

# VILLAGE OF BELCARRA

## BYLAW No. 110

### A by-law to regulate the cutting down of trees

**WHEREAS** the Council of the Village of Belcarra has determined that there are areas within the Village that may be subject to flooding, erosion or landslip;

**AND WHEREAS** pursuant to section 978 of the Municipal Act, the Council may designate areas of land that may be subject to flooding, erosion, or landslip and may regulate or prohibit the cutting down of trees within these designated areas;

**NOW THEREFORE** the Municipal Council of the Village of Belcarra, in open meeting assembled, enacts as follows:

#### 1. Title

This By-Law may be cited for all purposes as the “Village of Belcarra Tree Cutting By-Law No. 110, 1987”.

#### 2. Interpretation

In this By-Law, unless the context otherwise requires:

“Cutting” shall mean the cutting down or cutting so as to cause destruction of any tree.

“Owner” shall mean the registered owner or owners of the land in respect of which a permit is applied for, or a person authorized by the owner or owners in writing.

“Permit” shall mean a tree cutting permit issued in the form of Schedule “C”.

“Tree” shall mean any woody plant which is 5 metres (16.4 feet) or more in height, having one or more self supporting trunks and including roots, branches, trunk, crown, or any part thereof.

#### 3. Application of By-law

- a) This By-Law shall apply to all land designated within a *Tree Cutting Permit Area* on Schedule “A” which forms an integral part of this By-Law.
- b) It shall be unlawful for any person to cut down trees within a designated Tree Cutting Permit Area without first having applied for and having obtained a Tree Cutting Permit except as otherwise provided herein.

#### **4. Professional Assessment**

- a) Prior to the issuance of a permit, the Village, at its discretion may require the applicant to provide, at the applicant's expense, a report certified by a qualified professional person, agreed upon by both parties, that the proposed cutting of trees will not create a danger from flooding and erosion.
- b) The permit may specify measures that may have to be undertaken by the applicant to implement the recommendations of the professional report.

#### **5. Application for Permit**

- a) Applications for a permit shall be made by the owner of the land involved or by any person authorized in writing by the owner.
- b) Applications for permits shall be made to the Clerk-Treasurer of the Village of Belcarra on the form attached hereto as Schedule "B".
- c) At the time of the application for a permit the applicant shall pay to the Village an application fee in the amount of \$10.00.
- d) Every application shall be processed by the Clerk-Treasurer of the Village who shall present a report to Council for its consideration. The report shall:
  - i) Contain a copy of the application;
  - ii) Contain a copy of the proposed permit and recommendations
  - iii) State the amount of the fee collected;
  - iv) State the proposed security to be posted by the permittee if any; and
  - v) Additional relevant information.

#### **6. Permits - Issuance or Refusal**

The Council may, upon receipt of the report under section 5(d) of this By-Law:

- a) Authorize the issuance of the permit;
- b) Authorize the issuance of the proposed permit as amended by the Council in its resolution;
- c) Refuse to authorize the issuance of the permit

#### **7. Refusal - Amendments and Permits**

Where an application, amendment By-Law or a permit has been refused by the Council, the Clerk-Treasurer shall notify the applicant in writing within fifteen (15) days immediately following the date of refusal and shall give reason(s) for the refusal.

**8. Permit**

A Tree Cutting Permit shall be in the form of the permit attached hereto as Schedule "C".

**9. Exception**

No permit shall be required for the removal or trimming of dead, diseased, and/or damaged trees, provided that the damage resulted from a non-human cause and provided further that the removal or trimming is accomplished through use of standard forestry practices and techniques.

**10. Security Deposit**

The Village may require the applicant for the permit to provide security by, at the applicant's option, an irrevocable letter of credit or the deposit of securities in a form satisfactory to the local government, in an amount stated in the permit.

**11. Severability**

If any section, sub-section, sentence, clause or phrase of this by-law is for any reason held to be invalid by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining parties of this By-Law.

**12. Penalty**

Every person who violates any of the provisions of this By-Law, or who suffers or permits any act or thing to be done in violation of any of the provisions of this By-Law, or who neglects to do or refrains from doing anything required to be done by any provisions of this By-Law is guilty of an offence and upon summary conviction therefore, shall be liable to a fine and penalty not exceeding \$1,000.00 dollars.

READ a first time this 8<sup>th</sup> day of June, 1987.

READ a second time this 8<sup>th</sup> day of June, 1987.

READ a third time this 8<sup>th</sup> day of June, 1987.

RECONSIDERED, FINALLY PASSED AND ADOPTED by the Municipal Council this 22<sup>nd</sup> day of June, 1987.

"G. Holland"  
Clerk

"R. E. Drew"  
Mayor

**SCHEDULE "B"**

**VILLAGE OF BELCARRA**  
**Form 004 - Bylaw 110 - Policy 101**

**APPLICATION FOR A TREE CUTTING PERMIT**

Application/File No. \_\_\_\_\_

I/WE hereby make application under the Tree Cutting Permit By-Law No. 110 of the Village of Belcarra for a permit to cut trees from the property/parcels described as (legal description):

\_\_\_\_\_

and located at (street address or general location)

\_\_\_\_\_

Required application fee of \$10.00 and the completed Tree Cutting Permit Information Forms are attached.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Applicant's Signature)

THIS APPLICATION IS MADE WITH MY FULL KNOWLEDGE AND CONSENT

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Applicant's Signature)

Where the Applicant is NOT the REGISTERED OWNER the Application must be signed by the REGISTERED OWNER or his SOLICITOR.

\_\_\_\_\_

FOR OFFICE USE ONLY

Application Fee \$ \_\_\_\_\_ RECEIVED Receipt No. \_\_\_\_\_

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of Official)

**SCHEDULE "C"**  
**VILLAGE OF BELCARRA**

**PERMIT FOR TREE CUTTING WITHIN**  
**DESIGNATED TREE CUTTING PERMIT AREAS**

DATE: \_\_\_\_\_

APPLICANT: \_\_\_\_\_ PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

LOCATION OF WORK: \_\_\_\_\_

DESCRIPTION OF WORK: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Pursuant to the provisions of the Village of Belcarra Tree Cutting By-Law No. 110. 1987.

PERMISSION IS GRANTED for tree cutting on the following conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A security deposit in the amount of \$ \_\_\_\_\_ in the form of cash or a letter of credit satisfactory to the Village of Belcarra is hereby received to ensure the tree cutting is carried out in accordance with the terms and conditions of this permit.

Should the permit holder fail to comply with the said terms and conditions of the permit, the Municipality may retain all or a portion of this security, and its forces or agencies may enter onto the property and perform such work as is necessary to restore the lands to the condition specified in this Permit.

WHEN JOB IS COMPLETED, THE VILLAGE (937-4100) IS TO BE ADVISED.

WARNING, THIS PERMIT EXPIRES ON \_\_\_\_\_, 19 \_\_\_\_\_

APPROVED \_\_\_\_\_

REJECTED: \_\_\_\_\_

FINAL INSPECTION BY: \_\_\_\_\_

DATE: \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Clerk-Treasurer