



DISTRICT OF SECHELT COMMITTEE OF THE WHOLE MEETING AGENDA

Wednesday, May 22, 2024, 3:00 pm

Community Meeting Room

1st Floor, 5797 Cowrie St., Sechelt

and Via Zoom Online Meeting Platform

PLEASE NOTE:

The District of Sechelt will continue to conduct Council and Committee meetings in-person in the Community Meeting Room. The public is welcome to attend in person or by electronic communications, as follows:

District of Sechelt's YouTube channel: <https://www.youtube.com/user/SecheltMedia>

Zoom: <https://zoom.us>, join Meeting ID: 857 3375 4733 and Password: MAY2024

Phone: 1-778-907-2071, with Meeting ID: 857 3375 4733 and Password: 4006630

Pages

1. LAND ACKNOWLEDGEMENT

The District of Sechelt is located on the traditional and unceded territory of the shíshálh Nation. We respect the histories, language and culture of the people of the shíshálh Nation, whose presence continues to enrich this community.

2. CALL TO ORDER AND DECLARATION OF CONFLICT

3. ADOPTION OF AGENDA

4. DELEGATIONS & PROCLAMATIONS

5. BUSINESS ITEMS

5.1 Protection of Trees on District of Sechelt Public Lands

6. ADJOURNMENT

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REQUEST FOR DECISION

TO: Committee of the Whole **MEETING DATE:** May 22, 2024

FROM: James Nyhus, Chief Building Official

SUBJECT: Protection of Trees on District of Sechelt Public Lands

FILE NO: 3900

RECOMMENDATIONS

That Highways and Parking Amendment Bylaw No. 516-4, 2024 be read a second and third time; and

That the following amendment bylaws be read for the first, second and third time:

- a. Municipal Ticket Information Bylaw Amendment No. 491-4, 2024; and**
- b. Bylaw Notice Enforcement Implementation Amendment Bylaw No. 515-14, 2024; and**

That Tree Cutting and Limbing Policy No. 5.3.1 be rescinded; and

That the Protection of Plants and Trees on Public Lands Policy 5.3.3 be endorsed.

PURPOSE

To establish effective protection of plants and trees on District of Sechelt properties that are not within parks by updating definitions and clarify parking requirements in the Highways and Parking Bylaw No. 516, 2012, and to update Municipal Ticket Information Bylaw No. 491, 2010, and Bylaw Notice Enforcement Implementation Bylaw No. 515, 2012, to establish related penalties for the unpermitted removal or damage of trees on District of Sechelt properties.

OPTIONS

1. Request further amendments to the proposed bylaws.
2. Do not proceed with the bylaw amendments.

DISCUSSION

Summary

At the May 1, 2024, Regular Council meeting this report was received and was referred to Committee of the Whole. The content of this report and the bylaws are unchanged.

Recently several trees were removed from District of Sechelt lands without permission. Staff were not able to issue any fines for this action as there was no path for penalties to be

administered in either the Bylaw Notice Enforcement Implementation Bylaw No. 515, 2012 or the Municipal Ticket Information Bylaw No. 491, 2010. The Bylaw Notice Enforcement Implementation Bylaw No. 515, 2012 is not the ideal method of enforcing the proposed changes as there is only a \$500.00 limit on the Bylaw Notices which may not be enough of a deterrent to unpermitted tree removal or pruning. By referencing the Municipal Ticket Information Bylaw No. 491, 2010 and the Offence Act will empower bylaw enforcement to seek much higher penalties and potentially a Summary Conviction in court. Bylaw Notices will be able to be issued for damage to plants and shrubs where applicable, such as District landscaped areas.

There are instances where trees must be removed either because they have become diseased or have died or otherwise present a hazard to personal safety or property, or due to a development or redevelopment of a parcel of land requiring road access or connection to District of Sechelt or Sunshine Coast Regional District infrastructure.

Trees are a natural asset of the District and need to be protected the same as any other asset. The proposed amendment to the Highway and Parking Bylaw No. 516, 2012 clearly sets out both the language for the preservation of trees on District property such as boulevards and road allowances and penalties for the unpermitted removal or damage to these trees and plants.

The accompanying Council policy will set out the criteria for tree removal from District land where required and removal of trees for aesthetic purposes or topping of trees will no longer be permitted. Some species will slowly die becoming a hazardous tree if they are topped or spiral pruned requiring their removal at a later date at the District's expense.

The proposed housekeeping changes to the Highway and Parking Bylaw No. 516, 2012, are to update some of the definitions and to clarify that only vehicles insured and licenced for use on a highway as per the Motor Vehicle Act are permitted to be parked on a District of Sechelt highways as defined.

The amendment to the Bylaw Notice Enforcement Implementation Bylaw No. 515, 2012 will establish fines for instances where plants in landscape areas are damaged. Damage to trees will only be through the higher fine amounts in the Municipal Ticket Information Bylaw No. 491, 2010.

Legislative Context

The proposed bylaw amendments and policy are in alignment with the Community Charter, section 8 (3) (b) and (c) [*Fundamental Powers*] and 50 [*Restrictions in relation to authority*].

POLICY AND BYLAW IMPLICATIONS

As this bylaw would be amended, the District of Sechelt Tree Removal Policy is also amended to reflect the changes in Bylaw No. 516, 2012. The proposed bylaw amendments support the objectives of the District's Urban Forest Plan (2010) to conserve the existing treed environment.

SUSTAINABILITY PLAN IMPLICATIONS

1. Social Sustainability and Community Well Being.
2. Environmental Sustainability – Enhances the Urban Forest through improved tree protection.

3. Sustainable Community Growth and Development.
4. Leadership in Sustainability – Trees on District owned land are natural assets that provide benefits to the community, and the proposed bylaw amendments would create a deterrent to unlawful removal.

STRATEGIC PLAN IMPLICATIONS

5. Commitment to Climate Change Mitigation, Adaptation and the Preservation of the Natural Environment

FINANCIAL IMPLICATIONS

None.

COMMUNICATIONS

The changes will be published on the District website.

Respectfully submitted,

James Nyhus

Chief Building Official

Attachment 1 – District of Sechelt Tree Limbing and Cutting Policy No. 5.3.1

Attachment 2 – Draft District of Sechelt Protection of Plants and Trees on Public Lands Policy No. 5.3.3



COUNCIL POLICY
5.3.1 – Tree Limbing and Cutting

POLICY NAME	Tree Limbing and Cutting	POLICY NO.	5.3.1
POLICY OWNER	Director of Engineering and Operations	REVIEW PERIOD	
EFFECTIVE DATE	October 20, 1993	RESOLUTION NO.	7935
AMENDMENT DATE	July 23, 2003	AMENDMENT RESOLUTION NO.	16045
AMENDMENT DATE	January 21, 2004	AMENDMENT RESOLUTION NO.	16326

PURPOSE

To provide direction to District staff when dealing with requests to limb or remove trees from District owned and managed property, for view or safety reasons.

POLICY

1. The District of Sechelt endeavours to promote protection of trees within its boundaries, realizing the value and beauty that an abundance of trees provides any community. However, because of Sechelt being a seaside community, views are also an important element to the quality of life for many residents. Other issues that arise with respect to trees include safety concerns (dead or diseased trees), fire prevention and suppression requirements.
2. Property owners adjacent to District owned/managed property may request in writing that a tree or trees be limbed or removed due to:
 - a) safety concerns
 - b) view purposes
3. Requests will be forwarded to the District Engineering and Public Works Department. The Parks Foreman (Arborist) will review the requests and give recommendations to the Superintendent of Public Works for approval.
4. The Parks Foreman may consult with other members of staff, and will have the discretion to negotiate with property owners and make recommendations regarding tree requests.

PROCEDURE

A. Criteria for Approving Removal

a) Safety Reasons

- Tree or trees are dead or dying, severely damaged, unstable or leaning and in danger of falling
- Tree is interfering with or will interfere with utility wires such that limbing will not solve the safety issue

b) Damage to Infrastructure/Development Requirements

- Roots of the tree are interfering with or damaging storm drainage or sewer system components or other improvements, and no other measure to prevent the damage is available
- Removal of tree is required for construction of a driveway or other infrastructure during development

c) View Purposes

- The tree is considered a species of lesser value (such as an Alder) and by its removal will not negatively affect other nearby species of trees, slope/bank stability, the overall local environment, the aesthetics of the area or adjacent property owners; and
- The adjacent property owner requesting removal will replace the removed tree with a young, slower growing species

Removal for view purposes based on the criteria, will be paid for by the adjacent property owner, and will be performed by a professional tree company that is approved by the District of Sechelt under the direction of District staff.

B. Criteria for Approving Limbing

An adjacent property owner may wish a tree or trees be limbed to enhance their view, or regain a view lost by the growth of trees on adjacent District owned/managed land.

The District's Parks Foreman will work with the adjacent property owner, to provide options other than tree removal to enhance views where the trees are not Alders or other fast growing species considered to be of lesser value. Limbing to enhance view will be permitted in the following cases:

- For trees that provide habitat for wildlife
- For aesthetically significant trees (such as rare species in good health)
- For larger species such as Fir, Arbutus, Spruce, and Cedar
- In geographically significant areas where the trees are necessary for continued stabilization of the surrounding land

As is noted in the section pertaining to removal, limbing will be strongly encouraged in other circumstances where the Parks Foreman considers removal of a tree to be detrimental to the adjacent trees, the aesthetics or environmental health of the area, the adjacent property owners or under other professional considerations

Limbing will be performed by a company approved by the District of Sechelt and costs will be paid by the property owner requesting the work be performed.

C. Safety – Limbing or Removing

In cases where a safety condition exists with respect to a tree or tree(s) on District owned/managed property, the tree or tree(s) will be removed or limbed as appropriate by the District.

COUNCIL POLICY
5.3.3 – Protection of Plants and Trees
on District of Sechelt Public Lands

POLICY NAME	Protection of Plants and Trees on District of Sechelt Public Lands	POLICY NO.	5.3.3
POLICY OWNER	Director of Corporate and Community Services	REVIEW PERIOD	2029
EFFECTIVE DATE		RESOLUTION NO.	
AMENDMENT DATE		AMENDMENT RESOLUTION NO.	

PURPOSE

To provide direction for Public Works, Community Services and Bylaw Enforcement staff in administering the provisions of the Highways and Parking Bylaw No. 516, 2012

OBJECTIVES

This policy seeks to:

- Direct how staff should apply the provisions of Bylaw No. 516 for damage to trees.
- Protect natural assets within the District.
- To provide means for trees to be removed when necessary.

SCOPE

- Trees on District lands.

DEFINITIONS

- As per District of Sechelt Highways and Parking Bylaw No. 516, 2012, and its amendments.

POLICY

1. The District of Sechelt endeavours to protect and preserve trees that are on District lands that are not within Parks or other similarly regulated areas.
2. Persons may request the removal of trees on District lands:
 - a. That are dangerous or hazardous as determined by an ISA certified Arborist.
 - b. As part of an approved development

3. Requests shall be in the form required by the Manager of Community Services; the District Arborist will review the request and make recommendations regarding the removal requests including but not limited to the number and species of trees for replacement and replanting and the maintenance of the replacement trees.
4. The Manager of Community Services or his/her designates will have the discretion to negotiate with property owners and make recommendations regarding tree removals and replanting.
5. Criteria for Approving Removal

a) Dangerous or Hazardous Trees

- Where the District of Sechelt Arborist has examined a tree or reviewed a report from a ISA certified arborist and submitted a report to the Manager of Community Services stating that the tree may pose or poses an imminent threat to public safety or a valid risk for damage to property.

b) Development or Driveways

- Removal of trees for development, access to a development or a driveway permit; application for removal must be made to the Manager of Community Services for all removals
- Roots of a tree are damaging infrastructure and there is no other means of mitigating the damage

c) Trees will not be removed for views or aesthetic reasons.

DISTRICT OF SECHELT
Bylaw No. 516-4, 2024

A bylaw to amend Highways and Parking Bylaw No. 516, 2012

WHEREAS section 8 (3) (b) of the *Community Charter, S.B.C. 2003, c.26* authorizes Council, by bylaw, to regulate, prohibit and impose requirements in relation to, among others, public places;

AND WHEREAS section 36 of the *Community Charter* authorizes Council, by bylaw, to regulate and prohibit in relation to all uses of or involving a highway or part of a highway;

AND WHEREAS section 46 of the *Community Charter* authorizes Council, by bylaw, to authorize the seizure of things unlawfully occupying a portion of a highway or public place and establish fees for such seizure, and provide for recovery of those fees;

AND WHEREAS section 62 of the *Community Charter* sets out that the authority under section 8 (3) (b) includes the authority in relation to persons, property, things and activities that are in, on or near public places;

AND WHEREAS Council wishes to enact a bylaw to regulate traffic and the use of highways;

NOW THEREFORE the Council of the District of Sechelt in open meeting assembled hereby enacts as follows:

TITLE

1. This bylaw may be cited for all purposes as, “Highways and Parking Bylaw Amendment Bylaw No. 516-4, 2024”.

AMENDMENTS

2. Existing definition;

Cycle means a device having any number of wheels that is propelled by human power and on which a person may ride;

is deleted, new definition;

Cycle means a device having any number of wheels that is propelled by human power and on which a person may ride and includes a motor assisted cycle, but does not include a skate board, roller skates or in-line roller skates;

is added.

Highway includes every highway within the meaning of the *Transportation Act, S.B.C. 2004,*

c. 44, and every road, street, lane or right of way, other than arterial highways designed or intended for or used by the general public for the passage of vehicles, and every private place or passageway to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited; and includes the roadway, shoulder, boulevard, ditch and sidewalk area and whatever lands lie between the property lines of the highway;

is deleted, new definition;

Highway includes every highway within the meaning of the *Transportation Act, S.B.C. 2004, c. 44*, and every road, street, lane, *road allowance* or right of way, other than arterial highways designed or intended for or used by the general public for the passage of vehicles, and every private place or passageway to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited; and includes the roadway, shoulder, boulevard, ditch and sidewalk area and whatever lands lie between the property lines of the highway;

is added.

Recreational vehicle means a vehicle that is equipped with a living space and amenities found in a home;

is deleted, new definition;

Recreational Vehicle means a motor vehicle or a vehicle towed by a motor vehicle, providing temporary living accommodation and includes travel trailer, tent trailer, camper, caravan, and motor home.

is added.

3. **6 (d)** that is uninsured or does not display a valid license plate in the manner required by the Motor Vehicle Act

is added.

4. The existing provision;

42. Injury to Trees and Flowers Prohibited

No person, other than an authorized employee of the District acting in pursuance of duties, shall dig up or in any manner injure or destroy any tree, flower, foliage, flowering plant, plant, or shrubbery on any highway.

is deleted, new provision;

42. Injury to Trees and Flowers Prohibited

No person, other than an authorized employee of the District acting in pursuance of duties or a person authorized by the Manager of Community Services, shall or contract or hire another person to dig up or in any manner injure or destroy any flower, foliage, flowering plant, plant, or shrubbery in an area maintained by the District of Sechelt or a tree on any highway. is added.

5. The existing provision;

53. OFFENCE AND PENALTY

(a) No person, other than the owner or driver of a vehicle, shall remove any notice placed thereon or affixed thereto by a Bylaw Enforcement Officer in the course of his duties.

- (i) 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 Bylaw Notice Enforcement Implementation Bylaw No. 515, 2012.
- (ii) Each day a violation of a provision of this bylaw exists or is permitted to exist, shall constitute a separate offence.

is deleted, new provision;

(a) No person, other than the owner or driver of a vehicle, shall remove any notice placed thereon or affixed thereto by a Bylaw Enforcement Officer in the course of his or her duties.

- (i) 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 Bylaw Notice Enforcement Implementation Bylaw No. 515, 2012 or the Municipal Ticket Information Bylaw No. 491, 2010.
- (ii) 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 subject, upon conviction, to imprisonment of not more than 6 months and/or a fine of not more than 20,000 dollars.
- (iii) Each day a violation of a provision of this bylaw exists or is permitted to exist, shall constitute a separate offence.

is added.

Council means the Municipal Council of the District of Sechelt.

District means the municipal corporation of the District of Sechelt.

PROVISIONS

3. If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.

READ A FIRST TIME THIS	1st	DAY OF	MAY, 2024
READ A SECOND TIME THIS		DAY OF	MONTH, 2024
READ A THIRD TIME THIS		DAY OF	MONTH, 2024
ADOPTED THIS		DAY OF	MONTH, 2024

Mayor

Corporate Officer

DISTRICT OF SECHELT
Bylaw No. 491-4, 2024

A bylaw to amend Municipal Ticket Information Bylaw No. 491, 2010

WHEREAS section 260(1) of the *Community Charter, S.B.C. 2003, c.26* authorizes Council to enact bylaws for the purposes of enforcing the bylaws of a municipality;

AND WHEREAS section 8 (7) of the *Community Charter* authorize Council, by bylaw, to regulate, prohibit and impose requirements, as applicable, in relation to a matter;

AND WHEREAS section 264(1)(a) of the *Community Charter* authorizes Council designate a bylaw for the purposes of Part 8 Division 3 of the Community Charter;

AND WHEREAS Council deems it appropriate to amend certain provisions contained Municipal Ticket Information Bylaw No. 491, 2010;

NOW THEREFORE the Council of the District of Sechelt in open meeting assembled hereby enacts as follows:

TITLE

1. This bylaw may be cited for all purposes as, "Municipal Ticket Information Bylaw Amendment Bylaw No. 491-4, 2024".

AMENDMENTS

2. Schedule A ENFORCEMENT (21) is added;
 (21) Highways and Parking Bylaw No. 516, 2012

3. APPENDIX 21 HIGHWAYS AND PARKING No. 516, 2012 is added with;

<u>Offence</u>	<u>Section</u>	<u>Fine</u>
1. Injury to Plants or Trees	42	\$1,000.00

Council means the Municipal Council of the District of Sechelt.

District means the municipal corporation of the District of Sechelt.

PROVISIONS

3. If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.

READ A FIRST TIME THIS DAY OF MONTH, 2024

READ A SECOND TIME THIS DAY OF MONTH, 2024

READ A THIRD TIME THIS DAY OF MONTH, 2024

ADOPTED THIS DAY OF MONTH, 2024

Mayor

Corporate Officer

**DISTRICT OF SECHELT
BYLAW NO. 515-14, 2024**

A Bylaw to amend the District of Sechelt Bylaw Notice Enforcement
Implementation Bylaw No. 515, 2012

WHEREAS the Coucil of the District of Sechelt has adopted Bylaw Enforcement Implementation Bylaw No. 515, 2012;

AND WHEREAS the Council of the District of Sechelt deems it desirable to amend the Highways and Parking Bylaw section of Schedule A of Bylaw No. 515, 2012;

NOW THEREFORE, the Council of the District of Sechelt in open meeting assembled enacts as follows:

TITLE

1. This bylaw may be cited for all purposes as, “District of Sechelt Bylaw Notice Enforcement Implementation Amendment Bylaw No. 515-14, 2024”.

AMENDMENTS

2. District of Sechelt Bylaw Notice Enforcement Implementation Bylaw No. 515, 2012 is hereby amended by adding to Schedule “A” a penalty for violation of Section 42 the Highways and Parking Bylaw No. 516, 2012, as shown at Attachment A.

PROVISIONS

3. If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.

READ A FIRST TIME THIS	DAY OF	MONTH, 2024
READ A SECOND TIME THIS	DAY OF	MONTH, 2024
READ A THIRD TIME THIS	DAY OF	MONTH, 2024
ADOPTED THIS	DAY OF	MONTH, 2024

Mayor

Corporate Officer

**Attachment A
to Bylaw No. 515-14, 2023**

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Pentalty	A4 Compliance Agreement Available
		Highways and Parking Bylaw				
516, 2012	Section 42	Damage to Plants or Trees	\$400	\$300	\$500	No