

THE CORPORATION OF THE VILLAGE OF ALERT BAY
A BYLAW TO REGULATE TREE CUTTING WITHIN THE VILLAGE OF ALERT BAY

WHEREAS the Council of the Village of Alert deems it necessary to regulate the cutting of trees within the Village of Alert Bay.

NOW THEREFORE, the Council of the Corporation of the Village of Alert Bay, in an open meeting assembled, **ENACTS AS FOLLOWS:**

1. **Citation**

This bylaw may be cited as "Alert Bay Tree Cutting Regulation bylaw No. 763, 2015"

2. **Definitions**

In this bylaw:

'Municipality' means as the context requires that the Village of Alert Bay, or the area within the boundaries of the Village of Alert Bay.

'Officer of the municipality' means any officer or employee of the Village of Alert Bay.

'Owner' means the registered owner in fee simple of a parcel of land and the trees growing on it;

'Hazard Boundary' means any slope boundary as identified in Schedule A of this bylaw.

'Wildlife tree' means any tree being used for nesting of Herons, Cranes and Eagles.

3. **Application**

3.1 Except for Wildlife trees and trees located in the Hazard Boundary, this bylaw does not apply to any tree:

- a) Having a trunk with a minimum circumference less than 31.5 centimeters measured at 1.5 metres above the level of the natural ground.
- b) That constitutes a an imminent danger or hazard to persons or property;
- c) On any park, highway or utility right of way either of the municipality or of a public utility subject to the public utilities legislation of Canada, or any tree that is impeding, damaging or inhibiting the use of any such park, highway or utility right-of-way or utility located thereon;
- d) Required to be cut down by the Village of Alert Bay to comply with other regulations contained in any other bylaw of ordinance;
- e) Required to be cut down or removed to facilitate airport operations;
- f) Required to be cut down or removed by the Alert Bay Fire Department or the Provincial Forest Service in conjunction with firefighting activity or as a fire prevention measure.

3.2 The application applies to:

All trees having a trunk circumference greater than 31.5 centimeters measured at 1.5 metres above the level of the natural ground.

3.3 Applications for tree cutting permits located in the Hazard Boundary:

- a) Applies to all trees located in environmentally sensitive areas, as described in the Official Community Plan and the Hazard Boundary map attached to in Schedule 'A'.
- b) Applicants may be required to obtain a geotechnical review of the property to ensure that slope stability is maintained by the cutting down or the removal of the tree/s.

3.4 Making an Application

- a) Submit application attached hereto Schedule 'B'.
- b) Provide an accurate sketch plan of the property drawn to scale, correctly showing the locations, species and size (circumference of trunk at 1.5 metres above natural grade at base of tree) of all trees presently being applied for in the tree cutting permit.

- c) Location of all abutting streets and lanes.

3.5 Review of the Application

- a) The Officer of the Municipality may inspect the parcel of land. An assessment may be made to determine the location, size, condition and species of the trees.
- b) When the Officer is satisfied via site inspection or documentation provided by the applicant that the site can safely accommodate the cutting of the tree/s, the permit can be issued. The applicable fee for the permit must be paid prior to issuance.
- c) The officer can specify in any permit tree/s that may or may not be cut.
- d) The officer can specify the expiration of the permit.
- e) The officer may require that the applicant provide security by, at the applicants option, an irrevocable letter of credit or the deposit of securities in a form satisfactory to the Officer in the amount stated in the permit

4. Terms and Conditions

4.1 Every permit shall, without the necessity of endorsement thereon, be subject to the following terms and conditions which shall form part of the permit and be incorporated therein:

- a) The holder of a Permit covenants and agrees to indemnify, save harmless, to release and forever discharge the Village from and against all manner of actions, claims of action, claims, suits, demands, costs and expense whatsoever and howsoever arising by reason of the license granted by the Permit and the exercise of all privileges granted therein including without limitation any claim for loss or injury due to persons or property caused or due in whole or in part by negligence on the part of the Permit holder, his/her agents, employees, contractors or invitees or arising from nuisance committed or caused by the same;
- b) A tree cutting permit is a license revocable at will at the discretion of the Officer.

5. Fees

All fees charged for a tree cutting permit are specified in the current fees and charges bylaw. No tree cutting permit shall be issued until the applicable fee is paid.

6. Offence and Penalty

Every Person who commits an offence against this bylaw shall be to a fine and penalty of not more than \$2,000.00 (two thousand dollars) for each offence.

7. Repeal


- a) "Village of Alert Bay Tree Cutting Regulations By-Law No. 568, 1995 is hereby repealed.

READ A FIRST TIME
READ A SECOND TIME
READ A THIRD TIME

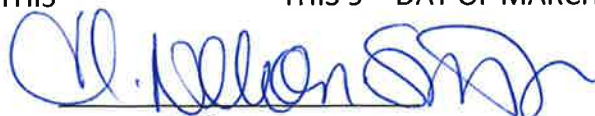
THIS 11TH DAY OF FEBRUARY 2015
THIS 11TH DAY OF FEBRUARY 2015
THIS 25TH DAY OF FEBRUARY 2015

RECONSIDERED AND FINALLY ADOPTED THIS

THIS 9TH DAY OF MARCH 2015



Michael Berry,
Mayor



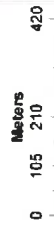
Heather Nelson-Smith,
Chief Administrative Officer



Village of Alert Bay
Schedule A
Bylaw No. 763, 2015



Prepared by
Namgis First Nation



A small landslide occurring in 2007 near the end of Fir St.

LEGEND:

- HAZARD BOUNDARY
- SURFACE GEOLOGY BOUNDARY
- PHOTOGRAPH LOCATION AND DIRECTION
- ①
- GRAVELLY MARINE DEPOSITS
- SILTY GRAVEL GLACIOFLUVIAL DEPOSITS
- STEEP EROSIONAL SANDY SCARPS/ COLLUVIAL DEPOSITS

