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THE CORPORATION OF THE DISTRICT OF CENTRAL SAANICH

BYLAW NO. 993

A Bylaw Establishing Erosion Districts and Regulating Tree Cutting
within the District of Central Saanich.

CONSOLIDATED FOR CONVENIENCE

(Amended by Bylaw No.1268 and Bylaw No. 1379)

WHEREAS under Section 978 of the Municipal Act, a local government may designate areas of land that it considers may be subject to flooding, erosion, landslip or avalanche as tree cutting permit areas and may in respect of such areas regulate or prohibit the cutting down of trees and require the owner to obtain, on payment of a fee, fixed by the Bylaw, a permit before cutting down a tree;

AND WHEREAS the Municipal Council of the District of Central Saanich has examined land within the District and has determined that the land described in Schedule “A” hereto may be subject to flooding, erosion, landslip or avalanche.

NOW THEREFORE the Municipal Council of the District of Central Saanich in open meeting assembled, enacts as follows:

1. DEFINITIONS:

“TREE” means any woody plant which normally grows to be three (3) meters tall or taller, regardless of the size of the plant when it is first put in place.

“EROSION DISTRICT” means any area of land designated in Schedule “A” of this Bylaw.

2. EROSION DISTRICTS:

2.1 The boundaries of the areas of land that are considered to be subject to flooding, erosion, land slip or avalanche are hereby designated as Erosion Districts and together with any explanatory legends, notations and references in respect thereof, are shown and described on the “Erosion District Plan” annexed hereto as Schedule “A”.

3. PROHIBITIONS AND EXEMPTIONS:

3.1 No person shall:

(a) destroy, kill, or cut down any tree in any Erosion District, or

- (b) suffer or permit as owner or occupier of premises the destruction, killing or cutting down of any tree in any Erosion District,

without having secured a Tree Cutting Permit therefore from the Municipal Engineer and complied fully with the provisions of this Bylaw and the said Permit, except as provided in Section 3.2;

- 3.2 A Tree Cutting Permit is not required where the following circumstances apply:

- (a) where the parcel is subject to the provisions of the Agricultural Land Commission Act;
- (b) where a tree constitutes a danger or hazard to persons or property, in which case it shall be removed forthwith;
- (c) where the parcel is not included in an Erosion District.

4. TREE CUTTING PERMITS:

- 4.1 Tree Cutting Permits shall be in the form annexed hereto as Schedule “B”.
- 4.2 In dealing with applications for Tree Cutting Permits, the Municipal Engineer may, in every case and in accordance with the provisions of this Bylaw, grant such Permits either unconditionally or subject to conditions or may refuse such Permits. *{Bylaw No. 1268}*
- 4.3 Every applicant for a Tree Cutting Permit shall submit to the District of Central Saanich an application therefore in writing on the form annexed hereto as Schedule “C”.
- 4.4 The Municipal Engineer may specify in any Permit: *{Bylaw No. 1268}*
 - (a) specific trees within an Erosion District that may or may not be cut;
 - (b) areas within any Erosion District in which trees may or may not be cut;
 - (c) that the applicant for the Permit shall enter into and file in the Land Title Office a restrictive covenant and indemnity under Section 215 of the Land Title Act, R.S.B.C. 1979, c. 219;

- (d) the expiry date of the permit;
- (e) that the applicant for the Permit provide security by, at the applicant's option, an irrevocable Letter of Credit or the deposit of securities in a form satisfactory to the Municipal Engineer in an amount stated in the Permit. *{Bylaw No. 1268}*

4.5 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 District from and against all manner of actions, causes 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 to persons or property caused or due in whole or in part by negligence on the part of the permit holder, his servants, employees, agents, contractors or invitees or arising from nuisance committed or caused by the same.

5. FEES: *{Bylaw No. 1379}*

5.1 The fee charged for a Tree Cutting Permit shall be one hundred dollars (\$100.00). No Tree Cutting Permit shall be issued until the applicable fee has been paid.

6. REPORT:

6.1 An applicant for a Tree Cutting Permit shall provide to the Municipal Engineer upon request, at the applicant's expense, a report by a qualified person, certifying that the proposed cutting of trees will not create a danger from flooding or erosion, or recommending such conditions to be imposed by way of the tree cutting permit as are, in that qualified person's opinion, required to ensure that the tree cutting will not create such a danger. *{Bylaw No. 1268}*

6.2 The Municipal Engineer shall issue a tree cutting permit, subject to such conditions as may be required to mitigate any danger from flooding or erosion, unless the report submitted under section 6.1 indicates that the trees cannot be cut under any conditions without causing a danger from flooding or erosion, in which case the permit shall be refused. *{Bylaw No. 1268}*

7. OFFENSE AND PENALTY:

7.1 Every person who commits an offense against this bylaw shall be liable on summary conviction to a fine and penalty of not more than \$ 2,000.00 or to imprisonment for not more than six months, or to both.

8. CONSTRUCTION:

8.1 Nothing in this bylaw shall be construed or applied to necessarily require or excuse non-compliance with any provisions of the laws of the Province of British Columbia or the laws of the Government of Canada. This bylaw and the penalties prescribed for violation hereof shall not supersede, but shall supplement all statutes of the Province of British Columbia or the Government of Canada in which similar conduct may be prohibited or regulated.

8.2 Schedules "A", "B", and "C" hereto annexed shall form an integral part of this bylaw.

9. SEVERABILITY:

9.1 If any provisions of this bylaw or the application thereof to any person or circumstance is held invalid, the remainder of this bylaw and the applicability of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

10. CITATION:

10.1 This Bylaw may be cited for all purposes as "DISTRICT OF CENTRAL SAANICH EROSION DISTRICT AND TREE CUTTING BYLAW, 1990."

READ a first time on this 15th day of October, 1990.

READ a second time on this 15th day of October, 1990.

READ a third time on this 15th day of October, 1990.

RECONSIDERED, FINALLY PASSED AND ADOPTED by the Municipal Council, signed by the Mayor and Municipal Clerk, and sealed with the Seal of the Corporation on this 5th day of November, 1990.

SIGNED: Ron Cullis,
Mayor

George Sawada,
Clerk-Administrator

As amended by Central Saanich Erosion District and Tree Cutting Bylaw Amendment Bylaw Nos. 1268 (1997) and 1379 (2001).

THE CORPORATION OF THE DISTRICT OF CENTRAL SAANICH
BYLAW NO. 993, SCHEDULE "C"
(Erosion District and Tree Cutting Bylaw)
(Amended by Bylaw No.1268 and Bylaw No. 1379)

APPLICATION FOR TREE CUTTING PERMIT

I/WE _____
of _____

being the registered owner(s) of _____ Lot: _____
Section: _____ Range: _____
Plan: _____ South Saanich District. (the "Land")

hereby make application under Section 978 of the Municipal Act for a Tree Cutting Permit to cut and remove the following tree(s) on the Land in the location(s) shown on the attached sketch plan for the following reasons:

I further agree, if required by the Municipal Engineer, to enter into and register a Restrictive Covenant and Indemnity under Section 215 of the *Land Title Act* relieving the District of Central Saanich from any liability or claims for damages which may result from the issuance of the permit and the work which may be authorized by it. *{Bylaw No. 1268}*

I hereby declare that all the above statements and the information contained in the material submitted in support of this application are to the best of my belief true and current in all respects.

Date of Application

Signature of Owner

Address: _____

FOR OFFICE USE ONLY		
Building Permit Required:	(yes)_____	(no)_____
Building Permit Applied For:	(yes)_____	(no)_____
Designation Under Bylaw No. _____ (Erosion)_____ (Land slip)_____	(Flooding)_____	(Avalanche)_____
Expert Report Required:	(yes)_____	(no)_____
Prohibited Area:	(yes)_____	(no)_____
Applicable Regulations Section _____	Bylaw No. _____	
Security Required: _____ (yes) _____ (no)	Fee Paid \$ _____	