

THE CORPORATION OF THE DISTRICT OF CENTRAL SAANICH

BYLAW NO. 2012

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

WHEREAS, 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.

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:

- (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.

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:

- 5.1 The fee charged for a Tree Cutting Permit is set out in the *Fees and Charges Bylaw*. 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.
- 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.

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 **"Central Saanich Erosion District and Tree Cutting Bylaw No. 2012, 2019."**

- 10.2 **"Central Saanich Erosion District and Tree Cutting Bylaw No. 993, 1990"** is hereby repealed.

READ A FIRST TIME on this 16th day of September, 2019.

READ A SECOND TIME on this 16th day of September, 2019.

READ A THIRD TIME on this 16th day of September, 2019.

ADOPTED this 7th day of October, 2019.



Chris Graham
Acting Mayor



Liz Cornwell
Corporate Officer

THE DISTRICT OF CENTRAL SAANICH

SCHEDULE 'A'
of
Erosion District and
Tree Cutting Bylaw.



**EROSION
DISTRICT
PLAN**

Permit areas 

continued

BY-LAW NO. 2012, SCHEDULE "B"
(Erosion District and Tree Cutting By-Law)

PERMITTEE (Name of owner of the land)

1. This Tree Cutting Permit is issued subject to compliance with the Central Saanich Erosion District and Tree Cutting Bylaw.
2. This Permit applies to and only to those lands within the District of Central Saanich described as:
3. This Permit has the effect of authorizing the Permittee to cut and remove the trees in the locations shown on the plan attached to this Permit as Schedule AA subject to the conditions agreed to in item 4 of this Permit.
4. The Permittee, as a condition of the issuance of this Permit, agrees to adhere to the following conditions with respect to the cutting and removal of trees permitted hereby:
5. 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, cost 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.

**Municipal Engineer
of the District of Central Saanich**

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**THE CORPORATION OF THE DISTRICT OF CENTRAL SAANICH BYLAW NO.
2012, SCHEDULE "C"**

(Erosion District and Tree Cutting Bylaw)

APPLICATION FOR TREE CUTTING PERMIT

I/WE _____
of _____

being the registered owner(s) of

Section: _____

Plan: _____

Lot: _____

Range: _____

South Saanich District.

(the "Land")

hereby make application 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.

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. _____ (Flooding) _____
(Erosion) _____ (Land slip) _____ (Avalanche) _____

Expert Report Required: (yes) _____ (no) _____

Prohibited Area: (yes) _____ (no) _____

Applicable Regulations Section _____ Bylaw No. _____

Security Required: _____ (yes) _____ (no) _____ Fee Paid \$ _____