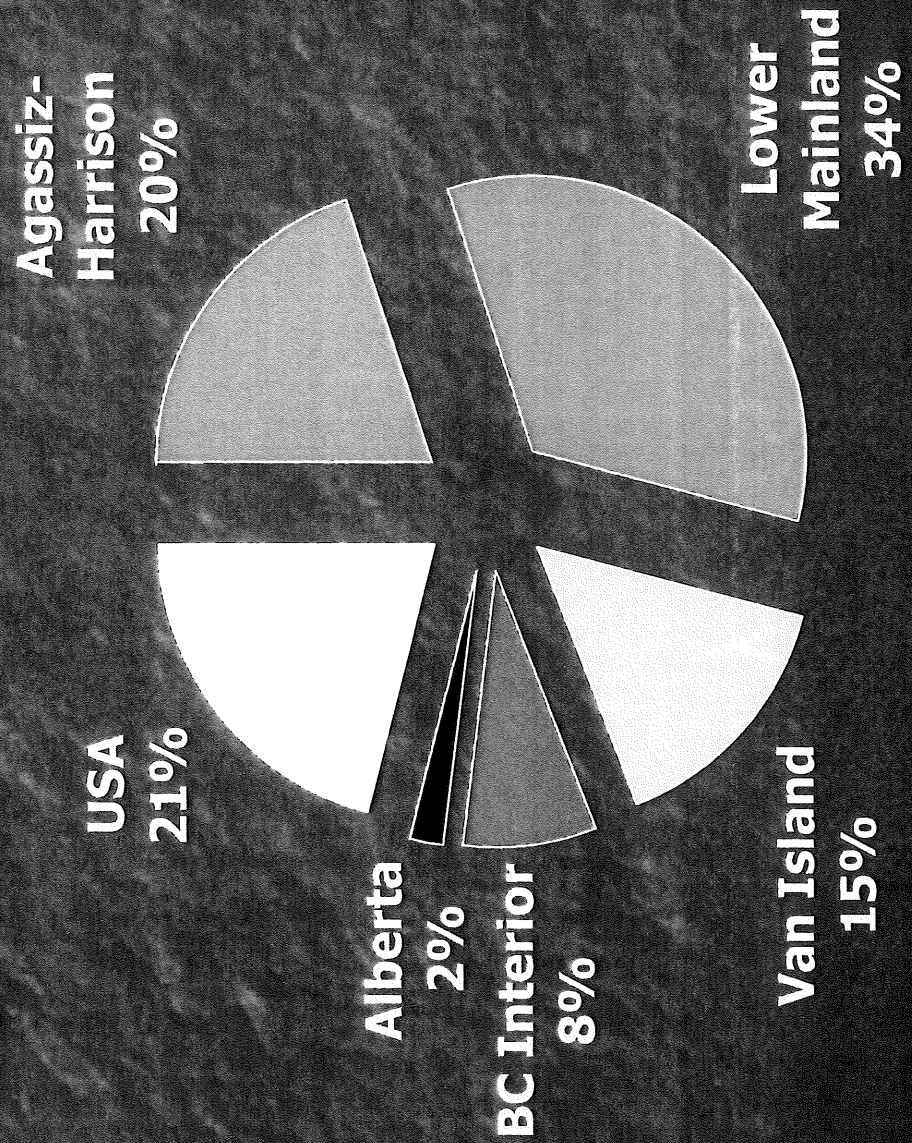


2008 Participant Survey Results

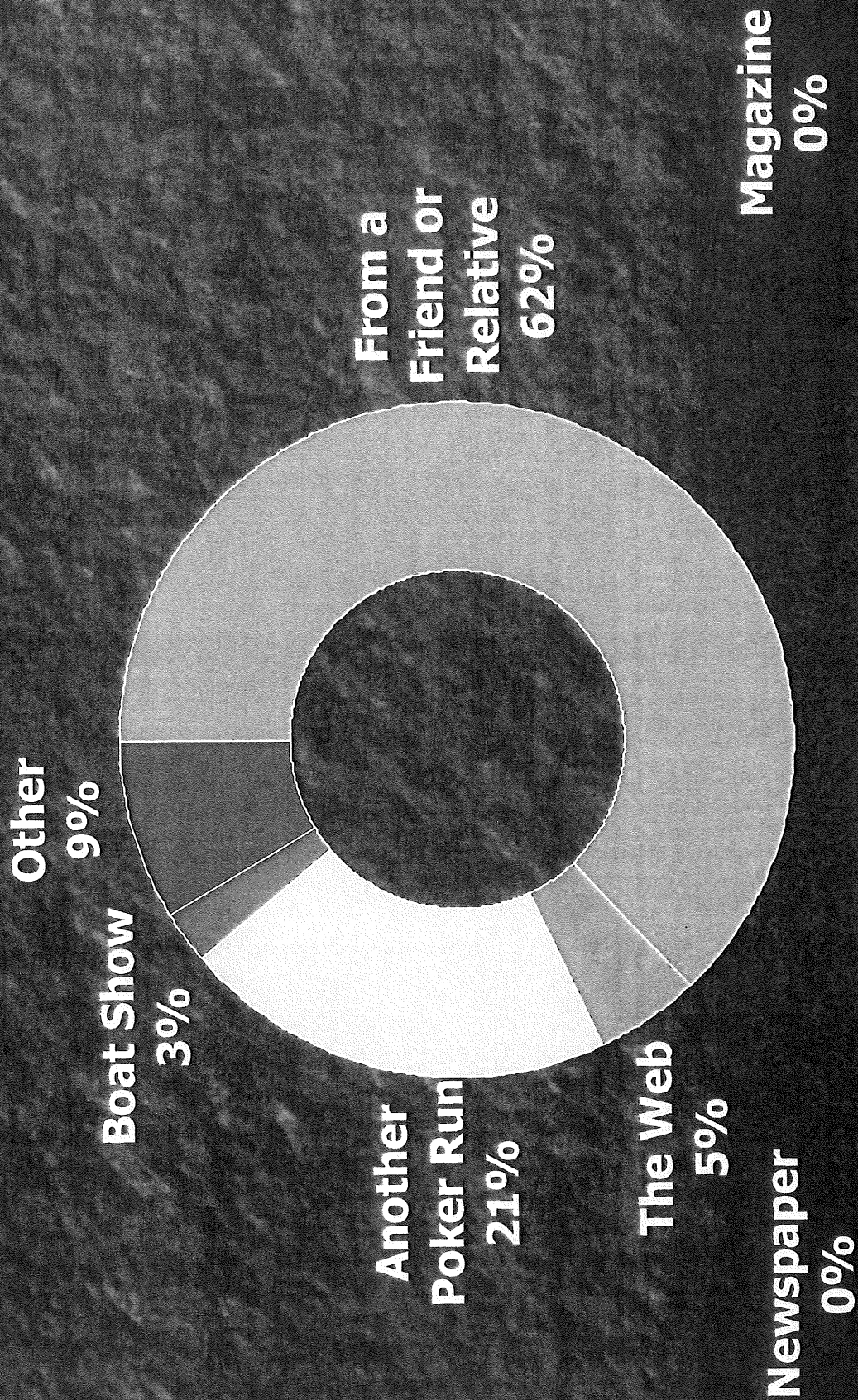
Average years attending



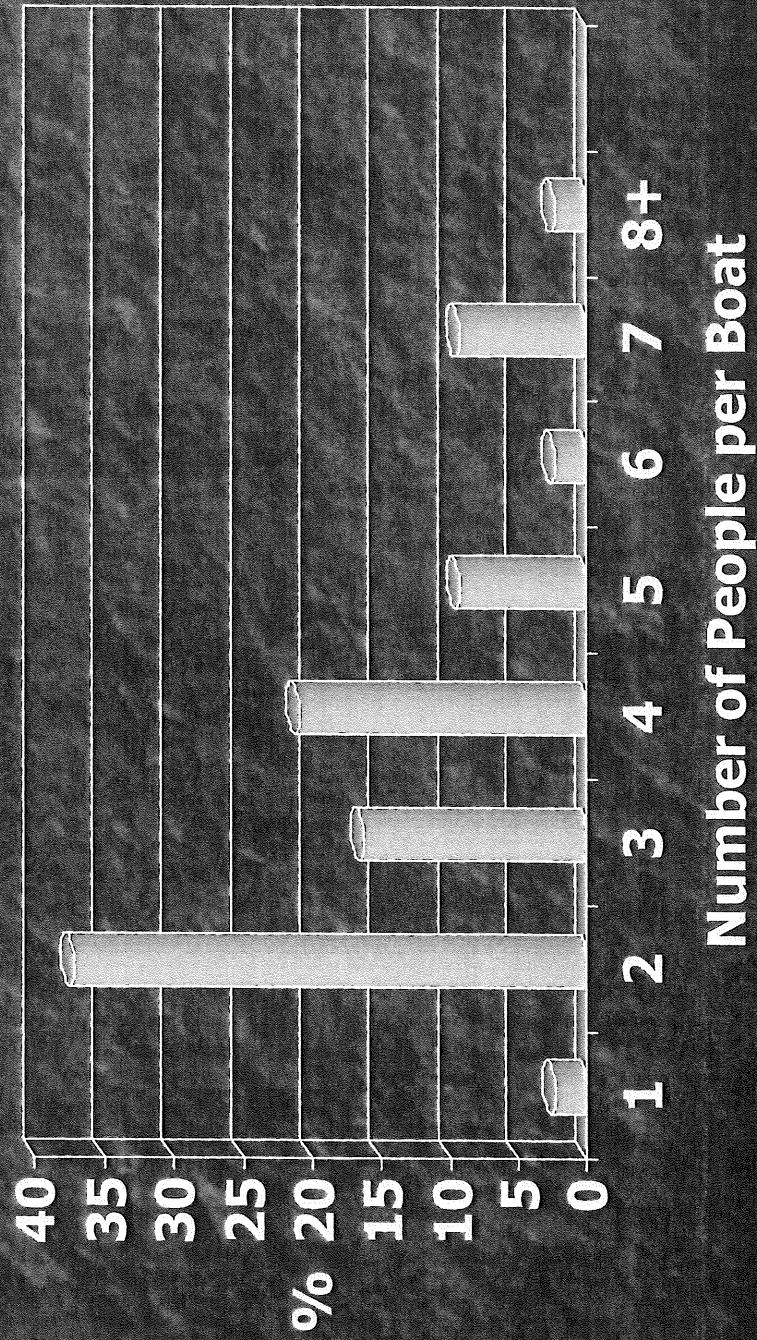
Where does everyone come from?



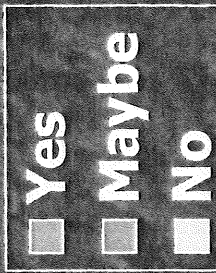
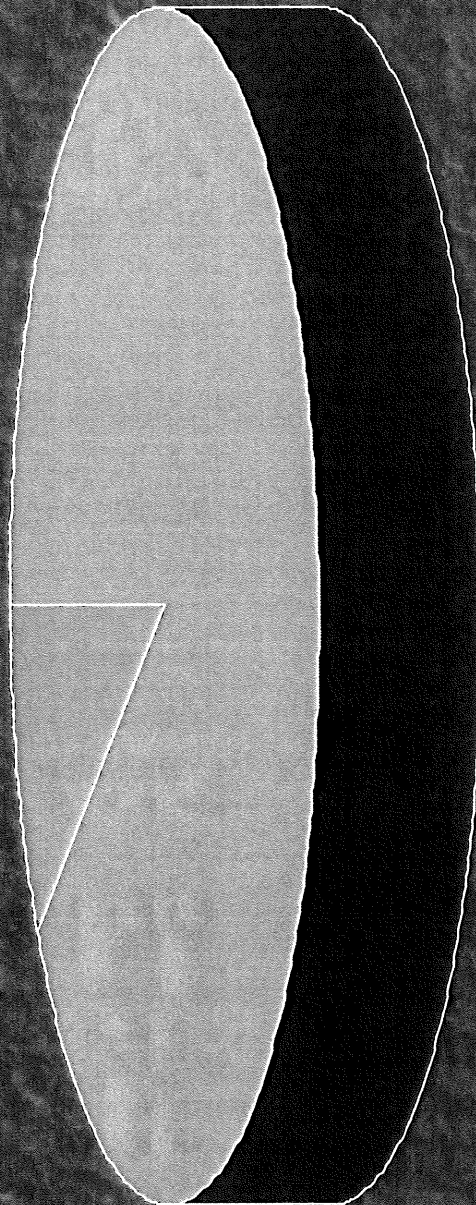
How do they hear about the event?



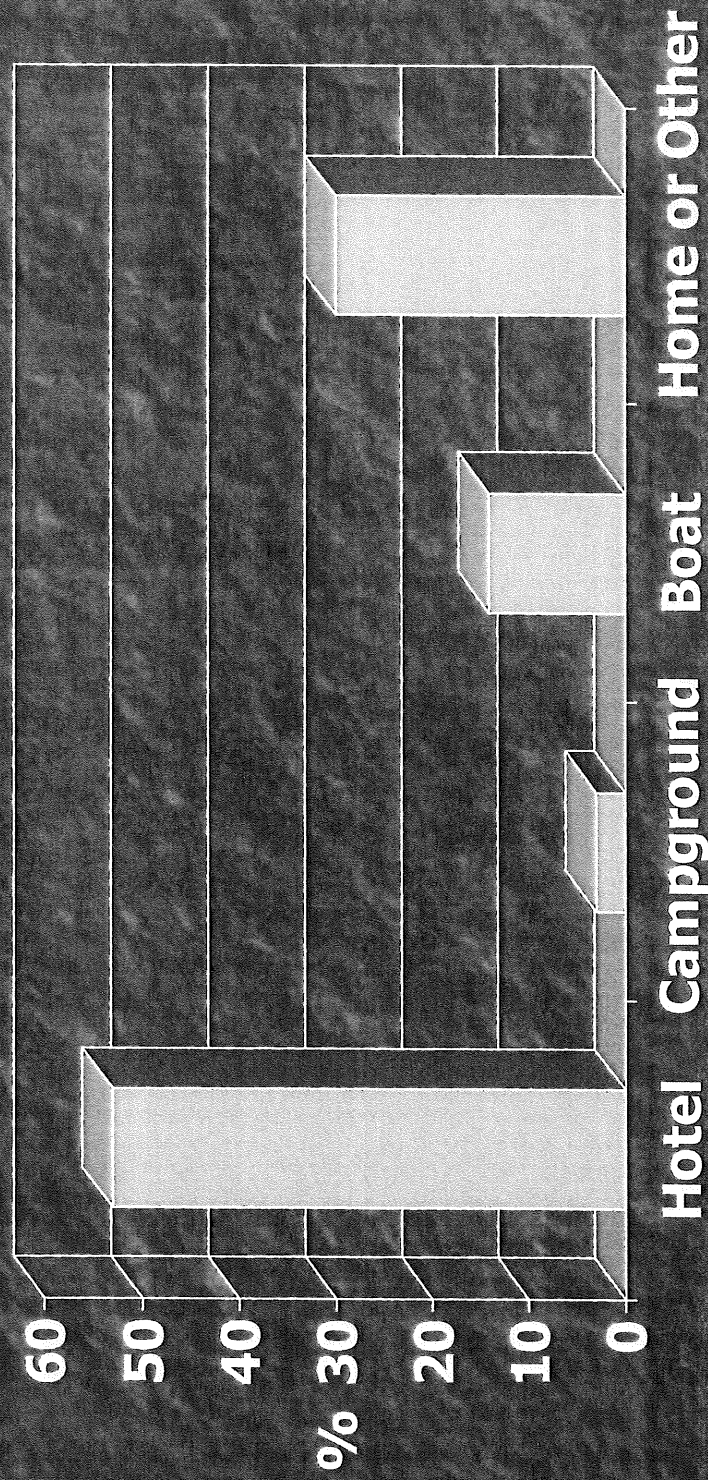
How many people were on each boat?



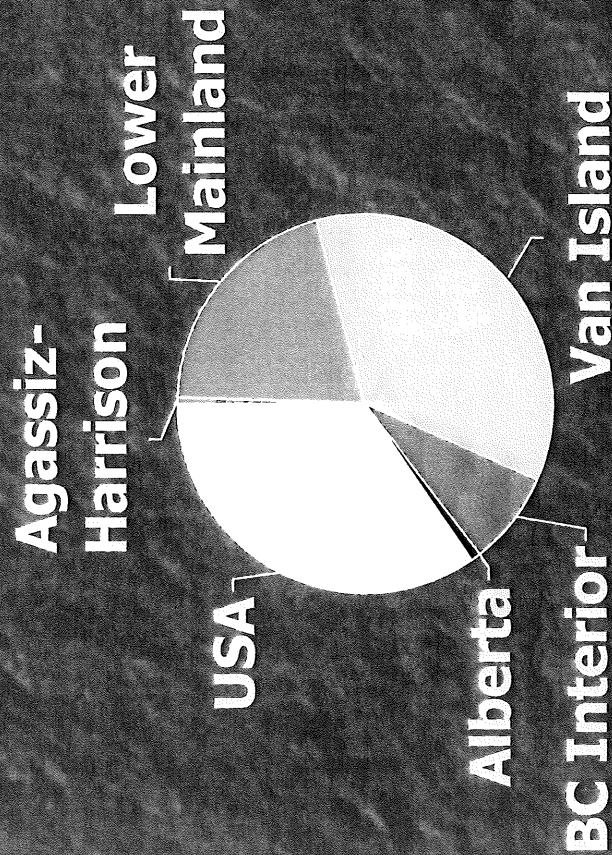
How many plan on returning in 2009 ?



Where did the participants stay?



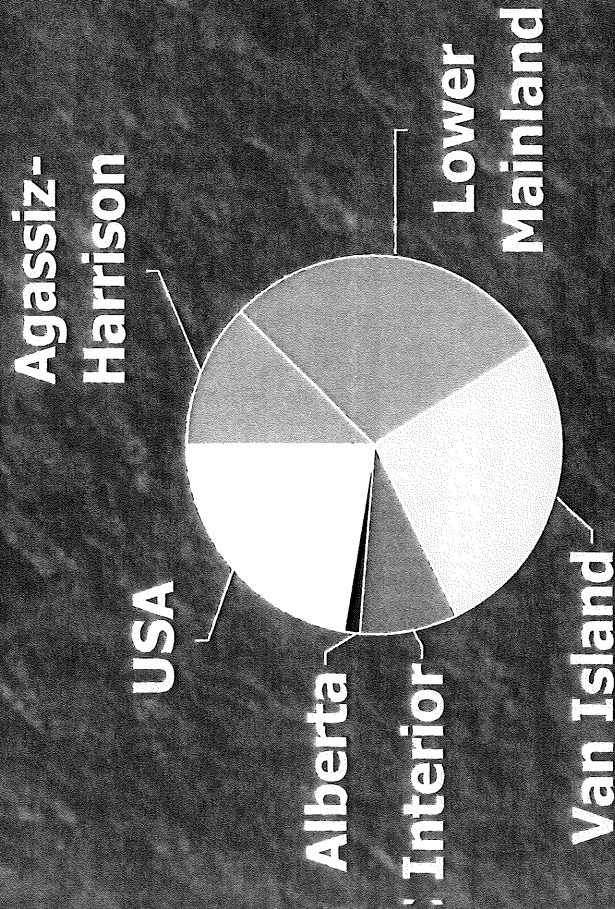
How much money was spent on *Accommodations* during the event?



Agassiz-Harrison	\$400
Alberta	\$450
BC Interior	\$4,263
Lower Mainland	\$10,858
USA	\$18,250
Van Island	\$18,550

Total \$52,771

How much money was spent on *Food* during the event?

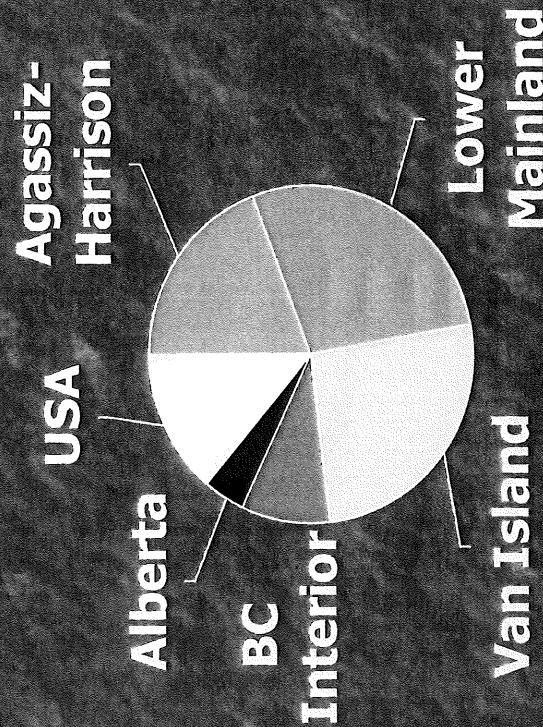


Total \$27,862

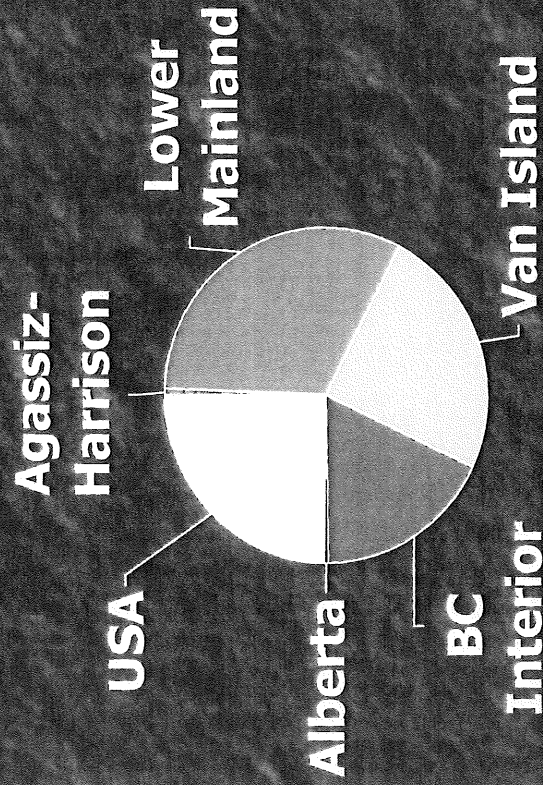
How much money was spent on *Boat Fuel* during the event?

Agassiz-Harrison	\$4,875
Alberta	\$1,050
BC Interior	\$2,200
Lower Mainland	\$6,880
USA	\$3,500
Van Island	\$6,600

Total \$25,105



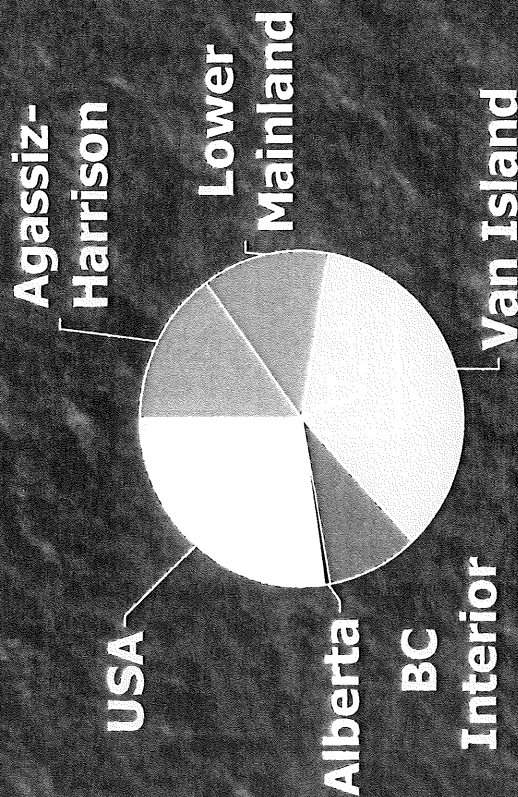
How much money was spent on *Tow Rig Fuel* during the event?



Agassiz-Harrison	\$0
Alberta	\$0
BC Interior	\$1,650
Lower Mainland	\$3,010
USA	\$2,330
Van Island	\$2,300

Total \$9,290

How much misc. spending was done in Harrison?

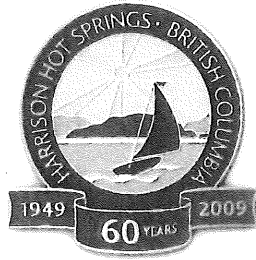


Agassiz-Harrison	\$3,575
Alberta	\$150
BC Interior	\$2,200
Lower Mainland	\$13,223
USA	\$6,450
Van Island	\$8,400

Total \$33,998

Total amount of money spent in Harrison during the event

Accommodations	\$52,771
Food	\$27,862
Boat Fuel	\$25,105
Tow Rig Fuel	\$ 9,290
Misc. Goods	\$33,998
TOTAL	\$149,026



VILLAGE OF HARRISON HOT SPRINGS

MEMORANDUM

Date: May 14, 2009
To: Ken Becotte, Mayor
From: Larry Burk, CAO
Re: Reconsideration of zoning amendment bylaw no. 913, 2009

Your Worship; for reading at time of your report:

At the regular meeting of Council on May 4, 2009 a report was considered to rezone the property at 853 Hot Springs Road.

The body of the report supported the rezoning and recommended the waiving of a public hearing. The rezoning was consistent with the current zoning bylaw and consistent with the intent of the OCP. Therefore waiving of a public hearing can be proposed.

The resolution in the report however failed to provide for the waiving of the public hearing. An issue with the waiving of a public hearing includes proper notice per the Community Charter.

As per section 130 and 131 of the Community Charter the mayor has the ability to have council reconsider any resolution within the same meeting or within 30 days of the resolution.

Therefore be it resolved that zoning amendment bylaw no. 913, 2009 be reconsidered for first and second reading and waiving the public hearing.

Options

Upon carrying of this new motion, notice of waiving a public hearing can be posted per regulations prior to adoption; OR

Council may decide to not waive the public hearing, read the zoning amendment bylaw a 1st and 2nd time at their pleasure and set a date for a public hearing.

Respectfully submitted


Larry Burk, CAO



VILLAGE OF HARRISON HOT SPRINGS BYLAW NO. 913

A bylaw to amend Village of Harrison Hot Springs Zoning Bylaw Number 672-1996

WHEREAS the Mayor and Council has deemed it advisable to amend the Village of Harrison Hot Springs Zoning Bylaw Number 672-1996, the Zoning Bylaw for the Village of Harrison Hot Springs, as adopted on October 28, 1996;

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

I. CITATION

This Bylaw may be cited for all purposes as the "Village of Harrison Hot Springs Zoning Amendment Bylaw No. 913, 2009".

II. AMENDMENT

- a. That the lands at 853 Hot Springs Road and currently zoned as Service Station Zone (CS) of the Village of Harrison Hot Springs and legally described as:

Lot 53, Section 12, Township 4, Range 29, West 6th Meridian, New Westminster Land District, Plan 52361

be amended and rezoned as Residential One (Small Lot) Zone (R3) of the Village of Harrison Hot Springs; and

- b. That the Zoning Map of the Village of Harrison Hot Springs Zoning Bylaw No. 672, 1996, Schedule "A", 853 Hot Springs Road be amended to Residential One (Small Lot) Zone (R3).

III. READINGS AND ADOPTION

READ A FIRST TIME THIS 4th DAY OF MAY, 2009

READ A SECOND TIME THIS 4th DAY OF MAY, 2009

READ A THIRD TIME THIS 4th DAY OF MAY, 2009

ADOPTED THIS DAY OF , 2009.

Mayor

Corporate Officer



VILLAGE OF HARRISON HOT SPRINGS

REPORT TO COUNCIL

TO: Mayor and Council **DATE:** May 12, 2009
FROM: Larry Burk,
Chief Administrative Officer **FILE:** 3900
SUBJECT: Council Procedure Bylaw No. 914

RECOMMENDATION:

THAT Council receives this report and draft Council Procedure Bylaw No. 914 for information; and

THAT Council gives first three readings to Bylaw No. 914 at the regular meeting of Council on June 15th, 2009.

BACKGROUND:

One of the requirements of the *Community Charter* is the enactment of a Council Procedure Bylaw – (Section 124 of the *Community Charter*).

Council adopted the current Council Procedure Bylaw No. 801 on April 19, 2004 and Council Procedure Bylaw Amendment Bylaw No. 838 on March 6, 2006.

DISCUSSION:

Questions and different interpretations of the current bylaw encouraged staff to review the current bylaw. Proposed revisions to the bylaw prompted staff to recommend repealing the current bylaw and replacing it with a new bylaw.

Most of the changes are textural and housekeeping with phrasing changes consistent with other Procedural Bylaws in other local area municipalities. The new bylaw is opined by staff to be more user-friendly and easier to interpret.

Notice of the repealing of Bylaw 801 and subsequent amendments and putting forth the new Council Procedure Bylaw No. 914 will be placed in the Agassiz-Harrison Observer on June 4, 2009 and June 11, 2009 to satisfy current legislative requirements.

BUDGETARY CONSIDERATIONS:

There are no budgetary considerations with the repealing of or creation of the new bylaw.

POLICY CONSIDERATIONS:

A resolution of Council is required to adopt a bylaw. Also notice per section 94 of the *Community Charter* is required in order to repeal the current bylaw and replace it with a new procedure bylaw.


ALTERNATIVES/OPTIONS:

Council can not approve the putting forward of the new Bylaw and retain the current Bylaw 801, 2004 and subsequent amendments;

Council can not approve the putting forward of the new Bylaw and request staff to amend the current bylaw in its present form; OR

Council can repeal the current bylaw 801 and subsequent amendments and adopt a new Procedure Bylaw 914 at its regular meeting of June 15th, 2009.
RECOMMENDED

Respectfully submitted for your consideration;



Larry Burk
Chief Administrative Officer



VILLAGE OF HARRISON HOT SPRINGS BYLAW NO. 914

A bylaw to establish the rules of procedure for Council of the Village of Harrison Hot Springs

WHEREAS under Sections 124 (1) of the *Community Charter*, Council must by bylaw establish the general procedures to be followed by Council and Council Committees in conducting their business,

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

1. **CITATION:**

This Bylaw may be cited for all purposes as “Village of Harrison Hot Springs Council Procedure Bylaw No. 914, 2009” and comes into effect on the date of adoption.

2. **DEFINITIONS:**

In this bylaw, unless the context otherwise requires:

“Acting Mayor” means a member of Council who is nominated by the Mayor and appointed by Council pursuant to Section 130 of the *Community Charter*;

“Charter” means *Community Charter*;

“Commission” means a municipal commission established under s.143 of the *Community Charter*;

“Committee” means a select, standing, or other committee duly appointed by the Council, but does not include COW;

“COW” or “Committee of the Whole” means all of the members of the Council present at a meeting sitting in Committee;

“Councillor” means a Councillor of the Village of Harrison Hot Springs;

“Corporate Officer” means the Corporate Officer for the Village of Harrison Hot Springs;

“Council” means the Municipal Council of the Village of Harrison Hot Springs;

“Deputy Mayor” means the member appointed by Council to preside at any meeting of Council in the absence or incapacity of the Mayor;

“In Camera meeting” means a meeting closed to the public;

“Mayor” means the duly elected Mayor of the Village of Harrison Hot Springs;

“Member” means a member of the Municipal Council of the Village of Harrison Hot Springs and includes the Mayor;

“Meeting” shall include all meetings of Council whether regular or otherwise unless specifically stated;

“Motion” means a formal proposal made by a member of Council that the Council undertake or approve a specified course of action; and

“Municipal Hall” means Harrison Hot Springs Municipal Hall located at 495 Hot Springs Road, Harrison Hot Springs, British Columbia

“Public Notice Posting Place” means the front window at the entrance to the Village Office and public notice board within the Village of Harrison Hot Springs;

“Village” means the Village of Harrison Hot Springs;

“Village Web Site” means the information resource found at an internet address provided by the Village;

3. **MEETINGS OF COUNCIL:**

- (a) Following the general local election, the first Council meeting shall be held on the first Monday in December in the year of the election.
- (b) After the inaugural meeting, regular meetings of Council shall be held on the first and third Mondays of each month, except for the months of July, August and September, when there shall only be one meeting per month and that meeting shall be on the second Monday of the month for those three months;
- (c) Where the regular meeting day of Council occurs on a statutory holiday, the regular meeting will take place on the day immediately following such holiday, or another date set by Council;

- (d) Regular Council meetings may:
 - (i) be cancelled by the Mayor or Council, provided that two consecutive meetings are not cancelled; and
 - (ii) be postponed to a different day, time, and place by the Mayor, provided the Corporate Officer is given at least two (2) days written notice.
- (e) Council meetings shall be held in the Village of Harrison Hot Springs Municipal Hall unless, by resolution, some other locale is approved by Council.
- (f) Regular meetings of Council shall be held at 7:00 pm.
- (g) Regular meetings of Council must adjourn by 10:00 p.m. on the day scheduled for the meeting, unless Council resolves to proceed beyond that time;
- (h) At least 24 hours before a regular meeting of Council, the Corporate Officer or designate must give public notice of the time, place and date of the meeting by way of posting a notice at the public notice posting place; and
 - (i) leaving a copy of the agenda for each Council member in the Council member's mailbox at the Village Office;
 - (ii) faxing or emailing a copy of the agenda to the local community newspaper for their information.
- (i) By resolution of Council, if a member of Council cannot attend a Regular or Special Meeting of Council, the member may partake in all matters put before Council and be deemed to be in attendance at the meeting through the use of a telephone or any other such electronic device as approved by Council wherein they can freely partake in verbal discussion on any issue or item.

4. **AGENDA:**

- (a) Prior to each regular meeting, the Corporate Officer or designate shall prepare an agenda of all business to be brought before the Council at such meeting.
- (b) At least 72 hours before a regular meeting of Council, the Corporate Officer or designate must deliver a copy of the agenda to each member of Council at the place to which the Council member has directed notices and/or agendas to be sent.
- (c) The Mayor or presiding member may add correspondence, reports or other items to the agenda of a regular meeting of Council in that meeting providing Council concurs to the late items by resolution.
- (d) All documents intended to be considered by Council at a meeting must be delivered to the Corporate Officer or designate not later than 12:00 noon on the Wednesday preceding the day of the meeting of the Council.

- (e) The Council shall proceed with business in the order set out in the agenda, unless the majority of the Council present otherwise directs.
- (f) Except as Council otherwise resolves and, in any event, only to the extent that business exists at a particular meeting under each of the following subject headings, the usual order of business at a Regular Meeting of Council shall be:
 - 1. Call to Order
 - 2. Introduction of Late Items
 - 3. Approval of Agenda
 - 4. Adoption of Minutes
 - 5. Business Arising from Minutes
 - 6. Delegations
 - 7. Correspondence
 - 8. Business arising from Correspondence
 - 9. Reports of Committees, COW and Commissions
 - 10. Reports from Mayor
 - 11. Reports from Councillors
 - 12. Reports from staff
 - 13. Bylaws
 - 14. Question Period (pertaining to agenda only)
 - 15. Adjournment
- (g) When any order, motion, or question is lost, by reason of the Council or any Committee thereof breaking up for want of a quorum, the order, resolution, or question so lost shall be the first item of business to be proceeded with and disposed of at the next meeting of the Council or Committee under that particular heading.

5. OPENING PROCEDURES:

- (a) The Mayor shall take the chair and call the members to order as soon after the hour of meeting when a quorum is present.
- (b) The Deputy Mayor shall take the chair and call the members to order in case the Mayor does not attend within 15 minutes after the time appointed for a meeting; or if the Deputy Mayor is absent, the Corporate Officer or designate shall call the members to order and, if a quorum is present, the members shall appoint an Acting Mayor who shall preside during the meeting or until the arrival of the Mayor.
- (c) The Corporate Officer or designate shall record in the minutes, should there be no quorum present within 15 minutes after the time appointed for the meeting, the name of the members present at the expiration of 15 minutes and the meeting shall stand adjourned until the next meeting.

6. RULES OF CONDUCT AND DEBATE:

- (a) Every member shall address the chair before speaking to any question or motion.
- (b) Council members shall address the chair as "Mayor", "Your Worship", "Deputy Mayor" or "Acting Mayor" as the case may be and shall refer to each other by surname as "Councillor _____".
- (c) No member shall:
 - (i) speak disrespectfully of the reigning sovereign, a member of the Royal Family, the Governor General, or a Lieutenant Governor;
 - (ii) use offensive words in Council or against any member thereof;
 - (iii) speak beside the question in debate or reflect upon a vote of the Council, except for the purposes of moving that the vote be rescinded;
 - (iv) leave his seat or make any noise or disturbance while a vote is being taken and until the result is declared;
 - (v) interrupt a member who is speaking, except to raise a point of order;
 - (vi) disobey the rules of the Council or disobey the decision of the Mayor or presiding member on points of order or practice, or upon the interpretation of the Rules of Council by the Mayor or presiding member, except any member shall have the right of appeal against the Chair as provided for in the *Charter*.
- (d) If any member takes an action prohibited, the member shall be ordered by a majority vote of the Council or on the order of the Mayor or presiding member to leave his/her seat for that meeting, and in the case of his/her refusing to do so, may, on order of the Mayor or presiding member, be removed from the meeting by a Peace Officer.

- (e) However, if a member offending subsection 6(d) apologizes to the Council, the Council may, by majority vote, permit him to resume his seat.
- (f) No member may speak more than once to the same question without leave of the Council, except to explain a material part of his/her speech which may have been misconceived, and in doing so the member may not introduce new information.
- (g) A member who has made a substantive motion to the Council shall be allowed to reply, but not a member who has moved an amendment.
- (h) The Mayor or presiding member, or any member through the Mayor or presiding member, may call a point of order to a member who is speaking. When such action is taken, the Mayor or presiding member shall immediately suspend debate and the member in question shall refrain from speaking until the Mayor or presiding member determines the point of order.
- (i) After a question is finally put by the Mayor or presiding member, no member shall speak to the question nor shall any other motion be made until after the result of the vote has been declared.
- (j) The decision of the Mayor or presiding member, as to whether the question has been finally put, shall be conclusive, and when the Mayor or presiding member is putting a question, no member shall walk out of the Chamber.
- (k) A member of Council may, by right, require the motion under discussion be read for informational purposes at any period of the debate, but not so as to interrupt any member speaking.
- (l) No member shall speak to any motion or in reply for longer than five minutes, without leave of the Council except the mover of a motion shall be allowed to reply to the motion for up to three minutes and close the debate.
- (m) If the Mayor or presiding member desires to leave the chair for purposes of taking part in a debate or otherwise, he shall call upon the Deputy Mayor or, in the absence of the Deputy Mayor, another member of Council to take the chair until the Mayor or presiding member resumes the chair.
- (n) A Council member or former Council member must, unless specifically authorized otherwise by Council:
 - (i) keep in confidence any record held in confidence by the Village, until the record is released to the public as lawfully authorized or required; and

- (ii) keep in confidence information considered in any part of an In Camera Council, COW or committee meeting, until the Council, COW or committee discusses the information at a meeting that is open to the public or releases the information to the public.

7. VOTING:

- (a) All voting shall be by a show of hands, unless in the case of a Council meeting where a Council member or members are partaking by use of a telecommunications device, as approved by Council resolution, the voting on a motion shall be conducted by the Mayor or presiding member verbally asking each member, in turn, whether they are in favour of the motion and each Council member must respond verbally in the positive or negative.
- (b) Each member present, including the Mayor or presiding member, shall have one vote.
- (c) A motion on a bylaw or resolution, or any other question before Council, is decided by a majority of the Council members present at the meeting, including the Mayor.
- (d) A member may request that his/her vote be recorded on a question.
- (e) Upon the request of any member, when the question under consideration contains distinct propositions, the vote upon each proposition shall be taken separately.
- (f) Council shall not reconsider any motion more than once at the same meeting, except by unanimous consent of Council.
- (g) After a vote has been taken on a motion, except one of indefinite postponement of a subject, any member who voted on the prevailing side may, at the next regular Council meeting, move for reconsideration or a rescission thereof. Council shall not discuss the main motion until such time as the motion for reconsideration is passed in the affirmative.
- (h) Each Council member present at the time of a vote must vote on the matter.
- (i) If a Council member abstains from voting or does not indicate how they vote, the member is deemed to have voted in the affirmative.
- (j) If the vote of the members present at a Council meeting at the time of the vote is equal for and against a motion, the motion is defeated.

8. MOTIONS:

- (a) Every motion other than a procedural motion shall be recorded by the Corporate Officer or designate.
- (b) When a motion has been made and seconded, the Mayor or presiding member shall propose a question framed thereon to open debate.

- (c) When the debate is closed, the Mayor or presiding member shall immediately put the question to a vote.
- (d) After a motion has been stated or read, it is deemed to be in the possession of Council, but may be withdrawn by the mover and seconder of the motion by the majority of Council members present.
- (e) Whenever the Mayor or presiding member is of the opinion that a motion is contrary to the rules and privileges of Council, he shall apprise the members thereof without proposing the question, and shall cite without argument or comment, the rule or authority applicable to the case.
- (f) When a question is under consideration, no motion shall be received, except for the following;
 - (i) to refer to a Committee;
 - (ii) to amend;
 - (iii) to postpone (defer) to a certain time;
 - (iv) to lay on the table;
 - (v) to postpone indefinitely;
 - (vi) to move the previous motion; and
 - (vii) to adjourn.
- (g) The motions listed in Section 8(f) shall have precedence in the order in which they are named, and the last four shall be neither amendable nor debatable.
- (h) A motion for reference in Section 8 (f)(i) shall, until it is decided, preclude all the amendments of the main question.
- (i) A motion to adjourn the debate is always in order and need not be in writing, and shall be decided without debate. No second motion to the same effect shall be made until some intermediate proceedings have occurred.

9. **AMENDMENTS TO MOTIONS:**

- (a) A member may move that a motion be amended in one of the following ways:
 - (i) by leaving out certain words;
 - (ii) by leaving out certain words and inserting or adding others;
 - (iii) by inserting or adding certain words; or
 - (iv) by substitution.
- (b) The Mayor or presiding member shall not permit an amendment which negates the purpose of the main motion.

- (c) When a member moves to amend a motion, the Mayor or presiding member shall state the original motion followed by the amendment and then shall put the question of the amendment to the Council.
- (d) If the motion is defeated, the Mayor or presiding member shall again propose the main question and debate may continue.
- (e) Members, other than the member who moved the defeated amendment, may submit amendments.
- (f) If the amendment is passed, then the debate continues on the amended motion. It shall be competent for a member to move other amendments subject to the limitations set forth in the following sections.
- (g) The Mayor or presiding member shall allow only one amendment to an amendment.
- (h) Once Council defeats an amendment, it cannot be moved a second time.
- (i) The Mayor or presiding member shall put amendments to Council in the reverse order to that in which they are moved. When there is a main motion, a primary amendment and a secondary amendment thereto, the motion and appendages shall be put to the Council in the following order:
 - (i) The secondary amendment.
 - (ii) The primary amendment to the main motion.
 - (iii) The main motion.

10. **BYLAWS:**

- (a) The Corporate Officer or designate shall have every proposed bylaw prepared before it is considered by Council and every member shall be given a copy at least 24 hours prior to the meeting of Council, or all Council members unanimously agree to waive this requirement.
- (b) Subject to section 135(3) of the *Community Charter*, three readings may be given on the same day, however, section 890(9) of the *Local Government Act* provides that Council may adopt an official community plan or zoning bylaw at the same meeting at which the plan or bylaw passed third reading.
- (c) The Corporate Officer or designate shall endorse upon every Bylaw, the date of the readings, the effective date and the date of adoption.
- (d) Only the title and the intended object of the Bylaw shall be read by the Mayor, presiding member, Corporate Officer or designate at first reading of the Bylaw.

- (f) If a motion to introduce a Bylaw fails or is not made and seconded, the Bylaw shall be considered defeated and shall be removed from the agenda and shall not be brought forward as unfinished business on a subsequent agenda.
- (g) The second and third reading of a Bylaw may be deferred for a total period up to three months upon a motion of Council,
- (h) Where the *Charter* or *Local Government Act* requires that a Public Hearing be held, it shall be held after first reading and before third reading of the Bylaw.
- (i) A Bylaw is not valid unless it has been given three readings and has then been adopted by the Council, pursuant to the *Community Charter*.
- (j) Nothing in this section shall require the Council to introduce a Bylaw or give it any reading or readings.
- (k) Second reading of the Bylaw shall consist of debate upon the general principles of the Bylaw.
- (l) Every Bylaw other than an Official Community Plan or Zoning Bylaw, shall be adopted not less than one clear day after it has received third reading, upon the motion "That the Bylaw cited as "_____ " be adopted" provided, however, that if the Bylaw must be approved pursuant to the *Community Charter* or any other *Act*.
- (m) Upon reconsideration, the bylaw may be approved or rejected.
- (n) A Council member may request that the whole or any part of the Bylaw shall again be read before the motion for reconsideration and adoption is put.
- (o) Every adopted and signed bylaw shall be kept indefinitely by the Corporate Officer or designate Bylaw among the corporate records of the municipality.

11. PETITIONS AND DELEGATIONS:

- (a) No person or group of persons wishing to appear before Council may do so unless the Corporate Officer or designate has first been provided a written application prior to 4:30 p.m. on the Wednesday before the meeting to be included on the agenda.
- (b) A delegation shall appoint a speaker or, upon a vote of the majority of Council members present at a meeting, more than one speaker.
- (c) The Mayor or presiding member shall allow up to 10 minutes for the presentation with a ten-minute question and answer period following.

- (d) The Council may dispose of the petition or submission at the meeting, refer the subject matter to a Committee, or take such other action as it deems expedient.
- (e)
 - (i) A petition presented to Council shall legibly include the subject matter, date of the petition, the name of each petitioner, post office box, and civic address.
 - (ii) In the case of a corporation, it is required that the signature on a petition include written authority signed by a Director of the corporation under the corporate seal.
- (f) Council reserves its authority in whole or in part to not deliberate on any matters presented at a delegation until the subsequent meeting.

12. SPECIAL MEETINGS OF COUNCIL:

- (a) Except where notice of a special meeting is waived by unanimous vote of all Council members under Section 127 (4) of the *Community Charter*, at least twenty-four hours before a special meeting of Council, the Corporate Officer or designate must:
 - (i) give advance notice of the time, place and date of the meeting by way of a notice posted at the public notice posting places in the Village of Harrison Hot Springs; and
 - (ii) give notice of the special meeting in accordance with Section 127 (2) of the *Community Charter*.

13. ATTENDANCE OF PUBLIC AT MEETINGS:

- (a) Subject to Sections 89 and 90 of the *Community Charter*, all Council meetings must be open to the public.
- (b) Before a meeting or part of a meeting is to be closed (In Camera) to the public, Council must state by resolution, the fact that the meeting is to be closed (In Camera) and the basis under Section 90 of the *Community Charter* on which the meeting is to be closed.
- (c) This section applies to meetings of bodies referred to in Section 93 of the *Community Charter* including, without limitation:
 - (i) Standing or select committees;
 - (ii) Commissions;
 - (ii) Committee of the Whole.

14. COMMITTEE OF THE WHOLE:

- (a) A quorum of the Council is quorum for the Committee of the Whole.
- (b) A meeting of the Committee of the Whole may be called at any time by the Mayor.
- (c) At least twenty-four hours before a meeting of the Committee of the Whole, the Corporate Officer or designate must give public notice of the time, place and date of the meeting by way of posting an agenda at the public notice posting places;
- (d) During a Regular Council meeting, Council may, by resolution, resolve itself into the Committee of the Whole to consider specific matters.
- (e) The Mayor shall preside at the Committee of the Whole, unless the Council appoints another member of Council to preside.
- (f) The rules of the Council shall be observed in the Committee of the Whole so far as may be applicable, except that;
 - (i) the number of speeches by a member to any question shall not be limited;
 - (iii) no member shall speak for a longer total time of five minutes to a question; and
 - (iii) a seconder to a motion is not required.
- (g) A record will be recorded of how members voted.
- (h) A motion in the Committee of the Whole to rise without reporting, or that the Chair of the Committee leave the chair, is always in order and shall take precedence over any other motion.
- (i) Debate on a motion referred to in Section 14(f)(i) shall be allowed, but no member shall speak more than once to the motion and, on further vote, shall be considered disposed of in the negative, and the Chair of the Committee of the Whole shall resume the Chair and proceed with the next order of business.
- (j) When all matters referred to the Committee of the Whole have been considered, a motion to rise and report shall be adopted. The Committee, when it has partly considered a matter, may report progress and ask leave to sit again. In resumption of regular Council business, the Chair of the Committee of the Whole shall report to the Council and the Council may:
 - (i) adopt the report;
 - (ii) reject the report;
 - (iii) adopt the report with amendments;

- (iv) refer the subject matter for further consideration, either in part or in whole;
 - (v) postpone action on the report; or
 - (vi) approve the request of the Committee to sit again, the Committee having reported progress after partial consideration of the subject.
- (k) A resolution at a Regular meeting of Council to adopt minutes of a Committee of the Whole meeting shall constitute ratification of all motions therein. Issues are finalized and authorized once the Council has passed the resolution to adopt.

15. STANDING AND SELECT COMMITTEES AND COMMISSIONS

- (a) The Mayor must establish standing committees and appoint persons to those committees;
 - (i) At least half of the members of a standing committee must be council members;
 - (ii) Subject to 15(a)(i), persons who are not council members may be appointed to a standing committee.
- (b) Council may establish and appoint a select committee;
 - (i) At least one member of a select committee must be a council member;
 - (ii) Subject to 15(b)(i), persons who are not council members may be appointed to a select committee.
- (c) The Mayor shall designate one member of each committee to act as Chair and the Chair will be entitled to one vote.
- (d) Members of Council, other than members appointed to a Standing Committee, may attend the meetings of a Standing Committee and shall not be allowed to vote, but may, with the consent of the Committee, be allowed to take part in any discussion or debate by permission of a majority vote of the members of the Committee.
- (e) Council may establish and appoint a commission;
- (f) A council member is not eligible to be a member of an advisory planning commission, but may attend at a meeting of the commission in a resource capacity.
- (g) A council member is eligible to be a member of any other commission;

- (h) At least twenty-four hours before a meeting of Standing and Select Committees or Commissions, the Corporate Officer or designate must give public notice of the time, place and date of the Standing, Select Committee or Commission meeting by way of posting a notice at the public notice posting places;
- (i) The Mayor shall be an ex-officio member of all Committees and be entitled to vote at all meetings thereof.
- (h) In the transaction of business, all Standing and Select Committees and Commissions shall adhere, as far as possible, to the rules governing proceedings at the meetings of Council.
- (i) A Select Committee shall, upon completion of its assignment and upon submission of its final report to the Council, be automatically dissolved.
- (j) A majority of voting members appointed to a Standing and Select Committee or Commission shall constitute a quorum.
- (k) A resolution at a Regular meeting of Council to adopt minutes of Standing and Select Committees and Commissions shall constitute ratification of all motions therein. Issues are finalized and authorized once Council has passed the resolution to adopt.
- (l) Standing Committees and Commissions must consider, inquire into, report and make recommendations to Council as follows:
 - (i) Matters related to the general subject indicated by the name of the committee or commission;
 - (ii) Matters that are assigned by Council;
 - (iii) Matters that are assigned by the Mayor
- (m) Select Committees must consider, inquire into, report and make recommendations to Council about the matters referred to the committee by the Council;

16. REPORTS:

- (a) Reports of activities, as required by Council, shall be submitted through the Chief Administrative Officer for inclusion on the next Regular Council agenda for the following areas:
 - (i) Planning, Development and Building
 - (ii) Fire Department

- (iii) Public Works
- (iv) Finance
- (iv) Bylaw Enforcement

17. UNPROVIDED CASES:

Except as provided in this Bylaw or in the *Community Charter*, the Council, its Standing and Select Committees, Commissions and Committee of the Whole, shall follow the rules contained in the Roberts Rules of Order.

18. SUSPENSION OF RULES:

- (a) Any one or more rules and orders contained in this Bylaw may be temporarily suspended by a majority vote of the whole of Council, except those contained in Section 6 (d), Section 10 (a), (b), and (c), and Section 15 (c)
- (b) No action of Council is rendered invalid solely by reason of any breach, inadvertent or otherwise, of any provisions of this Bylaw.

19. SEVERANCE CLAUSE:

If any section, subsection, sentence, clause or phrase of this bylaw is, for any reason, held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Bylaw.

20. CONFLICT OF INTEREST:

- (a) Should a member of Council or its committees deem to have a direct or indirect pecuniary interest in any matter before a meeting, he shall verbally declare such a conflict, state the general nature that this is to be the case, and remove himself from the meeting.
- (b) A member of Council or its committees declaring a conflict of interest must not attempt in any way, whether before, during, or after the meeting, to influence the voting on any question in respect of the matter. After such declaration, the Corporate Officer or designate must have recorded in the minutes, the declaration of the conflict, the reasons given for it and the times of the member's departure from and return to the meeting.
- (c) The Mayor/Chair or presiding member of the Council or its committee meetings must ensure that the member is not present at the meeting at the time of any vote in respect of the matter.

- (d) A member of Council may be disqualified from continuing to hold office pursuant to the *Community Charter* if he is in contravention of this section unless the contravention was done inadvertently or because of an error in judgment made in good faith.

21. GENDER NEUTRAL

- (a) This bylaw is gender neutral and accordingly, any reference or phrase to one gender includes the other.
- (b) Words in the singular include the plural and words in the plural include the singular.

22. REPEAL:

Bylaw 801 cited as “COUNCIL PROCEDURE BYLAW No. 801, 2004” and Bylaw 848 cited as “VILLAGE OF HARRISON HOT SPRINGS COUNCIL PROCEDURE AMENDMENT BYLAW No. 848, are hereby repealed in their entirety.

- 23. THIS BYLAW** may not be amended or repealed and substituted unless Council first gives notice in accordance with section 94 of the *Community Charter*.

In Compliance with section 124(3) of the *Community Charter*, a notice was placed in the June 4, 2009 and June 11, 2009 editions of the Agassiz-Harrison Observer newspaper.

READ A FIRST TIME this day of 2009.

READ A SECOND TIME this day of 2009.

READ A THIRD TIME this day of 2009.

ADOPTED this day of 2009.

Mayor

Corporate Officer



VILLAGE OF HARRISON HOT SPRINGS

REPORT TO COUNCIL

TO: Mayor and Council **DATE:** May 14, 2009
FROM: Larry Burk,
Chief Administrative Officer **FILE:** 3900
SUBJECT: Park Regulation Bylaw no. 915, 2009

RECOMMENDATION:

THAT Council receives this report; and

THAT Council provides 3 readings of the Park Regulation Bylaw no. 915, 2009.

BACKGROUND:

The intent of this new bylaw is to provide more diligent and consistent control of the beaches and parks within the Village. One of the ways to do this is to have a bylaw that provides some regulations that can be attended to by local authorities and especially the RCMP with respect to removing undesirable persons from the beaches and parks, especially during the late night and early morning hours.

This proposed bylaw is from a precedent used in Penticton and Kelowna where many beach and park areas are similar to the ones we have here in Harrison Hot Springs. RCMP members in the Agassiz detachment support this initiative which they say will give them a better ability to provide better presence and ultimate protection in these areas.


BUDGETARY CONSIDERATIONS:

It is unlikely that there will be any budgetary considerations as the bylaw allows for authority to issue fines for contraventions.

POLICY CONSIDERATIONS:

Adoption of bylaws requires a resolution of Council.

Respectfully submitted for your
consideration;



Larry Burk
Chief Administrative Officer

U:\Reception\Council Reports\2009\May 14 Park Regulation Bylaw No 915.doc



VILLAGE OF HARRISON HOT SPRINGS BYLAW NO. 915

A bylaw to regulate the use of parks, beaches, public areas and boulevards

WHEREAS Section 8 (3) (j) of the *Community Charter* provides that a Council may, by bylaw, regulate, prohibit and impose requirements in relation to the protection of the natural environment;

AND WHEREAS: Council deems it desirable to regulate the use of parks, beaches, boulevards and other public areas within the Village of Harrison Hot Springs (the Village);

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

1. This Bylaw may be cited as the "Park Regulation Bylaw No. 915, 2009."
2. In this Bylaw, unless the context otherwise requires, "camping equipment" includes: tents, sleeping bags, knapsacks, or bedrolls; "park" includes all dedicated or public parks, Village grounds and works yard, or other lands used for public park, and all public beaches within the corporate boundaries of the Village.
3. No person shall enter or be upon any public beach, Rendall Park, Spring Park, Peace Park, Dogwood Park, Woods Park and Firehall Park, between the hours of 12:00 Midnight and 6:00 a.m. each day, provided however that nothing in this section shall prevent any officers, employees or agent of the Village from entering or being upon or within any park in the exercise of their duty.
4. No person shall set up or occupy any camper, trailer, or other form of temporary shelter on or within any park or upon any street or public property within the Village, unless expressly authorized by the Village Council.
5. No person shall carry into or deposit upon any park any camping equipment.
6. No person shall take away any gravel, sand or earth from any part of any beach or shore of Harrison Lake or Miami River within the corporate limits of the Village.
7. No person shall throw any stones, glass, bottles, cans or litter on any beach or in

7. No person shall throw any stones, glass, bottles, cans or litter on any beach or in the water adjacent to such beach.
8. No person shall move or remove buoys, rafts, signs or other apparatus from any beach, or from water adjacent to such beach; nor shall any person place any buoys, rafts, signs or other apparatus in any water adjacent to any beach within the corporate limits of the Village unless authority has been granted by the Village Council. This section shall not apply to employees or agents of the Government of the Dominion of Canada, the Government of the Province of British Columbia, or the Village carrying out their assigned duties.
9. No person shall light any fire on any public beach or park within the corporate limits of the Village.
10. No person shall operate paddleboards, kayaks, scooters, power boats, sailboats, rowboats, canoes or any other water vehicle, boat or vessel, inside the areas designated by buoys as being restricted to bathing only, or where such operation is permitted, at a greater speed than that indicated by signs on said buoys. This section shall not apply to employees or agents of the Government of the Dominion of Canada, the Government of the Province of British Columbia, or the Village, carrying out their assigned duties.
11. Any Police Officer, peace officer or Bylaw Enforcement Officer of the Village, or other person duly authorized, may exclude from the public areas, parks, beaches and grounds, any persons committing any nuisance or disorderly conduct and may remove therefrom any person who is violating any Bylaw of the Village.
12. No person shall be on the roof of any building in any park unless that person is an employee or agent of the Village carrying out his regular duties.
13. No person shall be in any building, swimming pool, tennis court, or other enclosure or structure in any park except during the hours that said building, swimming pool, tennis court or other structure is authorized to be used or to be open by the Village Council. This section does not apply to any employee or agent of the Village carrying out his regular duties.
14. No person shall break, injure or damage the locks, gates, bolts, fences, seats, benches, buildings, structures, or other property placed in public areas, on beaches, on boulevards, or in parks or grounds.
15. No person shall wilfully destroy, mutilate, efface, deface, or remove any sign posted under this or any other Bylaw.
16. No person shall climb, bark, break, peel, cut, deface, remove, injure, root up or otherwise destroy or damage the trees, shrubs, flowers, roots or grass planted, growing, or being in the public areas, on beaches, on boulevards, or in parks or grounds.

17. (a) No smoking of tobacco shall be permitted in any of the buildings in any public park wherein signs prohibiting same are displayed by order of the Village;
- (b) No person shall be permitted in any park to possess open liquor at any time, except where the said liquor is possessed pursuant to and in compliance with a licence issued under the Liquor Control and Licencing Act.
18. No person shall play or practise the game of golf or similar games played with golf clubs and balls in any public park, except in areas of a public park that have been designated for the playing and practising of golf or similar games by the Village Council.
19. No person shall cause, allow or permit horses, or other animals to be in any park or on any beach within the corporate limits of the Village unless authorized by special permit issued by the Village as a community event.
20. Dogs on a leash and under the control of their owner, possessor, harbourer or custodian are only permitted in those areas designated pursuant to Bylaw No. 653 and amendments thereto.
21. No person shall ride or drive any horse in, upon, or through any public areas, parks, boulevards or beaches.
22. No person shall ride or drive any carriage, wagon, bicycle, motorcycle, scooter, automobile, sleigh, snowmobile or other vehicle or conveyance in or upon any of the public areas, parks, grounds or boulevards within the boundaries of the Village, except in areas specifically provided for such purposes; provided however, that nothing in this section contained shall prevent any bicyclist, having first dismounted from his bicycle, from taking the same upon the turf, or upon or along any sidewalk, pathway or footpath in any park.

Notwithstanding the requirements under this Section, "Special community events", sanctioned by Village Council, and providing public entertainment or community wide competition and involvement, may be permitted provided that the facilities are returned to their former and natural condition immediately upon conclusion of the permitted event.

23. No person shall ride or drive any snowmobile in or upon any school ground.
24. No person shall break, injure, dig or destroy any trees lawfully planted in, or the sod grass of any boulevard, or any box, stake or guard which is placed around any tree for the protection of the same, but such changes of trees or grass may be made as shall be authorized in writing by the Village.

25. No person shall park boat trailers (unhitched from tow vehicles), boats or any other equipment at any boat launching ramps and/or marina mooring parking lots within Village at any time. With proper permits, unloaded trailers attached to tow vehicles may be parked in designated areas for the period specified on valid permits affixed thereto.

READ A FIRST TIME this 19th day of May, 2009.

READ A SECOND TIME this 19th day of May, 2009.

READ A THIRD TIME this 19th day of May, 2009.

ADOPTED this day of 2009.

Mayor

Corporate Officer



VILLAGE OF HARRISON HOT SPRINGS

REPORT TO COUNCIL

TO: Mayor and Council **DATE:** May 14, 2009
FROM: Larry Burk,
Chief Administrative Officer **FILE:** 3900
SUBJECT: Outdoor Campfire Regulation Bylaw 916

RECOMMENDATION:

THAT Council receives this report;

THAT Council gives first, second and third readings to Bylaw 916, a bylaw to regulate the burning of outdoor fires within the Village of Harrison Hot Springs;

OR

THAT Council gives first and second readings to Bylaw 916 and calls for a public information meeting to consider the proposed bylaw to establish regulations for the burning of outdoor fires in the Village of Harrison Hot Springs; and

THAT Council repeals Bylaw 816, 2004 in its entirety including amendments thereto upon adoption of the new Bylaw 916.

BACKGROUND:

For many years air quality not only in the Village but in the Fraser Valley has been an issue of public health and safety. In 2004 a bylaw to regulate campfires instituted certain times for burning as well as instituted a permitting process.

Today, the heightened awareness of the quality of our air is at the forefront of many issues in the Valley. The terrain of the Village is such that air is often trapped by the proximity of the mountains on either side of us.

Most often referred to as "inversion layers", layers of air are trapped between the mountains and do not move north or south because of the prevailing winds off the lake or out to the lake from the south. The reduced ceiling these inversion layer

cause in the Village trap any rising smoke from intermittent fires which may be burning at the time.

Particulates in the smoke can be very high and are caused by burning non-seasoned wood, treated or painted wood etc. Also improperly ventilated camp/outdoor fires don't allow enough heat to build up which results in the wood burning improperly and creates a lot of unnecessary smoke.

Unfortunately many campers are not aware of the fact that a campfire, if burned properly and with appropriate materials can be virtually smoke free. If this were able to be guaranteed we may not need to be so critical in controlling the campfires.

A Communal Campfire provides much more potential for diligence and care from the operator. A caring, properly informed operator will be aware of appropriate methods to keep smoke to a minimum. The operator can also provide the necessary, proper materials, instruction and regulations associated with setting, kindling and stoking of campfires. Finally the operator can be required to check for inversion and windy conditions which preclude the setting of a campfire under less than favorable conditions.

The ability to have a campfire in the RV parks is an amenity that can be cherished and of special consideration by patrons or the choices of the travelling public. For these facilities to keep this ability is basically self regulating.

Unfortunately, training, indulgence and education of individual residents is much more difficult to attain and regulate. Added enforcement would be inevitable. Also smoke from many small fires is more difficult to patrol and control.

As a compromise to no campfires in residential areas, residents can be afforded permission to set a "neighborhood" Communal campfire if they choose to establish a location and area for this to occur; and they designate one person as the "operator" or person responsible for the setting, kindling and dowsing in conformance to the bylaw regulations. At least then they might enjoy the positive experience under permitted and regulated circumstances.

A final issue is that there are some municipalities that do not allow campfires to be set in residential neighborhoods. Therefore, for the benefit of health and safety of all residents in the Village staff is supporting these changes and being consistent with other local governments on this issue (see attached).

BUDGETARY CONSIDERATIONS:

There are no budgetary considerations with respect to the establishment or revisions of this bylaw. Communal Campfire permits will involve payment of a fee consistent with the current fees bylaw.

POLICY CONSIDERATIONS:

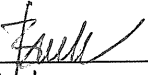
To adopt a bylaw requires a resolution of Council. Due to potential for public debate on this issue Council may choose to hold public information meeting(s) to review the proposed regulations.

ALTERNATIVES/OPTIONS:

Council can receive and have 3 readings of the new bylaw; OR

Council can receive and have 1 or 2 readings and provide for a public information meeting prior to 3rd reading and adoption of the bylaw.

Respectfully submitted for your
consideration;



Larry Burk
Chief Administrative Officer

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LOCATION	RESIDENTIAL CAMPFIRE	RESIDENTIAL BURNING
KENT	NOT ALLOWED WITHIN TOWNSHIP LIMITS ALLOWED IN OUTLYING AREAS	ALLOWED IN OUTLYING WITH PERMIT WITHIN RESTRICTED TIME FRAME
ABBOTSFORD	NO BURNING ALLOWED WITHING CITY LIMITS	NO BURNING ALLOWED WITHIN CITY LIMITS
CHILLIWACK	NOT ALLOWED WITHIN CITY LIMITS ALLOWED IN RURAL AREAS WITH A PERMIT WITHIN RESTRICTED TIME FRAME	ALLOWED IN RURAL AREAS WITH A PERMIT WITHIN RESTRICTED TIME FRAME
HOPE	ALLOWED WITHOUT PERMIT WHERE USE IS FOR WARMTH, COOKING OR CEREMONY ONLY	NOT PERMITTED
MISSION	ALLOWED WITH PERMIT ALL YEAR WHERE USE IS FOR WARMTH, COOKING OR CEREMONY ONLY	BURNING OF RESIDENTIAL WASTE IS NOT ALLOWED EXCEPT FOR WHERE GARBAGE IS NOT REGULARLY COLLECTED, THEN YARD DEBRIS BURNING IS ALLOWED 2 TIMES PER YEAR WITH PERMIT.



VILLAGE OF HARRISON HOT SPRINGS

BYLAW NO. 916

Being a Bylaw to establish regulations for the burning of outdoor fires

WHEREAS Section 8 (3) (h) of the *Community Charter* provides that a Council may, by bylaw, regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being of its community in relation to the matters referred to in section 64;

AND WHEREAS: Section 64 (c) of the *Community Charter* provides that the authority of a council, under section 8 (3) (h) may be exercised in relation to the emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia that is liable to foul or contaminate the atmosphere;

AND WHEREAS: Council deems it desirable to regulate the outdoor burning of wood for campfires within the Village of Harrison Hot Springs (the Village);

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

1. CITATION

- 1.1 This Bylaw may be cited for all intents and purposes as the "Outdoor Campfire Regulation Bylaw No. 916, 2009".

2. DEFINITIONS

In this Bylaw:

"Bylaw Enforcement Officer" means the person appointed from time to time by Council for the purpose of administering the provisions of the bylaw;

“Campground” means land provided for the seasonal or temporary accommodation of the traveling public using tents or recreational vehicles, but excludes a mobile home park;

“Camping Space” means a site in a campground used by a trailer, recreational vehicle or tent;

“Corporate Officer” means the Corporate Officer of the Village;

“Communal Campfire” means a campfire that would be used by a campground for their patrons and located in a central area away from external roadways of the campground;

“Construction Material” means any material used for or originating from any new construction, renovation or demolition of a building or structure and includes wood products;

“Fire Chief” means the Chief of the Fire Department as appointed by the Village;

“Fire Department Officer” means the Fire Chief, Deputy Fire Chief, Captain, or other officer of the Harrison Hot Springs Fire Department;

“Operator” means the operator, manager, owner or other person responsible for the management and operation of a Campground.

“Recreational Vehicle” means a trailer, camper, motorhome, either self propelled, towed or carried, designed for the express use of camping and travel.

3. SCOPE

- 3.1 No campground shall allow a Communal Campfire to be set without first obtaining a valid campfire permit for each Communal Campfire on their lands.
- 3.2 Communal Campfires may be set and kindled using only dry seasoned wood, or a wood product designed for campfires that burn with little smoke or residue.
- 3.3 Communal Campfires shall only be set between the hours of 5:00 p.m. to 10:00 p.m. All campfires shall be completely extinguished and smokeless by 10:30 p.m.
- 3.4 Each Communal Campfire shall be contained within a fire ring or contained area not larger than four feet in diameter.

4. PERMITS

- 4.1 The Corporate Officer or Fire Chief shall have the authority to grant, suspend or revoke a Campfire Permit.
- 4.2 The application for a Campfire Permit shall be in a form prescribed from time to time by Council.
- 4.3 All Campfire Permits shall be issued so as to terminate on the 31st day of December in each calendar year, regardless of when the permit was issued.
- 4.4 The application form shall be delivered to the Village Office and shall be accompanied by the Campfire Permit fee as specified in the Fee Schedule Bylaw.
- 4.5 In the event the Bylaw Enforcement Officer, Fire Chief or any Fire Department Officer attends in response to a complaint about a campfire in a campground that holds a valid Campfire Permit, that campground shall have all of their Campfire Permits suspended pending a report to the Corporate Officer on the incident.

5. RESTRICTIONS

- 5.1 A Campfire Permit may be suspended or revoked upon any violation of this Bylaw or any violation of the terms of the permit.
- 5.2 Any decision by the Corporate Officer or Fire Chief to refuse, suspend or revoke a Campfire Permit may be reconsidered by Council.
- 5.3 If the Corporate Officer or the Fire Chief or any deems it advisable, because of the existence of hazardous fire conditions, poor air quality, poor wind conditions or an air inversion, he may suspend any permit issued under this Bylaw.
- 5.4 No person shall, at any time, burn any rubbish, garden refuse, coal, tires, oil, asphalt shingles, battery boxes, plastic material, synthetic material or construction material of any kind;
- 5.5 No Communal Campfire shall be set within 10 metres of any building or adjoining property line;
- 5.5 No Communal Campfire shall be permitted within 20 metres of any municipal road in the Village;

- 5.6 The location(s) of Communal Campfires shall be located so as to ensure that smoke from the campfire does not become a nuisance to neighbouring properties;
- 5.7 Only dry, unpainted, unstained, seasoned wood may be used for burning;
- 5.8 No person shall at any time set out, start or kindle a fire on any beach or foreshore of Harrison Lake, Harrison River or Miami River or its tributaries within the Village;
- 5.9 No person shall allow any fire that they have set out, started or kindled to spread to where it could cause damage to property;
- 5.10 No person shall permit any other Communal Campfire to be set during high wind conditions, or when wind falls below 8 km/hr, or if there is an air inversion;
- 5.11 No Communal Campfires shall be left unattended at any time;
- 5.12 No operator shall leave the site of a Communal Campfire before extinguishing it completely.

6. OFFENCE

- 6.1 Every person who:
 - a) offends against any of the provisions of this Bylaw;
 - b) suffers or permits any act or thing to be done in contravention or violation of any of the provisions of this Bylaw;
 - c) neglects to do or refrains from doing any thing required to be done under this Bylaw;
 - d) does any act or thing which violates any condition, restriction or provision incorporated in a permit issued under this Bylaw;
 shall be deemed to have committed an offence under this Bylaw.

7. PENALTY

- 7.1 Campfire permits shall be revoked by the Corporate Officer on receipt of report from the Bylaw Enforcement Officer, Fire Chief or Fire Department Officer outlining offences to the bylaw;
- 7.2 Every person who commits an offence contrary to the provisions of this Bylaw is subject to a fine as outlined by the BNEB Bylaw No. 918;

- 7.3 Each day that a violation is permitted to exist constitutes a separate offence.

8. ENFORCEMENT

- 8.1 The Corporate Officer, Bylaw Enforcement Officer, the Fire Chief or any Fire Department Officer may enter upon any property or premises at all reasonable times for the purpose of administering, or enforcing this Bylaw including without limitation, for the purpose of ascertaining whether the regulations and provisions of this Bylaw are being, or have been complied with, and whether the terms of any permit issued under this Bylaw are being, or have been complied with.
- 8.2 The Corporate Officer, Fire Chief or any Fire Department Officer is hereby authorized and empowered to issue orders in writing requiring the correction or cessation of any activity that is being conducted contrary to the provisions of this Bylaw, or any permit under this Bylaw, and to deal with any matter in the manner not repugnant to any provision of the *Fire Services Act*.
- 8.3 The Corporate Officer, Bylaw Enforcement Officer, the Fire Chief or any Fire Department Officer, if they deem it advisable on account of the existence of a hazardous fire condition, poor air quality, poor wind conditions or an air inversion, may cancel or suspend any permit issued under this Bylaw until such time as the hazardous condition, poor air quality, poor wind conditions or an air inversion ceases to exist.
- 8.4 No person shall obstruct or interfere with the Corporate Officer, Bylaw Enforcement Officer, the Fire Chief or any Fire Department Officer while they are lawfully engaged in or in the discharge of their duties under this Bylaw.
- 8.5 All permits are immediately suspended without notice upon issuance of burning bans by the federal or provincial authorities.

9. SEVERABILITY

- 9.1 If any section, subsection, sentence, clause, or phrase in this Bylaw is for any reason held to be invalid by a decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of the Bylaw.

10. REPEAL

10.1 "Outdoor Campfire Regulation Bylaw No. 816, 2004" is hereby repealed.

READ A FIRST TIME THIS 19th DAY OF MAY, 2009.

READ A SECOND TIME THIS 19th DAY OF MAY, 2009.

READ A THIRD TIME THIS 19th DAY OF MAY, 2009.

ADOPTED THIS DAY OF , 2009.

Mayor

Corporate Officer

They are also colorful, provide needed shade and provide natural buffers between all kinds of uses in built up areas.

Unfortunately many people don't consider trees as much more than a nuisance with their leaves, needles and dark, damp shading not to mention harboring of animals etc. and sometimes the potential danger that is perceived without merit.

Often it seems that trees are a deterrent to the enjoyment of ones property. Therefore it has become the norm for municipalities to establish bylaws that provide for the protection and nurturing of trees.

DISCUSSION:

The current Tree Protection Bylaw 695 is old, ambiguous and is contradictory with respect to cutting in certain areas of the Village. It isolates some areas and does not provide any protection in other areas. There are no accepted standards for the appropriate trimming or cutting with respect to nationally accepted or professional methods and procedures. A new bylaw is therefore proposed.

BUDGETARY CONSIDERATIONS:

There are no budgetary considerations with respect to the establishment or revisions of a Tree Protection bylaw. A permit to trim or cut trees is required with the new bylaw.

POLICY CONSIDERATIONS:

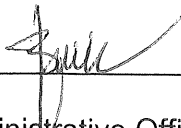
A bylaw provides more legislative protection to prohibit or curtail the trimming or cutting of trees in a manner acceptable in the industry and without cause or permission. A bylaw requires a resolution of Council. Public information meetings may be called at the discretion of Council when controversial issues are contemplated.

ALTERNATIVES/OPTIONS:

Council can adopt a new tree protection bylaw; OR

Council can retain the existing bylaw and not receive this new bylaw for reading or adoption.

Respectfully submitted for your consideration;



 Larry Burk
 Chief Administrative Officer



VILLAGE OF HARRISON HOT SPRINGS

BYLAW NO. 917

Being a Bylaw to regulate and prohibit the cutting and trimming of 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 enhancement of trees within the Village of Harrison Hot Springs;

AND WHEREAS: Council deems it desirable to regulate and prohibit the cutting and trimming 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 Protection Bylaw No. 917, 2009."

2. DEFINITIONS

In this Bylaw:

"Building Site" means that portion of a lot on which a building is approved to be sited under a valid Building Permit issued by the Village, together with that area of the same lot that is within 10 metres of such portion of the lot and any driveway or septic field area indicated on the building permit.

"Cut Down" means to cut down, kill or remove a tree by any means and includes the topping of a tree and the removal from a tree of any branch or limb having a diameter of more than 20 centimetres.

“Tree” means any living, erect, woody plant which:

- a) is 5 metres or more in height; or
- b) has a trunk diameter of 20 centimetres or more measured in accordance with Section IV; or
- c) is a replacement tree planted pursuant to this Bylaw.

3. AREA OF APPLICATION

- 1. This Bylaw applies to all lands within the Village of Harrison Hot Springs.
- 2. This Bylaw shall apply to any lands which there is a development permit in effect.
- 3. In addition to the requirements of this Bylaw, in relation to tree trimming 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:

- 1. The trunk diameter of the tree shall be determined by dividing the circumference of the trunk measured 1.4 metres above the ground by 3.142; and
- 2. The trunk diameter of a tree having multiple trunks 1.4 metres above the ground shall be the sum of:
 - a) the diameter of the trunk having the greatest diameter, and
 - b) 60% of the diameter of each additional trunk.

5. TREE CUTTING/TRIMMING PERMIT

- 1. No owner or occupier of land or any person acting under the authority of an owner or occupier of land shall cut down any tree or hire, permit or suffer another person to cut down or trim any tree except in accordance with a tree cutting/trimming permit.

2. A tree cutting/trimming permit is not required to:
 - a) cut down a tree located within a Building Site as the result of approval of a Building Permit; or
 - b) cut down, top or remove any tree, branch or limb, upon written approval of the Village, if:
 - i) the tree, branch or limb has been severely damaged by a natural cause, and
 - ii) the tree, branch or limb of the tree is in imminent danger of falling and injuring persons or property as determined by an arborist report or review of the Village horticulturist staff.
 - c) trim fruit trees;
 - d) trim any tree whose diameter measured per section 4 is less than 100 mm diameter;
3. It is preferred that all trimming of trees be undertaken by qualified persons. Despite this, trimming shall be undertaken by accepted methods as set by the Arborists Association of Canada or other accepted manuals and references therefore.
4. Despite the above the form of trimming sometimes referred to as "pallarding" is not permitted within the Village.

6. APPLICATION FOR PERMIT

1. Every application for a tree cutting permit shall be accompanied by a non-refundable application fee in accordance with the Fee Schedule Bylaw.
2. The permit application shall be made on the form prescribed by Council and shall be accompanied by a Plan identifying the location of trees on the lot in sufficient detail to the satisfaction of the Village.
3. In determining the location of a tree on a lot for permit application purposes, the location of the tree shall be determined at the point at which the trunk of the tree meets the ground, or 1.4 metres above grade if the trunk is inaccessible.

5. Where a tree is equal to or greater than 150 cm diameter is growing on the edge of a Building Site, every attempt to move the building shall be made to avoid cutting the tree. The building shall be moved, frontage or rear setbacks adjusted and side yard setbacks adjusted up to 30% without the need for a Development Variance Permit.

7. REPLACEMENT TREES

1. Any owner who cuts down a tree without a permit shall, in addition to any fines or penalties, shall plant two trees for each tree cut down.
2. Where replacement trees are required to be provided in accordance with 7.1, such replacement trees shall be provided and planted as follows:
 - a) Replacement trees shall be planted in the location(s) designated by the Village.
 - b) The size of the replacement tree shall be a minimum 25 mm (1") 1.2m above the root ball and a minimum of 1.5 m tall.
 - c) Every replacement tree shall be spaced from other trees and shall be watered, fertilized and maintained in accordance with sound horticultural practice so as to best ensure the survival of the replacement tree and other surrounding trees.
 - d) The ratio for replacement shall be two replacement trees for every tree cut or removed.
 - e) The owner or occupier of land shall provide the Village security in the amount of 120% of the total cost, as estimated by the Village, of replacing and maintaining the replacement tree for a period of 3 years in the form of cash or letter of credit to guarantee performance of the requirements as set out in this Bylaw.
 - f) the species of any replacement tree shall be as directed by the Village.

8. ADMINISTRATION AND ENFORCEMENT

1. Any Village employee or agent given authority by the Council, 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.

2. 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. REPEAL

1. That "Tree Protection Bylaw No. 695, 1998" and all Schedules attached thereto be repealed in its entirety.

READ FOR A FIRST TIME THIS 19th DAY OF MAY, 2009.

READ FOR A SECOND TIME THIS 19th DAY OF MAY, 2009.

READ FOR A THIRD TIME THIS 19th DAY OF MAY, 2009.

ADOPTED THIS DAY OF ,2009

Mayor

Corporate Officer



VILLAGE OF HARRISON HOT SPRINGS

REPORT TO COUNCIL

TO: Mayor and Council **DATE:** May 14, 2009
FROM: Larry Burk,
Chief Administrative Officer **FILE:** 3900
SUBJECT: Amendment Bylaw Notice Enforcement Bylaw No. 918

RECOMMENDATION:

THAT Council receives this report;

THAT Council gives three (3) readings to the Bylaw Notice Enforcement Amendment Bylaw No. 918; **OR**

THAT Council gives one (1) or two (2) readings to the Bylaw Notice Enforcement Amendment Bylaw No. 918 and sets a time and place for a public information meeting to hear public comments before adoption.

BACKGROUND:

The Village joined the municipalities of Chilliwack, Kent, FVRD and Hope in implementing the bylaw adjudication system. The Village of Harrison Hot Springs Bylaw Notice Enforcement Bylaw No. 855 was adopted April 6, 2006. Since that time there are many more municipalities adopting this form of bylaw adjudication process.

Schedule A to that bylaw outlined fines to be levied to persons in contravention of a number of bylaws within the Village. To date that schedule has been very limiting in the enforcement and regulation of the numerous bylaws in the Village.

The proposed new Schedule A is a result of combining precedents in the other member municipalities with our current bylaws and noted contraventions.

At this point in time we believe we have captured most of the potential contravention areas in our bylaws. We felt that a few of the very old bylaws would be difficult to adjudicate and have put those on a list to be amended, repealed or replaced as soon

as possible. This new proposed schedule is supported by staff to be effective for the majority of infractions that are prevalent in the Village today. Over time there may be amendments as we find missing infractions and make changes to our bylaws.

This new schedule also provides the RCMP with some ability to assist with our bylaw enforcement when and where the need arises.

BUDGETARY CONSIDERATIONS:

Negative budgetary considerations are unlikely as this new schedule affords the ability to hand out tickets if non compliance issues continue.


POLICY CONSIDERATIONS:

Any new bylaw or bylaw amendment requires resolution of Council.

ALTERNATIVES/OPTIONS:

There is the potential for controversy with the implementation of these numerous fines now identified in the proposed new schedule attached to the Bylaw. Council may prefer to read the bylaw one or two times and consider a public information meeting to review and discuss the potential for fines as noted.

Respectfully submitted for your
consideration;



Larry Burk
Chief Administrative Officer



VILLAGE OF HARRISON HOT SPRINGS

BYLAW NO. 918

Being a Bylaw to amend the Bylaw Notice Enforcement Bylaw No. 855

WHEREAS it is deemed desirable to amend the Village's Bylaw Notice Enforcement Bylaw to replace the Schedule of Designated Bylaw Contraventions and Penalties;

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

1. This Bylaw may be cited for all purposes as the "Bylaw Notice Enforcement Amendment Bylaw, No. 918, 2009."
2. Schedule "A" to Bylaw No. 855, Schedule of Designated Bylaw Contraventions and Penalties" is hereby repealed in its entirety and replaced with Bylaw No. 918, 2009, Schedule "A" attached hereto and forming part of this bylaw.

READ FOR A FIRST TIME THIS 19th DAY OF MAY, 2009.

READ FOR A SECOND TIME THIS 19th DAY OF MAY, 2009.

READ FOR A THIRD TIME THIS 19th DAY OF MAY, 2009.

ADOPTED THIS DAY OF ,2009

Mayor

Corporate Officer

SCHEDULE "A" TO BYLAW NO. 918
SCHEDULE OF DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

BYLAW	SECTION	DESCRIPTION	A1 PENALTY	A2 EARLY PAYMENT PENALTY	A3 LATE PAYMENT PENALTY	
Dog Licencing, Control and Impounding Bylaw No. 653 and amendments	2	No dog license and license fee	50.00	40.00	60.00	
	13	Barking or howling dog	100.00	90.00	110.00	
	Part 3- 14(a)	Dog at large	100.00	90.00	110.00	
	Part 3-11	Leave dog unattended on a leash in a public place	50.00	60.00	40.00	
	Part 3-14 b	Failure to keep dog secured on a leash in public place	50.00	40.00	60.00	
	Part 3-15	Owner must clean up after dog	50.00	40.00	60.00	
	Part-3-10	Dog on the beach except designated dog area	100.00	90.00	110.00	
Building Regulation Bylaw No. 581 and amendments	4.01(a)	Building without a permit	200.00	190.00	210.00	
	4.01(b)(i)	Contravention of Building Code	200.00	190.00	210.00	
	4.01(b)(ii)	Contravenes Safety	200.00	190.00	210.00	
	4.01(b)(iii)	Contravenes a Covenant	200.00	190.00	210.00	
	4.01(c)	Works other than approved plans	200.00	190.00	210.00	
	4.01(d)(i)	Disobey Stop Work Order	500.00	490.00	510.00	
	4.01(d)(ii)	Works with lapsed Building Permit	500.00	490.00	510.00	
	4.01(d)(iii)	Works when Building Permit has been revoked	500.00	490.00	510.00	
	4.01(e)(i)	Occupy without Occupancy Permit	500.00	490.00	510.00	
	4.01(e)(ii)	Disobey No Occupancy Permit	500.00	490.00	510.00	
	4.01(f)	Prevent entry of Building Inspector	500.00	490.00	510.00	
	4.01(g)	Tamper with Notice	500.00	490.00	510.00	
	4.01(h)	Submit False Information	200.00	190.00	210.00	
	12.01(h)	Demolish without a permit-in the bylaw)	200.00	190.00	210.00	
Business Licencing and Regulation Bylaw No. 908	4	Operating an Unlicensed Business	200.00	190.00	210.00	
Fireworks Regulation Bylaw No. 871	1.2.2	Set off or display fireworks without a permit	100.00	90.00	110.00	
	1.2.2	No person may ignite, explode, set off or detonate fireworks in such a manner as may endanger or create a nuisance	100.00	90.00	110.00	
	1.2.1	May not posses without a permit	100.00	90.00	110.00	

SCHEDULE "A" TO BYLAW NO. 918
SCHEDULE OF DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

BYLAW	SECTION	DESCRIPTION	A1 PENALTY	A2 EARLY PAYMENT PENALTY	A3 LATE PAYMENT PENALTY	
Abatement and Control of Noise Bylaw No. 474 and amendments	4	Disturbing the peace with excessive noise	100.00	90.00	110.00	
	4(a)	Disturbing the peace with radio noise, stereo noise or other amplified noise between 23:00 and 07:00	100.00	90.00	110.00	
	4(b)	Disturbing the peace with bird or animal noise in excess of one-half hour	100.00	90.00	110.00	
	4(h)	Motor vehicle which disturbs	100.00	90.00	110.00	
Traffic Bylaw 378 and amendments	1.2.1	Continuous running of a motor vehicle that disturbs the peace	100.00	90.00	110.00	
	2	Vehicle illegally parked	50.	40.00	60.00	
	2	Illegal traffic-control device	100.00	90.00	110.00	
	2	Disobey instructions of traffic control device	100.00	90.00	110.00	
	1	Unloading commercial goods in unlawful zone	100.00	90.00	110.00	
	8b	Distract users of highway	100.00	90.00	110.00	
	8a	Congregate with users of highway	100.00	90.00	110.00	
	9(i)	Unauthorized procession	100.00	90.00	110.00	
	V(i)	Riding animal or vehicle on sidewalk	100.00	90.00	110.00	
	V(2)	Operate vehicle with loudspeaker without permit	100.00	90.00	110.00	
	D(a)	Parked adjacent to a yellow line	50.00	40.00	60.00	
	IV(A)(2)h	Park utility/boat/house trailer on highway unattached to a vehicle	100.00	90.00	100.00	
	6D2	Exceed time limit allowed parked in loading zone	100.00	90.00	110.00	
	6D2	Exceed time limit allowed parked in passenger zone	100.00	90.00	110.00	
	6D2	Exceed time limit allowed parked in commercial loading zone	100.00	90.00	110.00	
	C2(a)	Park within 6m of traffic control device	50.00	40.00	60.00	
	C(1)	Park where traffic control device prohibits stopping	50.00	40.00	60.00	
	D(1)	Park in lane where prohibited	50.00	40.00	60.00	
	C2(m)	Park on a crosswalk	50.00	40.00	60.00	
	C2(1)	Park within 6m of a crosswalk	50.00	40.00	60.00	
	C2k	Park on the highway at designated bus stop	50.00	40.00	60.00	
	C2(b)	Park within 5m of a fire hydrant	100.00	90.00	60.00	
	C2(0)	Park within an intersection	100.00	90.00	110.00	
	2C(d)	Park in front of, or within 5m of a private road, public or private sidewalk crossing or property line of intersecting lane	50.00	90.00	110.00	
	3(b)	Parked facing wrong direction	50.00	40.00	60.00	
	4(2)(d)	Parallel parked in angle parking zone	50.00	40.00	60.00	
		Parked more than 1 foot from curb	50.00	40.00	60.00	

SCHEDULE "A" TO BYLAW NO. 918
SCHEDULE OF DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

BYLAW	SECTION	DESCRIPTION	A1 PENALTY	A2 EARLY PAYMENT PENALTY	A3 LATE PAYMENT PENALTY	
	D(1)c	Parked impeding traffic	100.00	90.00	110.00	
	6D2	Exceed time limit allowed when regulated on highway	50.00	40.00	60.00	
	6(2)(m)	Horse on sidewalk or boulevard	100.00	90.00	110.00	
	3	Deposit, dump or place garbage, goods or other debris or allows garbage, goods or other debris to fall, flow or drift onto highway	100.00	90.00	110.00	
	3(a)	Park in Disabled Parking spot without permit	100.00	90.00	110.00	
	2(d)	Parking over marking of a single parking stall	50.00	40.00	60.00	
	IV(2)(d)	Parking over the markings of a single parking stall marked for angle parking.	50.00	40.00	60.00	
	21(f)(iv)	Parking longer than five minutes in any passenger zone	50.00	40.00	60.00	
	IV(A)2(e)	Parking camper trailer, motor home for sleeping	100.00	90.00	110.00	
	5C	Parking in any lane with less than 3.5 meters for travelling vehicle.	100.00	90.00	110.00	
	IV(A)2(g)	Vehicle parked 72 hours on street	100.00	90.00	110.00	
	IV(A)2(f)	Oversized vehicle parked 48 hours	100.00	90.00	110.00	
	III(1)	Refuse to comply with any lawful direction, command or order by a Peace Officer.	100.00	90.00	110.00	
	V3	Deface highway	100.00	90.00	110.00	
		Vehicle with overall length including trailer must not exceed 5.8 metres (15ft) in length park on Esplanade.	100.00	90.00	110.00	
		Removal of any notice or ticket placed by a municipal staff.	50.00	40.00	60.00	
	2	Move vehicle to new location to avoid posted time limit for parking	50.00	40.00	60.00	
	III(1)	Place or throw any refuse garbage, debris, bottle or container onto Highway	200.00	190.00	210.00	
	6.D1c	opposite to or in such close proximity to another vehicle already legally parked or stopped on the highway as to obstruct or unduly restrict	100.00	90.00	110.00	
	"A(2)(i)	No driver of any commercial vehicle exceeding 6.1 meters in length or a gross weight of 5,500kg. shall, between the hours of 9:00 p.m. of any day and 6:00 a.m. of the following day, park such vehicle on a Village street or byway."	100.00	90.00	110.00	

SCHEDULE "A" TO BYLAW NO. 918
SCHEDULE OF DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

BYLAW	SECTION	DESCRIPTION	A1 PENALTY	A2 EARLY PAYMENT PENALTY	A3 LATE PAYMENT PENALTY	
Nuisance, Noxious or Offensive Trades, Health and Safety Bylaw No. 829 and amendments	3	Disconnect meter	500.00	490.00	510.00	
	5	Divert or Install Exhaust Fans	500.00	490.00	510.00	
	6	Store or use dangerous goods	500.00	490.00	510.00	
	7	Construct or install Trap	500.00	490.00	510.00	
	8	Construct or install Obstruction to an Exit	500.00	490.00	510.00	
	10(1)	Interfere or Obstruct Inspector	500.00	490.00	510.00	
	10(2)	Remove, Alter, Mutilate, Notice Posted	500.00	490.00	510.00	
	11	Allow growth of mould or fungus	500.00	490.00	510.00	
	12(1)	Cause or Permit a Nuisance	500.00	490.00	510.00	
	12(2)	Cause or Permit Water, Rubbish or unsightly matter to accumulate	500.00	490.00	510.00	
	13	Cause or Permit a Noxious or Offensive Trade	500.00	490.00	510.00	
	16(1)	Fail to Inspect Residential premises subject to Tenancy agreement	500.00	490.00	510.00	
	16(2)(a)	Failure to give written notice of contravention	500.00	490.00	510.00	
	16(2)(b)	Failure to Comply with Notice	500.00	490.00	510.00	
Outdoor Campfire Regulation Bylaw No. 816 and amendments	6.(Vii)	Fire during high winds	200.00	190.00	210.00	
	6.1(iv)	Open fire on the beach	100.00	90.00	110.00	
	5.1	Outdoor fire without a permit	50.00	40.00	60.00	
	6(viii)	Leave fire unattended	200.00	190.00	210.00	
	6(ix)	Fail to extinguish fire	100.00	90.00	110.00	
	6(i)	Burn rubbish, refuse, tires, oil,, plastics, synthetics, or construction material of any kind.	100.00	90.00	110.00	
Littering and Dumping and Snow Bylaw No. 870	1(a), 4(a)	Dispose of garbage or rubbish in a public place	50.00	40.00	60.00	
	1(c)	Deface, damage any property owned by or in care of the Village	100.00	90.00	110.00	
	2 (a)	Damage or kill a tree, shrub, turf, and flower in a public place.	100.00	90.00	110.00	
	3 (a)	No person shall deface or damage any building, structure, fence,	100.00	90.00	110.00	
	4 (b)	Owner/Occupant will remove garbage, rubbish, and snow, ice from the boulevard or street bordering their property within 24 hours.	100.00	90.00	110.00	



VILLAGE OF HARRISON HOT SPRINGS

REPORT TO COUNCIL

TO: Mayor and Council **DATE:** May 14, 2009
FROM: Larry Burk,
Chief Administrative Officer **FILE:** 3900
SUBJECT: Floodplain Management Amendment Bylaw No. 919, 2009

RECOMMENDATION:

THAT Council receive this report; and

THAT Council give first, second and third readings to the Floodplain Management Amendment Bylaw no. 919, 2009

BACKGROUND:

The Floodplain Management Bylaw No. 875, 2007 was adopted on May 1, 2007. Much controversy appears to have surrounded the adoption of this bylaw. The most significant area of contention seemed to be around the establishment, setting and enforcement of the newly calculated Flood Construction Levels (FCL) in the Village.

Basically this bylaw required that all residential and commercial building within the Village had to conform to the new FCL. Thus no habitable floor or floor used for storage of goods damageable by flood waters could be below the FCL. There were limited exceptions and where there could be exceptions, achievement was only available through a series of erroneous costly reports and details.

The issue in the particular definition part of the bylaw was that any area of a building, specifically a residential building with a space higher than 1.5 m was considered habitable. This then forced the builders to raise virtually any lot in the Village by as much as 2 or even 2.5 m with structural fill in order to meet these new requirements.

Some forgiveness in the downtown core was provided for commercial interests such that the elevation could to be compatible with existing buildings. The same philosophy for residential building next to existing homes was not provided.

What will occur as has been demonstrated on at least two sites in the Village is a house built up to 2.5 m higher than the house next door. In technical terms, it is my opinion that this causes more concern for flood management than to permit the new house to be built at grades compatible with the neighbourhood provided there are caveats to this construction. It is also my opinion that the process of raising land definitely causes more concern with respect to storm water management on a daily, weekly or seasonal basis than concerns of a potential flood once every 200 years.

With the proposed change to the definition requirement is still that the underside of a habitable floor or area of *permanent* storage of goods damageable by floodwater is at the new FCL. Also any electrical, heating, air conditioning, plumbing or telecommunications equipment still has to be above the FCL or protected in an acceptable fashion to a depth equal to the FCL.

What it does now provide for is that the ability to raise the habitable floor to the desired FCL can be achieved by building construction and not necessarily by raising with fill.

The caveat to this new definition is that the owner/builder must register a restrictive covenant on the title to the lands that not only runs with the lands but relieves the Village of any liability for damages caused by flooding to the areas or contents that are below the FCL. A copy of that covenant is actually being used now and a minor amendment to that covenant adds the designated FCL by the Village. (see attached document)

By virtue of these regulations the habitable space above the FCL is supposed to be safe in the event of a catastrophic flood event. This is mandated by the Province. It also suggests that the area should provide a certain amount of refuge to the occupants and their belongings in the case of a flood.

If the owner/occupier chooses to store, fill or use the lower spaces for anything that is damageable etc. and as long as they have that safe space for refuge and storage then they incur their own risk. Registering a covenant on title that acknowledges this risk and provision that the Village and Province are not liable for the risk or loss reasonably suggests a position of due diligence on the part of the Village.

BUDGETARY CONSIDERATIONS:

There are no budgetary considerations with this amendment. Council may want to consider this decision with respect to the application of the bylaw on the two homes recently constructed. Typically changes to bylaws in a municipality do not present liability issues provided that the changes are not in any way contingent on avoiding or predicated liability from any source.

POLICY CONSIDERATIONS:

Adoption of any bylaw requires a resolution from Council.

ALTERNATIVES/OPTIONS:

Council may wish to seek legal opinion or further assess risk of liability with this change. To date no consideration from our solicitor has been requested. However other municipalities maintain this same position with respect to provision for building within a flood plain.

Respectfully submitted for your
consideration;



Larry Burk
Chief Administrative Officer



VILLAGE OF HARRISON HOT SPRINGS

BYLAW NO. 919

Being a Bylaw to amend the Floodplain Management Bylaw No. 875

WHEREAS Section 910 (1) of the *Local Government Act* provides that where the Local Government considers that flooding may occur on land, a floodplain bylaw may be enacted pursuant to Section 910 of the *Local Government Act*;

AND WHEREAS the Village of Harrison Hot Springs is in possession of Provincial Guidelines, and other documents that identify areas which may be subject to flooding;

AND WHEREAS it is deemed desirable to amend the Floodplain Management Bylaw No. 875;

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

1. This Bylaw may be cited for all purposes as the "Floodplain Management Bylaw Amendment Bylaw, No. 919, 2009."
2. Village of Harrison Hot Springs Floodplain Management Bylaw No. 875 definition 3(g) is hereby amended as follows:

3(g) ***"Habitable area means any space or room, including a manufactured home that is or can be used for habitation or permanent storage of goods that are damageable by flood waters".***

READ FOR A FIRST TIME THIS 19th DAY OF MAY, 2009.

READ FOR A SECOND TIME THIS 19th DAY OF MAY, 2009.

READ FOR A THIRD TIME THIS 19th DAY OF MAY, 2009.

ADOPTED THIS DAY OF ,2009

Mayor

Corporate Officer

**Floodplain
Sec 219 Covenant**

LAND TITLE ACT
FORM C
(Section 219.81) [now s. 233]
Province of British Columbia

GENERAL INSTRUMENT – Part 1 (This area for Land Title Office Use)

Page 1 of 8 pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

Signature of applicant, applicant's solicitor or agent
File No. <>

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*

(PID)	(LEGAL DESCRIPTION)
<>	<>

3. NATURE OF INTEREST:*

DESCRIPTION

DOCUMENT REFERENCE
(page and paragraph)

PERSON ENTITLED TO INTEREST

SEE SCHEDULE

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) Filed Standard Charge Terms

(b) Express Charge Terms

(c) Release

X

D.F. No.

Annexed as Part 2

There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):*

<>

6. TRANSFEREE(S): [including postal address(es) and postal code(s)]

VILLAGE OF HARRISON HOT SPRINGS, B.C.,

7. ADDITIONAL OR MODIFIED TERMS:*

N/A

8. EXECUTION(S):** This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Execution Date

Y	M	D

Transferor(s) Signature(s)

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public, or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

** If space insufficient, continue executions on additional page(s) in Form D.

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

Officer Signature(s)	Execution Date			Transferor/Transferee/Borrower/ Party Signature(s)
	Y	M	D	
<hr/>				VILLAGE OF HARRISON HOT SPRINGS , by its authorized signatory(ies)
				<hr/> MAYOR
				<hr/> CAO

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public, or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM E

SCHEDULE

Page 3 of 8 pages

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR
ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM OR GENERAL DOCUMENT FORM

<>2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:
(PID) (Legal Description)

<>

<>

<>3. NATURE OF INTEREST:

Description	Document Reference (page and paragraph)	Person Entitled to Interest
Section 219 Covenant	Pages <> to <>	VILLAGE OF HARRISON HOT SPRINGS
with priority over <i>Mortgage NO. XXXXXX</i>	Page <>	VILLAGE OF HARRISON HOT SPRINGS

<>5. TRANSFEROR(S):

<> (*underline & uppercase except "and" when used*)

TERMS OF INSTRUMENT – PART 2

COVENANT

(Section 219 Land Title Act)

THIS AGREEMENT made the <> day of <>, 20<>;

BETWEEN:

<>
<>

(the "Grantor")

AND:

VILLAGE OF HARRISON HOT SPRINGS

(the "VILLAGE")

WHEREAS:

- A. The Grantor is the owner of those certain lands and premises located within the VILLAGE OF HARRISON HOT SPRINGS, in the Province of British Columbia, and more particularly known and described as:

Parcel Identifier: <>
<>

(the "Lands");

- B. Section 219 of the Land Title Act, R.S.B.C. 1996, c. 250 permits the registration of a covenant of a positive or negative nature in favour of the VILLAGE OF HARRISON HOT SPRINGS in respect of the use of land or the use of a building on, or to be erected on, the land.
- C. The Lands are, or could reasonably be expected to be, subject to flooding; and
- D. The Grantor desires to grant this Covenant and the Village agrees to accept this covenant on the terms and conditions herein set out.

NOW THEREFORE THIS AGREEMENT WITNESSETH that pursuant to Section 219 of the Land Title Act, and in consideration of the premises and the mutual covenants and agreements contained herein and the sum of One (\$1.00) Dollar now paid to the Grantor by the Village (the receipt and sufficiency whereof is hereby acknowledged), the parties hereto covenant and agree each with the other as follows:

1. THE GRANTOR COVENANTS AND AGREES with the Village that:

- (a) the Lands are not to be built on, except in accordance with this covenant;
- (b) hereafter, no building or any part thereof shall be constructed, reconstructed, moved, extended, or located on the Lands with any area used for habitation, business, or storage of goods damageable by floodwaters at any elevation such that the underside of a wooden floor system or the top of a concrete slab is:
 - (i) <> Geodetic Survey of Canada datum (G.S.C.);
 - (ii) <> above ground level; and
 - (iii) <> above the crown of the nearest road.

which ever is greater.

In the case of a mobile home or unit, the ground level on which it is located shall be in accordance with the above described elevations. In this agreement, "area used for habitation" means any room or space within a building or structure which is, or may be, used for human occupancy, commercial sales, business, or storage of goods;

- (c) in the event of any loss or damage caused by flooding of the Lands, including any loss or damage to any building or structure, or any part thereof constructed or located on the Lands, or to any contents thereof, caused by such flooding, the owner shall not claim damages from, or hold the Village responsible or liable for, any such loss or damage;
- (d) the Grantor saves harmless and indemnifies the Village, its officers, elected officials, invitees, Licensee(s), employees, servants and agents harmless from and against all action, causes of action, losses, damages, costs, claims, debts, injurious affection, and demands whatsoever and by any person, whether known or unknown, which has arisen or may arise out of in any way due directly or indirectly to the granting or existence of this Agreement including:
 - (i) any breach of any covenant or agreement on the part of the Grantor contained in this Agreement or any steps taken by the Village, or either of them, to enforce this Agreement upon a breach by the Grantor or to obtain redress in respect of any such breach; and

- (ii) any injury to persons, including bodily injury and death or damage to or a loss of property on or about the Lands; and
 - (e) to do or cause to be done, at the expense of the Grantor, all acts reasonably necessary to grant priority to this Agreement over all charges and encumbrances which may have been registered against the title to the Lands in the Lower Mainland Land Title Office, save and except those specifically approved in writing by the Village or in favour of the Village.
- 2. IT IS MUTUALLY UNDERSTOOD, agreed and declared by and between the parties hereto that:
 - (a) the building elevations required hereby are lower than the level to which flooding could occur during a 1-in-200 year flood in the area of the Lands;
 - (b) the elevations required hereby may be achieved by structural elevation of the area used for habitation, business or storage, or by adequately compacted landfill on which any building or mobile home is to be constructed or located or by a combination of both structural elevation and landfill. No area below the required elevations shall be used for the installation of furnaces or other fixed equipment susceptible to damage by floodwater. Where landfill is used to raise the natural ground elevation, the face of the landfill slope shall be adequately protected against erosion from flood flows;
 - (c) the Village has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Grantor other than those contained in this Agreement, and without limiting the generality of the foregoing, the Village has not made any representations to the Grantor, or any other person, that the Lands, or any portion thereof, any buildings constructed or placed on the Lands or the contents thereof, will not be damaged by floodwater, whether or not the provisions of this Covenant are complied with;
 - (d) nothing contained or implied herein shall prejudice or affect the rights and powers of the Village, in the exercise of its functions under any public and private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered by the Grantor;
 - (e) in addition to this agreement being contractual in nature, the covenants set forth herein shall charge the Lands pursuant to Section 219 of the Land Title Act and shall be covenants the burden of which shall run with the Lands. It is further expressly agreed that the benefit of all covenants made by the Grantor herein shall accrue solely to the Village and that this Agreement may be modified by agreement of the Village with the Grantor, or discharged by the Village, pursuant to the provisions of Section 219 of the Land Title Act;

- (f) wherever the singular or masculine is used herein, the same shall be construed as meaning the plural, feminine or the body corporate or politic where the context or the parties so require;
- (g) this Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns;
- (h) the parties hereto shall do and cause to be done all things and execute and cause to be executed all documents which may be necessary to give proper effect to the intention of this Agreement;
- (i) this Agreement shall be governed and construed in accordance with the laws of the Province of British Columbia; and
- (j) if any section, subsection, sentence, clause or phrase in this Agreement is for any reason held to be invalid by decision of a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Agreement.

FOR PARTY(IES) SIGNATURE(S) - SEE PAGE 1

PRIORITY AGREEMENT

◊ *Insert Name of Registered Charge Holder*
 Holder of
 ◊ *insert Charge and No.*

In consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, _____, being the holder of the encumbrance or entitled to the lien or interest referred to above, hereby grants, approves of, joins in and consents to the granting of the within agreement and covenants, and agrees that the same shall be binding upon its interest in or charge upon the said lands, and shall be an encumbrance upon the said lands prior to the above-noted _____ in the same manner and to the same effect as if it had been dated and registered prior to the above-noted _____.

Officer Signature (s)

Y	M	D

Party (ies) Signature (s)

◊

by its authorized signatory (ies)

OFFICER CERTIFICATION: Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

◊ include "END OF DOCUMENT" if this is the last page, otherwise delete.

◊END OF DOCUMENT

VILLAGE OF HARRISON HOT SPRINGS

REPORT TO COUNCIL

DATE: May 5, 2009

TO: Mayor and Council

FROM: Chris Wilson, Fire Chief

SUBJECT: Deputy Chief Position

RECOMMENDATION:

That Mayor and Council ratify the appointment of Mr. Donald Labossiere to the position of Deputy Fire Chief for the Village of Harrison Hot Springs until the next scheduled fire department election.

BACKGROUND:

At the Harrison Hot Springs Fire Department elections held in December of 2007, Mr. Blair Kent was elected as Deputy Fire Chief for the Village of Harrison Hot Springs. Due to new commitments he is experiencing, he has had to reluctantly resign from the position of Deputy Fire Chief. The fire department has accepted this resignation and wishes him well on his new ventures.

DISCUSSION:

The next fire department elections are scheduled to take place in December of 2009. Due to workload, and the requirement for the fire department to operate effectively and efficiently, the fire department has determined it necessary to appoint a Deputy Chief to serve the remainder of the term.

The fire department executive committee has met and unanimously recommends that 2nd Captain Don Labossiere be appointed as Deputy Fire Chief. Mr. Labossiere has previous experience with the Township of Langley Fire Department as a volunteer Fire Fighter and has shown that he is very capable of serving as the Village's Deputy Fire Chief.

FINANCIAL CONSIDERATIONS:

There are no financial considerations associated with this report or its recommendation.

POLICY CONSIDERATIONS:

Village of Harrison Hot Springs By-law #424, Section 4 states:

(d) "A vacancy occurring on the executive during the term of office shall be filled by an appointment by the Fire Chief, until a by-election for the position can be held."


(e) "Notwithstanding sections (a), (b), (c), (d) above, all elections and appointments of Officers shall be subject to the ratification of the Council."

CONCLUSION:


The Harrison Hot Springs Fire Department has a vacancy in the Deputy Fire Chief position due to the resignation of Mr. Blair Kent. The fire department has deemed it necessary to appoint a Deputy Fire Chief to serve the remainder of the term (term ending December 2009).

The Fire Department has unanimously appointed Mr. Donald Labossiere as Deputy Fire Chief and respectfully requests that Council ratify this appointment.

Respectfully submitted for your consideration,



Chris Wilson
Fire Chief



Larry Burk
CAO

