



**HARRISON HOT SPRINGS**

*Naturally Refreshed*

**VILLAGE OF HARRISON HOT SPRINGS**

**NOTICE OF MEETING  
AND MEETING AGENDA**

**COMMITTEE OF THE WHOLE**

**DATE:** Tuesday, May 15, 2012  
**TIME:** 10:00 a.m.  
**LOCATION:** Council Chambers, Harrison Hot Springs

**1. CALL TO ORDER**

Meeting called to order by Mayor Facio.

**2. ITEMS FOR DISCUSSION**

Smoke Free Outdoor Public Places

Business Licensing and Regulation Bylaw re Busking

Economic Development Plan Update

Infrastructure/ Water Treatment and Looping Update

Dog Park

Tree Protection Bylaw

Beach Swim Rope

Sewer Sanitary Repair (I&I) Update

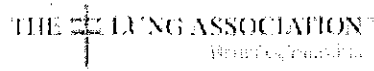
**3. REPORTS FROM MAYOR**

**4. DELEGATIONS**

**5. STAFF REPORTS**

**6. PUBLIC QUESTIONS**





March 29, 2012

Mayor Leo Facio and Members of Council  
Village of Harrison Hot Springs  
495 Hot Springs Rd, PO Box 160  
Harrison Hot Springs BC V0M 1K0

Dear Mayor Facio and Members of Council:

**SUBJECT: *Smoke-Free Outdoor Public Places Bylaw***

Further to our correspondence to you on January 20, 2011, we are writing to provide an update of smoke-free outdoor public places bylaws in British Columbia and encourage you to implement a smoke-free outdoor public places bylaw in your municipality.

In that earlier correspondence, we wrote of the well-known and irrefutable health hazards associated with smoking and exposure to second-hand smoke, even in outdoor settings. Simply, there is no safe level of exposure to second-hand smoke, and smoking in and of itself kills when cigarettes are used as directed.

As little as five years ago, outdoor smoke-free public places bylaws in BC were a rarity. In what was then considered a landmark, the Capital Regional District was the first municipality in BC to ban smoking on customer service patios in July, 2007. There are now close to twenty municipalities in BC that have banned smoking on customer service patios.

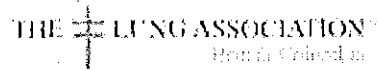
Smoke-free parks, playgrounds and beaches were even more of a rarity in the early years, despite the intuitive knowledge that second-hand smoke is even more dangerous for children, who are often found in these locales. In addition, lit and smouldering cigarettes and cigarette butts are an environmental hazard and potential fire risk. Many municipalities had deemed smoking bans in these locations as unenforceable. Now, over twenty municipalities in BC have implemented some sort of smoke-free parks, playgrounds, beaches bylaw, a three-fold increase in three years. These bylaws are enforceable and they do increase public health, especially for children.

A list of the thirty-one BC municipalities that have implemented some sort of smoke-free outdoor public places bylaw can be found in the attachment to this letter.

We have some excellent resources posted on our Clean Air Coalition of B.C. website on this issue, including a smoke-free outdoor public places bylaw primer. Please visit: <http://www.cleanaircoalitionbc.com/issues/smoke-free-outdoor-public-places> to access these resources (click on the "step-by-step primer" link on that page to access the primer), which we hope will assist in implementing such a bylaw.

1212 West Broadway,  
Vancouver, BC V6H 3K2  
TEL 604 725-4640 FAX 604 725-3732  
http://www.cacbc.ca

2675 Oak Street,  
Vancouver, BC V6J 2R2  
TEL 604 731-2264 TOLL FREE 1 800 731-5810  
www.lung.ca



Again, we encourage you to increase public health in Harrison Hot Springs by protecting your citizens and visitors to your municipality from second-hand tobacco smoke through implementation of a smoke-free outdoor public places by-law.

Sincerely,

Handwritten signature of Diego Marchese in black ink.

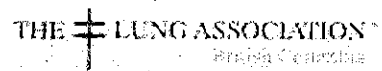
Diego Marchese  
CEO, BC & Yukon  
Heart and Stroke Foundation

Handwritten signature of Scott McDonald in black ink.

Scott McDonald  
President & CEO  
BC Lung Association

cc. Mark Collison, Heart and Stroke Foundation of BC & Yukon  
Jami Brown, Fraser Health Authority

attach. Municipalities in BC with a Smoke-Free Bylaw That Exceeds Provincial Standards



**Attachment.**  
**Municipalities in BC with a Smoke-Free Bylaw That Exceeds Provincial Standards**

| Customer Service Patios        | Parks/Playgrounds               | Other   |
|--------------------------------|---------------------------------|---|
| Anmore                         | Belcarra                        | Abbotsford (7 m buffer to public buildings)       |
| Capital Regional District      | Coquitlam                       | Delta (public events)                             |
| Coquitlam (bars excluded)      | Central Okanagan RD             | Mission (spectator areas)                         |
| Delta (bars excluded)          | Kelowna                         | Kelowna (buffer zone to airport terminal)         |
| Langley City                   | Nakusp                          | North Vancouver City (buffer to transit shelters) |
| North Vancouver District       | Nanaimo                         | Pemberton (buffer to transit shelters)            |
| Pemberton                      | North Vancouver District        | Richmond (transit stops) (vehicles age 19)        |
| Pitt Meadows                   | Pemberton                       | Surrey (vehicles age 19)                          |
| Port Coquitlam (bars excluded) | Pitt Meadows                    |   |
| Port Moody                     | Port Moody                      |   |
| Powell River (bars excluded)   | Powell River                    |   |
| Richmond                       | Richmond                        |   |
| Squamish                       | Salmon Arm (Fletcher Park only) |   |
| Surrey                         | Sicamous                        |   |
| Vancouver City                 | Squamish                        |   |
| West Vancouver                 | Tofino                          |   |
| Whistler                       | Vancouver City                  |   |
| White Rock                     | Metro Vancouver                 |   |
|                                | West Kelowna                    |   |
|                                | West Vancouver                  |   |
|                                | Whistler                        |   |
|                                | White Rock                      |   |





VILLAGE OF HARRISON HOT SPRINGS  
BYLAW NO. 945

**A bylaw provide for the licencing and regulation of business.**

---

**WHEREAS** the Village of Harrison Hot Springs has deemed it advisable to establish a Business Licencing and Regulation bylaw.

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

**1. CITATION**

This Bylaw may be cited for all purposes as the Village of Harrison Hot Springs, "Business Licencing and Regulation Bylaw No. 945, 2010".

**2. INTERPRETATION**

In this Bylaw:

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

**"Business"** means the carrying on of a commercial or industrial undertaking of any kind or nature or the providing of professional, personal or other services for the purpose of gain or profit.

**"Business Licence Administrator"** means the person appointed by Council or the designate to administer the provisions of this bylaw.

**"Busker"** mean a performance in performing arts generally comprising of a event in which an individual or group provide free entertainment to the public.

**"Contractor"** means a person who carries on the Business of performing construction, alteration, repair work, or maintenance upon a building, structure, or other improvement.

**"Council"** means the Council of the Village of Harrison Hot Springs.

**"Daycare"** means a Business that provides a daycare, pre-school or playschool.

**"Fire Prevention Officer"** means a member of the Village's Fire Department authorized by the Village Council or the Fire Chief to inspect premises under this Bylaw.

**"Highway"** as defined in the *Transportation Act* [SBC 2004] chapter 44

**"Improvement"** means anything constructed, or added to, in, upon, or under land.

**"Licence"** means a valid and subsisting business Licence issued and approved pursuant to this Bylaw.

**"Licencee"** means the person who holds a Licence issued pursuant to this Bylaw.

**"Licence Inspector"** means a person appointed by Council as a bylaw enforcement officer or Licence inspector for the purpose of enforcing this Bylaw.

**"Non-Profit Society"** means a charitable society or organization that is incorporated and in good standing under the *Society Act* of British Columbia, as amended from time to time.

**"Premises"** means a building, portion of a building or an area of land where a Business is carried on.

**"Public Property"** means beachfront or Village highways.

**"Vendor"** means a person who, either on his own account or as an officer, servant, or agent of another, sells or offers for sale food items, excluding liquor, from a Vending Cart.

**"Vending Cart"** means a self-contained hand mobile apparatus or other vehicle, excluding a motorized vehicle, used for the sale of food items other than liquor.

**"Village"** means Village of Harrison Hot Springs.

### **DIVISION 1 – BUSINESS LICENCING**

#### **3. LICENCE REQUIREMENT**

- (a) No person shall carry on business in the Village without a Licence.
- (b) Every person who owns or operates any business within the Village shall apply for, obtain, and hold a Licence for each business.
- (c) Every person who carries on business from more than one premise in the Village shall obtain a separate Licence for each premises.
- (d) Notwithstanding the provisions of this Bylaw, no Licence shall be required for the rental of a single family dwelling to five or fewer unrelated persons, or for the rental of fewer than five suites in a multi-family building.

#### 4. INITIAL LICENCE APPLICATION

- (a) An application for an initial Licence for a business shall be made on the application form as approved by the Business Licence Administrator.
- (b) Every application for an initial Licence for a Business shall include a detailed description of the premises in or upon which the applicant intends to carry on business.
- (c) Every application for an initial Licence for a business that handles food or food products, daycare, hairdressers, estheticians, and other businesses as defined by the Fraser Health Authority shall also be accompanied by written confirmation that the premises for the proposed business comply with the health regulations of the Fraser Health Authority.
- (d) Where an applicant applies for more than one Licence, the particulars of each Licence applied for shall be included on a separate application form.
- (e) The application form shall be delivered to the Business Licence Administrator and shall be accompanied by the fee prescribed in Schedule "A" to this Bylaw.
- (f) Every Non-Profit Society that carries on a Business as an incident to its purposes is required to hold a valid and subsisting Licence for such Business.
- (g) Notwithstanding the provisions of Schedule "A" of this Bylaw, where a Non-Profit Society is registered as a charity under the *Income Tax Act* of Canada, as amended from time to time, no fee shall be charged by the Village for such Licence.

#### 5. LICENCE FEE

- (a) Every person who applies for a Licence shall pay to the Village, in advance, the applicable Licence fee prescribed in Schedule "A" to this Bylaw.
- (b) Notwithstanding the preceding section, the annual Licence fee prescribed in Schedule "A" shall be reduced by one-half in respect of a Licence issued after July 31st in any year.
- (c) No refund of an annual Licence fee shall be made on account of any person ceasing to carry on the Business in respect of which the Licence was granted at any time. The Licence fee shall be refunded only if the Licence application is withdrawn prior to issuance of the Licence or if issuance of the Licence is refused.

## 6. APPLICATION FEE

- (a) Notwithstanding section 5, a person who has applied for a Licence and who carries on the business in more than one calendar year, without the said Licence having been issued on account of non-compliance with this Bylaw or with any other enactment related to the conduct of the business, shall pay to the Village an annual application fee that shall be two times the annual Licence fee for such business prescribed in Schedule "A".
- (b) Such annual application fee shall be due and payable on June 30<sup>th</sup> of the second calendar year and of each subsequent year in which the business remains in operation without a Licence.
- (c) Where an applicant has paid the application fee prescribed in section 5(a) and subsequently qualifies for a Licence, no Licence fee shall be charged for the remainder of that calendar year.
- (d) Where an applicant who is carrying on business without a Licence qualifies for a Licence before June 30<sup>th</sup> in a calendar year, and the applicant has not paid the annual application fee for that calendar year, the regular Licence fee shall be charged in accordance with Schedule "A".

## 7. LICENCE PERIODS

- (a) Subject to Sections 5 (a) and (b), Licences shall be granted as annual Licences for a period commencing each January 1<sup>st</sup> and expiring each December 31<sup>st</sup>.
- (b) The period for a Licence in respect of a theatre including an amusement hall, concert hall, music hall, rink, amusement park or other place of amusement, entertainment or exhibition, may be six months, three months or one day, and the period requested shall be by written application of the applicant.

## 8. DISPLAY OF LICENCE

Every Licencee shall keep the Licencee's copy of the Licence posted in a conspicuous place on the premises in respect of which the Licence is issued. Where the Licencee has no business premises in the Village, the Licence shall be carried upon the Licencee's person at all times when the Licencee is engaged within the Village in the business for which the Licence was issued.

## 9. EFFECT OF LICENCE

- (a) A Licence authorizes only the person named in the Licence to carry on only the business described in the Licence, and only at the premises or locations described in the Licence.

- (b) A Licence is not a representation or warranty that the Licenced business or the business premises comply with the bylaws of the Village or with any other regulations or standards.

#### 10. LICENCE RENEWAL

- (a) The Village may forward a Business Licence Invoice on or before November 30<sup>th</sup> in each year, to every Licencee. Notwithstanding this section, the Licencee shall be responsible for obtaining and submitting a Business Licence Invoice as required.
- (b) A Licencee who proposes to renew a Licence shall submit the Business Licence Invoice and the Annual Licence Fee to the Village prior to expiry of the Licence on December 31<sup>st</sup>.
- (c) If a Licensee fails to renew a Licence in accordance with 6(b), and subsequently fails to renew the Licence prior to March 1<sup>st</sup> of the next year, then, in addition to the annual Licence fee, that person shall pay a late payment fee of \$50.00.
- (d) A Licence is renewed upon receipt of the business Licence and payment of the Annual Licence Fee.

#### 11. LICENCE TRANSFERS - NEW PREMISES

- (a) No person shall carry on a business upon any premises other than those described in the initial Licence application without first making an application under this section for a new Licence or for a transfer of the original Licence.
- (b) Any person proposing to obtain a transfer of a Licence with respect to a change of premises shall make application as required, and the powers, conditions, requirements, and procedures relating to the initial Licence application apply, except as to Licence fees.

#### 12. LICENCE TRANSFERS - PERSON TO PERSON

- (a) Any person who acquires a business or a controlling interest in any business from any person Licenced under this Bylaw shall not carry on such business without first having obtained approval for a transfer of the Licence.
- (b) Any person proposing to obtain a transfer of a Licence held by any other person shall make application as required, and the powers, conditions, requirements, and procedures relating to the initial Licence application apply, except as to Licence Fees and the requirements of 4(c).

**13. TRANSFER FEES**

- (a) The fee payable in respect of a person to person Licence transfer, a change of name Licence transfer or a change of premises Licence transfer, shall be \$50.00.

**14. CHANGES IN LICENCE CONDITIONS**

No Licencee shall change any condition upon which the Licence fee is based without first making an application, paying any additional Licence fee payable under this Bylaw as a result of such changes, and obtaining a new Licence.

**15. GRANTING OF A LICENCE**

- (a) The Business Licence Administrator may grant or transfer a Licence under this Bylaw where the Business Licence Administrator is satisfied that the applicant has complied with the requirements of this Bylaw and any other Village bylaw related to the conduct of the Business.
- (b) In granting or renewing a Licence, the Business Licence Administrator may impose terms and conditions in relation to the following aspects of the Business:
  - (i) hours of operation
  - (ii) occupant load
- (c) The Business Licence Administrator may also refer the application to Council to impose terms and conditions.

**16. INSPECTIONS**

The Business Licence Administrator or a Licence Inspector, Fire Chief or Bylaw Enforcement Officer of the Village may enter at all reasonable times on any property that is subject to the bylaw, to ascertain whether the regulations in this Bylaw are being observed.

**17. REFUSAL OF A LICENCE**

An application for a Licence or renewal of a Licence may be refused in any specific case, but

- (a) the application must not be unreasonably refused; and
- (b) reasons for the refusal must be provided to the applicant.

**18. SUSPENSION AND CANCELLATION OF LICENCES**

Subject to the *Community Charter*, Council may suspend or cancel a Licence for reasonable cause. Before suspending or cancelling a licence, the licence holder must be given notice of the proposed action and an opportunity to be heard.

- (a) One or more of the following circumstances may, without limitation, constitute reasonable cause for suspension or cancellation of a Licence:
  - (i) the Licensee has made a false declaration or has misrepresented or concealed a material fact with respect to the application for a Licence;
  - (ii) the Licensee fails to maintain the standard of qualification required to carry on the Business for which the Licence was issued or with respect to the Premises for which the Licence was issued;
  - (iii) the Licensee has failed to comply with this Bylaw or with a term or condition of the Licence;
  - (iv) in the opinion of the Council, the Licensee has engaged in misconduct with respect to the Business or Premises named in the Licence, which misconduct warrants the suspension or cancellation of the Licence;
  - (v) the Licensee is found to have committed a violation of any applicable Village bylaw or is convicted of an offence under a Federal or Provincial enactment in respect of the Business for the which the Licence was issued or with respect to the Premises for which the Licence was issued;
  - (vi) the Licensee is convicted of an indictable offence in Canada, which offence is, in the opinion of the Council, directly related to the conduct of the Business.

- 19. A licence that has been suspended may be reinstated when the conditions of the licence have been satisfied.

**20. RIGHT OF RECONSIDERATION BY COUNCIL**

- (a) If the Business Licence Administrator suspends or cancels the licence, has refused to grant a Licence, or has imposed a term or condition that the applicant considers is unreasonable, the applicant who is subject to the decision is entitled to have Council reconsider the matter.
- (b) On reconsideration of the application, Council may either sustain, refuse or amend the application or its terms or conditions

**21. EXEMPTIONS****(a) DAY CARE**

Notwithstanding Section 3, no Licence is required for the provision of day care to not more than two unrelated children, or to the children of one family, by a person who is not related to those children.

**(b) BUSKERS**

Notwithstanding Section 5, no fee for a licence is required for busking. Busking is to provide entertainment opportunities in the general vicinity of the beachfront and plaza areas and are subject to the following conditions:

- (i) Buskers must apply for a licence in advance from the Village Office on the prescribed application form;
- (ii) There shall be no amplified music
- (iii) There shall be no vending of any goods or wares
- (iv) Busking will only be permitted between the hours of 11:00 a.m. and 7:00 p.m.
- (v) Busking is only permitted on the beachfront and plaza areas
- (vi) There shall be no busking during any special or regular events held at/or adjacent to the beach without the prior approval of the event organizers in writing.
- (vii) Only 3 busker licences will be issued on a "first come first served basis" with preference to residents of the Village.
- (viii) Buskers cannot promote a "cause" or any issue of a controversial nature.

**DIVISION 2 - BUSINESS REGULATION****22. STREET ADDRESS**

- (a) Every Licencee who operates from premises located in the Village shall prominently display, in figures not less than 100 mm (4 inches) in height, the street address assigned to such premises under the street numbering system of the Village.

23. **UNSOLICITED BUSINESS**

No person shall carry on business through unsolicited visits to any residential, commercial or industrial premises in the Village.

24. **CONTRACTORS**

Every person Licenced as a Contractor shall provide the Village with a list of all sub-trades to be engaged on each site, prior to the commencement of any work on the site. The contractor must notify the Village upon the addition of subtrades engaged subsequent to the submission of the list within five (5) days of engagement.

25. **VENDORS ON PUBLIC PROPERTY**

The owner of a Vending Cart business:

- (a) shall only carry on business as a vendor on public property including highways within the Village which is located within a designated area.
- (b) shall have the name and address painted in a conspicuous place on both sides of every cart used by the business for such trade satisfactory to the Licence Inspector;
- (c) where the business is approved to be operated on a Village highway:
  - i. The Licencee shall obtain and maintain comprehensive general liability insurance in the amount of Five Million Dollars (\$5,000,000.00). The Village shall be included as an additional named insured.
  - ii. The Licencee shall hold the Village harmless against claims, actions for injury, damage, loss, or death arising out of or resulting from the operation of a Vending Cart Business. The Licencee's insurer shall recognize the existence of the hold harmless clause.
  - iii. Proof of such insurance to the satisfaction of the Village shall be submitted to the Licence Inspector prior to the issuance of a business Licence and prior to all renewals.
- (d) shall provide on site receptacles for garbage and dispose of the garbage in an appropriate manner. Litter shall not be deposited into Village litter receptacles;
- (e) shall not allow the cart to interfere with pedestrian or vehicular traffic or vehicular sightlines;

- (f) shall not hook up to any external power, water, sewer, or other services and shall not store the cart overnight on Village property;
- (g) shall have a cart which does not exceed dimensions of 1.2 meters wide, 2.4 meters long and 1.8 meters high;
- (h) shall only sell food items;
- (i) shall not be or become a nuisance by generating excessive odors, music, light, or noise;
- (j) shall not operate within six (6) metres of a fire hydrant;
- (k) three vending cart Licences will be available on a "first come, first served basis";
- (l) vending shall only be permitted from proper vending carts approved by the Ministry of Health;
- (m) each operator may only operate within an area designated by the Business Licence Department;
- (n) operators may only vend on the beach between the hours of 11:00 a.m. and 8:00 p.m.
- (o) there are to be no tables or chairs for customers;
- (p) the carts are to be removed from the public property each night and stored on private property;
- (q) each beach food vending Licence will be effective from May 1<sup>st</sup> to October 31<sup>st</sup> inclusive;
- (r) Licence applications for beach food vending shall only be accepted from businesses that have a valid Village of Harrison Hot Springs approved food service operation business Licence.

### **DIVISION 3 – GENERAL INFORMATION**

#### **23. SEVERABILITY**

If any provision of this Bylaw is held to be invalid, the invalid portion shall be severed from the bylaw and that invalidity shall not affect the remainder of the bylaw.

24. **OFFENCE**

Every person who violates any provision of this Bylaw commits an offence punishable on summary conviction and shall be liable to a fine of not more than \$10,000.00.

25. **REPEAL**

(a) "The Village of Harrison Hot Springs Bylaw No.908, 2010 hereby be repealed in its entirety".

30. **READINGS AND ADOPTION**


READ A FIRST TIME THIS 16TH DAY OF AUGUST, 2010

READ A SECOND TIME THIS 16<sup>TH</sup> DAY OF AUGUST, 2010

AMENDED AND READ A THIRD TIME THIS 17<sup>TH</sup> DAY OF JANUARY, 2011

ADOPTED THIS 14<sup>th</sup> DAY OF FEBRUARY, 2011

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Corporate Officer

SCHEDULE "A"  
BYLAW NO. 945  
BUSINESS LICENCING AND REGULATION

Fee

|   |   |          |
|---|---|----------|
| 1 | Annual Business Licence   | \$100.00 |
| 2 | New Business Licence application<br>after July 31 <sup>st</sup> | \$ 50.00 |
| 3 | Transfer Fee  | \$ 50.00 |
|   |   |          |



## 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.

**"Building Envelope"** means the area on a lot where a building can be constructed which is determined by the setbacks as per the Zoning Bylaw.

**“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 100 millimetres.

**“DBH or Diameter at breast height”** means a standard method of expressing the diameter of the trunk or bole of a standing tree.

**“Pollard”** means a tree whose branches are cut back extensively to encourage denser growth.

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

- a) is 5 metres or more in height; or
- b) has a trunk diameter of 100 millimetres or more measured in accordance with Section 4; or
- c) is a replacement tree planted pursuant to this Bylaw.

### **3. AREA OF APPLICATION**

1. This Bylaw applies to all lands within the boundaries of the Village of Harrison Hot Springs, hereinafter referred to as the “Village”.
2. This Bylaw shall apply to any lands where a Development Permit is 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 (**DBH**) of the tree shall be determined by dividing the circumference of the trunk measured 1.3 metres above the ground by 3.142; and
2. The trunk diameter (**DBH**) of a tree having multiple trunks 1.3 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 within the boundaries of the Village, or any person acting under the authority of an owner or occupier of land within the boundaries of the Village, 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;
  - c) cut or remove a tree, branch or limb which has been severely damaged by a natural cause;
  - d) trim fruit trees; or
  - e) trim any tree whose diameter is less than 100 mm diameter;
3. No land clearing shall occur between February 15<sup>th</sup> and May 31<sup>st</sup> of any year (nesting season).
4. It is preferred that all trimming of trees be undertaken by a qualified person.
5. Despite the above the form of trimming sometimes referred to as "pollarding" is not permitted within the Village.
6. A permit is required to remove a hazardous/dangerous tree. Prior to a permit being approved, a Dangerous Tree Assessment report shall be completed and submitted by a person qualified under the International Society of Arboriculture (ISA). Dangerous trees shall only be removed by qualified persons.

## 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.
4. Where a tree is equal to or greater than 150 cm diameter is growing on the edge of a Building Envelope, 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 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. PENALTY AND ENACTMENT**

Except where the penalty is otherwise provided for in the *Community Charter*, every person who offends against any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention or violation of the provisions of this Bylaw, or neglects to do or refrains from doing anything required to be done by this Bylaw, shall be deemed to have committed an offence under this Bylaw and shall be liable to fines specified under the BNEB Bylaw No. 918.

**10. REPEAL**

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

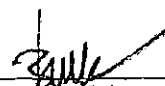
**READ FOR A FIRST TIME THIS 19<sup>th</sup> DAY OF MAY, 2009.**

**READ FOR A SECOND TIME THIS 19<sup>th</sup> DAY OF MAY, 2009.**

**READ FOR A THIRD TIME THIS 24<sup>TH</sup> DAY OF JUNE, 2009.**

**ADOPTED THIS 13<sup>th</sup> DAY OF JULY, 2009**

  
 \_\_\_\_\_  
 Mayor

  
 \_\_\_\_\_  
 Corporate Officer

