

**CONSOLIDATION OF BYLAW 6515  
UP TO AND INCLUDING BYLAW 7144 AS OF DECEMBER 20, 1999**

THE CORPORATION OF THE DISTRICT OF NORTH VANCOUVER

BYLAW 6515

A bylaw to protect, preserve and conserve our natural setting and ecological systems of watercourses, trees, soils, lands and visual assets of the District of North Vancouver pursuant to sections 523, 551, 553, 723, 725 (h), 920 (7), 923, and Division 4.1 of the *Municipal Act* R.S.B.C. 1996, c323.

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The Council for The Corporation of the District of North Vancouver enacts the following:

**Title**

1. This bylaw may be cited as "**ENVIRONMENTAL PROTECTION AND PRESERVATION BYLAW**".

**Administration Of Bylaw**

2. This bylaw is administered by the Environmental Protection Officer.

**Conflict With Cited Publications**

3. Where anything in the *Land Development Guidelines*, the "British Columbia Landscape Standard", 1993 Edition, published by British Columbia Society of Landscape Architects, or "Pruning and Tree Repair" published by The National Institute on Park and Grounds Management, Appleton, Wisconsin, conflicts with a regulation in this bylaw, the regulation prevails.

**PART A  
AQUATIC AREAS**

**(6727)**

**Application**

4. This part applies to *stream corridors*, the *waterfront* and *wetlands*.

**(6727)**

**Definitions**

5. In this bylaw,

***drainage works*** includes culverts, ditches, drains, rip rapped channels, and storm sewer systems, which discharge into, or collect, constrain or divert, a *stream*;

***Land Development Guidelines*** means the "Land Development Guidelines for the Protection of the Aquatic Habitat", September 1993 as co-published by the Ministry of Environment, Lands and Parks, Integrated Management Branch, and the Department of Fisheries and Oceans;

***natural boundary*** means the visible high water mark of any *stream*, or the ocean where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark the *soil* of the bed of the body of water a character distinct from that of its banks, in vegetation or in the nature of the *soil* itself;

**regular maintenance** does not include the topping and removal of *trees*;

**stream** means a natural watercourse, whether usually containing water or not, ground water, a lake, river, creek, spring, ravine, swamp, gulch, *drainage works*, and *wetland*, and includes any site drainage *works* on or within 30 metres of sloping terrain;

**stream corridor** means the area of land between the tops of bank of a *stream* and,

1. in the case of a fish-bearing *stream*, as designated and delineated in attachment A.1 Fish Bearing Streams, the land above and within 30 metres measured horizontally of the *top of bank* of the *stream*; and
2. in the case of a non-fish-bearing *stream*, the land above and within 15 metres measured horizontally of the *top of bank* of the *stream*;

**structure** includes a wall, crib, weir, dam, building or any *work* capable of affecting or controlling the flow of water in a *stream*, or capable of damaging, weakening or reducing the effectiveness of the bank, bed or channel of a *stream* to carry storm or flood waters;

**top of bank** has the meaning set out in the *Land Development Guidelines*;

**waterfront** means the land lying between a line measured horizontally 30 metres inland from the *natural boundary* and the District boundary line in Burrard Inlet and Indian Arm;

**wetland** means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated *soil* conditions, including swamps, marshes, bogs and similar areas, and land above and within 30 metres measured horizontally of the land just described and without limiting the generality of the foregoing, the areas designated and delineated on attachments A.2 - Mackay Creek Marsh, A.3 - Hogan's Pools, and A.4 - Park Street Marsh; and

**work** means activities involved in cutting or *removal* of a *tree*, *removal* of vegetation, removal of *soil*, *deposit* of *soil* or other material, construction of a building or *structures*; and installation of drainage *works*, but does not include the *regular maintenance* of planted gardens or landscaping.

(6727)

#### **Guidelines**

6. The Land Development Guidelines apply in the administration of this bylaw and to any permits to do *work* within a *stream corridor*, on the uplands of the *waterfront* or on wetland.

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#### **Fouling Prohibited**

7. No person may do anything that would, directly or indirectly, foul, obstruct or impede a *stream*, or *waterfront*.

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### **Suspended Solids And Other Material**

8. Without limiting the generality of section 7, no person may discharge a fluid containing suspended solids into a *stream* that would exceed
  - a. 25 milligrams per litre above background suspended solids of the receiving environment during the months of May to September, or 75 milligrams per litre above background suspended solids of the receiving environment during the months of October to April; or
  - b. those parameters as listed in "Approved and Working Criteria for Water Quality" as published by Ministry of Environment, Water Management Branch March 1989, and "Urban Runoff Quality Control Guidelines for British Columbia" as published by Waste Management Groups, British Columbia Research Corporation, June 1992.

### **Permit Required**

9. No person may do any *work* within a *stream corridor*, *waterfront* or on *wetland*
  - a. without a permit issued pursuant to Part F; or
  - b. contrary to a permit issued pursuant to Part F;

(6727)

## **PART B**

### **SLOPING TERRAIN**

#### **Application**

10. This part applies to *sloping terrain*; except for such land in a *stream corridor*.

#### **Definition**

11. In this bylaw,

***sloping terrain*** means land with a slope angle greater than  $10^{\circ}$  for a height of 6 metres or more.

#### **Subdivision Requirements**

12. When the slope angle is
  - a. less than  $20^{\circ}$ , normal development and engineering practices apply;
  - b. from  $20^{\circ}$  to  $30^{\circ}$ , if the Director of Parks and Engineering Services determines that site conditions so require, engineering plans shall be prepared under the supervision of a registered professional engineer; and
  - c. greater than  $30^{\circ}$ , a registered professional engineer shall certify construction drawings and specifications for all roads and *structures* and supervise all construction.

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### Site Development Requirements

13. The following regulations apply to development on or adjacent to sloping terrain:
- a. where development is to occur at the base of a slope and
    - i. the angle of slope is more than  $10^{\circ}$  but less than  $20^{\circ}$ , the maximum depth of excavation permitted without the advice of a registered professional engineer is 2 metres, and the sides of the cut must be sloped at 2:1 or less, or suitable retaining *structures* provided as approved by a registered professional engineer;
    - ii. the angle of slope is from  $20^{\circ}$  to  $30^{\circ}$ , the minimum setback distance is 5 metres measured from the nearest edge of a *structure* and the base of the slope, and excavations deeper than 1 metre must be reviewed by a registered professional engineer;
    - iii. the angle of slope is greater than  $30^{\circ}$ , the minimum setback distance is 5 metres measured from the nearest edge of a *structure* and the base of the slope, all excavations must be designed and supervised by a registered professional engineer .
  - b. where development is to occur on a slope and
    - i. the angle of slope is more than  $10^{\circ}$  but less than  $20^{\circ}$ , the maximum depth of excavation permitted without the advice of a registered professional engineer is 2 metres, the sides of any cut or fill must be sloped at 2:1 or flatter, or suitable retaining *structures* provided, or as may be approved by a registered professional engineer;
    - ii. the angle of slope is from  $20^{\circ}$  to  $30^{\circ}$ , excavations deeper than 1 metre must be reviewed by a registered professional engineer;
    - iii. the angle of slope is greater than  $30^{\circ}$ , all excavations must be designed and supervised by a registered professional engineer.
  - c. where development is to occur at the top of a slope and
    - i. the angle of slope is more than  $10^{\circ}$  but less than  $20^{\circ}$ , the maximum height of fill permitted is 1.5 metres measured to the depth of the original ground, the fill slope shall not exceed 2:1, and any retaining *structures* higher than 1.5 metres must be designed by a registered professional engineer;
    - ii. the angle of slope is  $20^{\circ}$  to  $30^{\circ}$ , the minimum distance between the nearest edge of *structure* and the top of slope is 10 metres, except where a registered professional engineer has designed the foundation for a building or shelter so as to permit a lesser distance; and
    - iii. the angle of slope is  $30^{\circ}$  or greater, all *work* carried out must be designed and supervised by a registered professional engineer.

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**Overburden**

14. No person may place *soil* on *sloping terrain* where the slope is greater than 30°
- a. without a permit issued pursuant to Part F; or
  - b. contrary to a permit issued pursuant to Part F.
- (6727)

**Tree Cutting Or Removal**

15. Repealed by Bylaw 6919
- (6919)

**PART C**

**SOIL**

(6727)

**Application**

16. This part applies to the removal of *soil* and the *deposit* of *soil* or other materials other than the removal or *deposit* of *soil* on any parcel in an amount not exceeding 18 cubic metres during a calendar year.

**Definitions**

17. In this bylaw,

**contaminant** includes waste as defined by the Waste Management Act R.S.B.C., 1982 c.41 and a substance having a temperature exceeding 65 degrees Celsius.

**contaminated soil** means *soil* or other materials which meet or exceed a classification of PL or RL for lands zoned for residential or recreational purposes, or which exceed a classification of CL or IL for lands zoned for commercial or industrial purposes, as listed in the *Waste Management Act - Contaminated Sites Regulations, Section 4*;

(6949)

**deposit** means place, move, discharge, spray, spill, leak, seep, pour, emit, store, stockpile, or release directly or indirectly through the migration of a substance from one location to another.

**soil** means unconsolidated mineral or organic material, rock, sediment *deposited* on land, and fill, but does not include manure applied for a beneficial purpose on land.

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**Contamination Of Soils**

18. No person may *deposit* a *contaminant* on *soil* in which the levels of that *contaminant* before or after the *deposit* exceed the applicable criteria listed in the *Waste Management Act - Contaminated Sites Regulations, Section 4*, for the uses allowed within the zoning of the land as described by the Corporation, and, without limiting the generality of the foregoing, no manufacturer or processor may dispose of the waste from their plants in a manner that could result in such *deposit*.

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**Contaminated Soil Prohibition**

19. No person may *deposit* or cause or permit the *deposit of soil* or other material on any land
- a. used for residential, recreational, agricultural or any other purpose except as provided in b. where the *soil* or other materials contains a *contaminant* or any other substance in excess of Level PL or RL as specified in the *Waste Management Act - Contaminated Sites Regulations, Section 4*, or in excess of quantities or concentrations established from time to time under Part 3.1 of the *Waste Management Act*;
- (6949)**
- b. used exclusively for commercial or industrial purposes where the *soil* or other materials contains a *contaminant* or any other substance in excess of Level CL or IL as specified in the *Waste Management Act - Contaminated Sites Regulations, Section 4* or in excess of quantities or concentrations established from time to time under Part 3.1 of the *Waste Management Act*.
- (6949)**

### **Containment Barriers**

20. Where *contaminants* are used or stored on real property, the owner or occupier of the real property shall install and maintain in safe working condition interceptors, catchbasins, and containment barriers of an appropriate type and design, prepared, signed and sealed by a Professional Engineer Registered in the Province of British Columbia, so as to prevent any *deposit of contaminants* in or on any *stream, soil* or land.

### **Deposit Or Removal Of Soil**

21. No person may remove or *deposit soil* or other materials.
- a. without a permit issued pursuant to Part F; or
  - b. contrary to a permit issued pursuant to Part F.
- (6727)**

## **PART D TREES**

**(6727)**

### **Application**

22. This part applies to
- a. *trees* on slopes greater than 30%; and
  - b. *wildlife trees*;
  - c. *trees* on land owned by or in the possession of the District;
  - d. *trees* protected by a restricted covenant pursuant to section 215 of the *Land Title Act* R.S.B.C. 1979, c 219);
  - e. *trees* within *stream corridors* or the *waterfront*;
  - f. Western Yew *trees* *Taxus brevifolia* having a diameter greater than 0.25 metres, measured .80 metres above the natural ground level;
  - g. stumps which are a minimum of 1.5 metres in diameter, contains any spring board cuts, and are not in an active state of decay.
  - h. *trees* having a diameter greater than 0.75 m measured 1 metre above the natural ground level.

**(6919) (6727)**

### **Definitions**

23. In this bylaw,

**cut** means limb, trim and top;

**hazardous tree** means a *tree* that is determined to be in a condition dangerous to people or property by a certified arbourist using International Society of Arboriculture Standards and Methods;

**remove** in relation to a *tree* means fell;

**tree** means a woody perennial plant usually having a single stem which has a diameter of at least 10 centimetres when measured from a height of 15 centimetres above the natural grade of the land.

**wildlife tree** means a *tree* that provides present or future habitat for the maintenance or enhancement of wildlife, and as defined in the British Columbia's Wildlife Tree Classification System published in "Wildlife Tree Management in British Columbia" co-published by Workers Compensation Board, British Columbia Silviculture Branch and Canada-British Columbia Partnership Agreement on Forest Resource Development, 1993;

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#### **Delegation of Authority**

23.1 The Environmental Protection Officer is authorized to:

- a. exempt an application for a Tree Permit from the requirements of section 29 (b) if the information to be submitted has otherwise been provided to the District;
- b. establish which of the terms and conditions set out in section 29.1 necessarily apply to the granting and use of a Tree Permit to achieve the purposes of that section;
- c. to serve notice, under section 712 of the *Municipal Act* on a person who does not comply with section 42 to provide replacement *trees* or with a bylaw under section 711 to *remove* or *cut trees*, hedges, bushes or shrub; that, failing compliance with the notice, the District may take the required action at the expense of the person given the notice if the compliance is not achieved;
  - (i) in the case of a requirement referred to in subsection (1) (a), within 30 days of service, or;
  - (ii) in the case of a requirement referred to in subsection (1) (b), within 5 days of service.
- d. an assessment or inspection of specified *trees* or sites for the purposes of Division (4.1) of the *Municipal Act*

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#### **Tree Cutting And Removal Or Damage To A Tree**

24. No person may *cut* or remove a *tree* from land.

- a. without a permit issued pursuant to Part F; or
- b. contrary to a permit issued pursuant to Part F

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### **Damage To Trees Prohibited**

25 No person may damage a *tree*

- a. by any activity that would significantly interrupt or stop the flow in, or introduce a substance toxic into, the cambium layer of a *tree* by such means as cutting, scarring, constricting, piercing or crushing the cambium layer;
- b. by applying or placing a substance in a concentration toxic to the *tree* on the leaves, limbs, trunk or roots of the *tree* or within the drip line of the *tree* or into groundwater flowing to the *tree*;
- c. by failing to maintain the *tree* in a manner conducive to its survival, including methods set out in "Pruning and Tree Repair" and "British Columbia Landscape Standard";
- d. by breaking limbs, topping, deadheading or pruning contrary to the methods set out in "Pruning and Tree Repair";
- e. by doing any of the following within 3 metres or within the drip line of the *tree*, whichever is the greater distance:
  - i) *soil* compacting;
  - ii) *depositing* or removing of *soil*;
  - iii) placing of concrete or other hard or impervious surface; or
- f. by doing any blasting within 2 metres of the drip line of a *tree*.

## **PART E**

### **SIGNIFICANT TREES**

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#### **Designation of Significant Trees**

26. Council considers the *trees* identified in Attachment D.3 - Heritage Trees, to be significant because of their importance for heritage or landmark value, or as wildlife habitat.

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#### **Tree Removal Prohibitions**

26.1 No person may

- a. remove a *tree* designated in section 26; or
- b. *cut* a *tree* designated in section 26
  - i) without a Tree Permit issued pursuant to Part F, which permit may be refused if the proposed *cutting* would alter the character of the *tree* or is not required to maintain the health or stability of the *tree*; or
  - ii) contrary to a Tree Permit issued pursuant to Part F.



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**Evaluation of Trees**

- 26.2 The Environmental Protection Officer shall review the plan submitted pursuant to section 29 to determine if any *tree* or stump might qualify for designation as significant *tree* and to recommend to Council an appropriate *tree* or stump for such designation.

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**PART F**

**PERMIT APPLICATION REQUIREMENTS**

**Application For A Permit**

27. Where a permit is required, application shall be made to the Director of Community Planning, Building, Land and Bylaw Services:

(6727) (7034)

**Information To Accompany An Application For An Aquatic Area Permit**

28. An application for a permit to perform *work* in a *stream corridor* or in *waterfront, wetlands* shall be accompanied by the following information:
- a. detailed drawings or plans clearly describing the proposed *structures* and the materials and type of construction to be employed including a cross section of proposed *structure* and its layout on the ground;
  - b. a detailed description of existing *structures* near the proposed *structure* or area of *work*;
  - c. a detailed drawing or plan clearly describing any area of the removal of rock, gravel or *soil*;
  - d. the reason and purpose of the *work*;
  - e. the name of the contractor, if any, who will do the *work*;
  - f. time required for completion in calendar days; and
  - g. any further information required by the Environmental Protection Officer to ensure compliance with this Bylaw including design construction or structural detail of any part of the proposed *works*;
  - h. an environmental impact assessment prepared by a person qualified to give authoritative opinions on the subject matters discussed, including:
    - i) a description of the existing conditions of the site and an analysis of any adverse impacts of the proposed *work* on the environment during and after the *work* having regard to such matters as the location of topography of the *work* site and surrounding area; and the effects on the *stream corridor* or *waterfront* including effects on: water quality and quantity; hydrology; fisheries; wildlife, *tree* and vegetation inventory; *soils*; climate; land use; recreation; aesthetics; and, human interest;

- ii) a description of all federal and provincial environmental standards that apply to the proposed *work* during and after the *work* and during operations; and
  - iii) evidence that all adverse environmental impacts during and after the *work* and once in operation will be insignificant or mitigated to insignificant levels by the *work* methods, design and mitigation measures that will be used or incorporated into the *work*.
  - iv) a plan showing the replanting of vegetation in disturbed areas using approved species from those listed in Attachment A.5.
- i. a copy of any applicable federal or provincial approval.

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### **Information Required To Accompany An Application For A Tree Permit**

29. An application for a *tree* cutting permit shall be accompanied by the following information:

- a. a statement of purpose and rationale for the proposed *tree* cutting;
- b. a site plan indicating the location of *trees* to be *cut*, an inventory of all *trees* exceeding a diameter of 0.75 metres measured 1 metre above natural grade of land from the ground, topographic and hydrographic features, *structures*, roads and other pertinent features;
- c. a description of the proposed means of protecting *trees* which are to remain standing;
- d. a report signed by a registered professional engineer, landscape architect or forester indicating that any proposed *tree* cutting will not result in a danger of flooding or erosion; and
- e. a proposed replanting plan indicating: location, species, size, and class of *trees*, bushes and shrubs which are to be planted;
- f. a copy of any applicable federal or provincial approval.

### **Terms and Conditions Applicable to a Tree Permit**

29.1 The following terms and conditions apply to the granting and use of a Tree Permit;

- a. A protection barrier shall be
  - i) installed around any *tree* or groups of *trees* being retained before any *work* commences, and remain in place until written approval is received from the Forestry Technologist for its removal;
  - ii) installed at a distance of 12 times the *tree* trunk diameter or 1 metre beyond the *tree* drip line, whichever is greater, and at least 1.8 metres in height;
  - iii) constructed of chain link snow fencing firmly secured, as approved by the Forestry for barriers along *stream corridors*, *wetlands*, or the *waterfront*, or of plywood fastened to wooden stakes or other form or barrier satisfactory to the Environmental Protection Officer;
  - iv) approved by the Forestry Technologist before any *work* commences;

- b. Signage shall be placed on the protection barrier indicating that the area within the barrier is a protection zone and that no encroachment is permitted into the zone.
- c. No *work* is permitted within the zone except in accordance with plans and procedures authorized by a Tree Permit.
- d. All *trees* being retained shall be appropriately maintained and protected from every type of damage including those set out in section 25.

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**Information Required To Accompany An Application For A Soil Permit**

30. An application for a Soil Permit shall be accompanied by the following information:

- a. the legal description, name and address of the registered owner of the lands from which it is proposed to remove or *deposit soil*;
- b. where necessary, deposit monies for completing the *works* and fulfilling the conditions of the permit;
- c. a topographic plan or plans of the lands;
  - i) showing contours at an interval of 1 metre or less of the entire site and the locations of all *structures*, *streams*, the *waterfront* and constructed roads, lanes and utilities;
  - ii) showing the final elevations proposed and relating the contemplated future development of the lands to surrounding properties;
  - iii) information regarding all lands adjacent to those referred to in the application;
  - iv) consent in writing of the registered owner for the removal or *deposit of soil* from the lands; and
  - v) *soil* profiles of the lands down to the proposed final grade.
- d. a schedule showing the order of procedure, the timing and the quantities of *soil* to be removed as well as the method;
- e. class of contaminated *soils*;
- f. an environmental impact assessment prepared by a registered professional and including a description of the existing conditions, and any impacts on the following parameters: location, topography, *streams*, including water quality and quantity, hydrology, fisheries, wildlife, *tree* and vegetation inventory, *soils*, climate, land use, recreation, aesthetics and human interest;
- g. a mitigation statement, prepared and signed by a registered professional engineer and all other applicable qualified persons which will describe the relevant environmental standards which govern the proposed discharge of airborne, terrestrial, or waterborne pollutants and *contaminants* from the land to the environment during the course of, and after, the term of the permit. The mitigation statement will include a description of the expected nature, amount and concentration of *contaminants*, pollutants, and toxic materials which are expected to be discharged to the adjoining lands, water, atmosphere, natural *streams*, utility systems, or moved to other locations;
- h. a copy of any applicable federal or provincial approval.

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31. Prior to the issuance of

a. an Aquatic Permit or a Tree Permit, an applicant is required to provide a security in the form of cash, certified cheque, or an unconditional, irrevocable letter of credit drawn on a Canadian chartered bank in a form acceptable to the Director of Financial Services in an amount equal to 30% of the estimated cost of the *work* to be performed under the permit to a maximum of \$10,000, to ensure full and proper compliance with provisions of this bylaw and all terms and conditions of the permit."

b. a Soil Permit an applicant is required to provide a security in the form of cash, certified cheque, or unconditional, irrevocable letter of credit drawn on a Canadian chartered bank in a form acceptable to the Director of Financial Services in an amount per the following table:

<b>Project Capital Cost</b>	<b>Required Security Deposit</b>
0-\$100,000	\$2,500
\$100,000 - \$200,000	\$5,000
>\$200,000	\$10,000
more than 3 permits per applicant	\$30,000 plus \$6,000 cash for minor work as required.

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**Drawing On Security Deposit**

32. If the applicant does not comply with the terms and conditions of the permit or the provisions of this bylaw the District may use all or a portion of the security deposit or call for and receive the funds secured by the letter of credit and use the funds to remedy the non-compliance, or if the *work* under the permit is not completed before 1 month of the expiry date of the letter of credit, the District may call for and receive the funds secured by the letter of credit and retain the funds until the applicant delivers a replacement letter of credit to the District in the same form and amount; and at the discretion of the District, all or part of this security may be held for up to three years of issuance.

**Liability On Security Deposit**

33. Prior to issuance of a permit for *work* on land owned by the Corporation of the District of North Vancouver, an applicant is required to obtain and maintain, at all times during the period of validity of the permit, public liability insurance in the amount of \$5,000,000, in connection with the obligations under this bylaw with deductibles and terms reasonably satisfactory to the District, with the District listed as an "Additional Named Insured" and evidence of this coverage must be provided in the form of an insurance certificate, and with a provision that the insurer will notify the District in writing at least 30 days prior to cancellation of the policy, and will deliver a certified copy of such policy to the District upon demand.

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**Fees**

34. 1. An applicant for a permit must pay the following fee:

a. for an Aquatic Area Permit  
\$275

**(6949, 7144)**

b. for a Tree Permit

- i. n/c Hazardous *trees* on land owned or possessed by the District
- ii. \$65 1-3 *trees*
- iii. \$200 four *trees* or more
- iv. \$1700 on a parcel greater than 1 hectare where a subdivision plan is not involved, of which \$925 is refundable if there is no public information meeting called by Council under Section 35

**(6949, 7144)**

c. for a Soil Permit

\$155 Single Family Residential  
\$320 Industrial, Commercial, Multi-Family

**(6949, 7144)**

d. for a Site Profile

\$50 for a Site Profile as specified in Schedule 1 of the *Waste Management Act - Contaminated Sites Regulations*.

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2. Re-Inspection Fee

Where it has been determined by the Environmental Protection Officer that a site undertaking work governed by a permit issued pursuant to this Bylaw has not satisfactorily completed the work after the second inspection by the EPO then the following table of Inspection fees shall apply:

Inspection	Fee	Comments
Initial Inspection	No Charge	<ul style="list-style-type: none"> <li>• First inspection to determine final compliance with EPPB Permit conditions; OR</li> <li>• EPO has to respond to a site regarding ineffective erosion control or other environmental damage complaint</li> </ul>
2 <sup>nd</sup> inspection	No Charge	Second inspection to determine if deficiencies on first inspection have been corrected.

3rd and all subsequent inspection(s)	\$70.00	Third and all subsequent inspection(s) to determine if deficiencies on previous inspection(s) have been corrected.
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(6949, 7144)

Inspection Procedure

3. The Environmental Protection Officer shall record all inspection records on an inspection sheet to be left with the operator in charge of the site and a copy to be filed with the Environment Department. The Environmental Protection Officer shall determine if an inspection fee is to be charged based on two previous inspections to the same site. Any requests for a third or any additional inspections shall be made through the Environment Department. Third and subsequent inspections shall not be conducted until the inspection fee has been received.

(6949, 7144)

Works Conducted Without a Permit

4. If any works for which a permit is required by this Bylaw are commenced without a permit issued by the Director of Planning, Building, and Environment Services Division, the permit applicant for the proposed works shall pay double the fee prescribed as set out in the Fee section of this Bylaw.

(7034, 7144)

**Public Meeting**

35. Upon receipt of an application for a Tree Permit for a parcel of land greater than one hectare in size Council may, at its discretion, require a public information meeting to be held prior to Council issuing or refusing the permit.

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**Issuing Of Permit**

36. When all conditions have been met for the issue of the permit,

- a. a Tree Permit shall be issued;
- b. an Aquatic Area Permit shall be issued; and
- c. a Soil Permit shall be issued,

subject to the terms and conditions required by the Environmental Protection Officer to ensure compliance with the provisions of this bylaw or any other bylaw.

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### **Maintaining Validity Of Permit**

37. A permit is valid while
- a. everything done under the permit conforms with the provisions of this bylaw, including the terms and conditions of the permit;
  - b. all federal and provincial approvals remain in effect;
  - c. all information provided in support of the application for the permit is correct; and
  - d. any person providing services required under this bylaw has adequately met the requirements of this bylaw,
- and failure to meet any of these provisions invalidates the permit.

## **PART G**

### **ENFORCEMENT**

#### **Inspection**

38. The Environmental Protection Officer, a Bylaw Enforcement Officer, a Building Inspector, and the Forestry Technologist may, at any reasonable time or times, enter upon any property for the purposes of inspection to determine compliance with the provisions of this bylaw or a permit issued pursuant to this bylaw.

#### **Order To Comply**

39. Where the holder of a permit has failed to maintain the validity of the permit, the Environmental Protection Officer a Bylaw Enforcement Officer, a Building Inspector, Engineering Design Coordinator, Engineering Administration Technician, Construction Inspector or the Forestry Technologist may, in accordance with section 40, serve on such person an Order to Comply which requires the person to remedy the non-compliance within 14 days or, if in the opinion of the Environmental Protection Officer special circumstances exist, on a date the Officer considers reasonable in the circumstances.

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#### **Service Of The Order**

40. The Environmental Protection Officer, a Bylaw Enforcement Officer, a Building Inspector, or the Forestry Technologist shall serve the Order to Comply on the holder of the permit by
- a. personal service, or
  - b. return registered mail to the address of the holder of the permit as it appears on the application for the permit and when an Order to Comply is not personally served it is deemed to have been serviced on the third day after mailing or posting.

(6727)

#### **Appeal**

41. A person upon whom an Order to Comply has been served may, by giving notice in writing to the Municipal Clerk at least 72 hours prior to the expiry of the time given in the Order to Comply to remedy any contradictions of the bylaw, appeal to the Council who shall hear and determine the appeal by confirming, amending or rescinding the Order to Comply.

**Tree Replacement**

42. Except where a Tree cutting Permit is issued as a remediation measure for the unlawful cutting or removal of a *tree*, any person who *cuts* or *removes* a *tree* without, or contrary to, a Tree Permit shall immediately replace such *tree* with another of the same species and not less than 2 metres or 10% of the height for the species, whichever is the greater, or replacement with approved species of the same basal area, and maintain the replacement *tree*.

(6727)

**Designation Of Bylaw**

43. This bylaw is designated pursuant to sections 272-273 of the *Municipal Act*, R.S.B.C. 1996, c.323 (the *Municipal Act*) as a bylaw that may be enforced by means of a ticket in the form prescribed..

**Designation Of Bylaw Enforcement Officer**

44. The Environmental Protection Officer, a Bylaw Enforcement Officer, a Building Inspector, and the Forestry Technologist are designated to enforce this bylaw by means of a ticket pursuant to sections 272-273 of the *Municipal Act*.

**Ticketing**

45. The words or expressions listed below in the **Designated Expression** column are authorised to be used on a ticket issued pursuant to sections 272-273 of the *Municipal Act* to designate an offence against the respective section of this bylaw appearing opposite in the **Section** column and the amounts appearing in the **Fine** column below are the fines set pursuant to sections 272-273 of the *Municipal Act* for contravention of the respective section of this bylaw appearing opposite in the **Section** column:

<b>Designated Expression</b>	<b>Section</b>	<b><u>Fine</u></b>
discharge of fouling material	7.	\$250.00
conduct <i>works</i> in stream corridor without permit	9a.	\$100.00
conduct <i>works</i> in stream corridor contrary to permit	9b.	\$250.00
damage <i>tree</i>	25.	\$100.00
<i>cut tree</i> without permit	24a.	\$250.00
<i>cut tree</i> contrary to permit	24b.	\$250.00
remove <i>tree</i> without permit	24a.	\$250.00
remove <i>tree</i> contrary to permit	24b.	\$250.00
<i>deposit soil</i> without permit	21a.	\$100.00
<i>deposit soil</i> contrary to permit	21b.	\$250.00
remove <i>soil</i> without permit	21a.	\$100.00
remove <i>soil</i> contrary to permit	21b.	\$250.00
<i>deposit contaminated soil</i>	19.	\$300.00

**Offence And Penalties**

46. Every person who
- a. contravenes;



- b. causes or authorizes or permits any act or thing to be done in contravention of; or,
- c. neglects or refrains from doing anything required to be done by

any of the provisions of this bylaw, terms and conditions of a permit, or an order issued pursuant to this bylaw commits an offence and is liable to a fine of up to \$20,000 and not less than \$100 for each offence; each day that the offence continues, is deemed a separate offence.

In addition, the District may seek legal compensation for any legal fees incurred.

**(7034)**

## **PART H**

### **REPEAL**

#### **Repeal**

47. The Watercourse Regulation Bylaw (Bylaw 3612) and all amendments thereto, the District of North Vancouver Soil Removal Bylaw 1963 (Bylaw 2994) and all amendments thereto, and the Tree *Cutting* Bylaw (Bylaw 6046) and all amendments thereto are repealed.

Amended by: 6658 6727 6838 6919 6949 7034 7144