

**SUMMER VILLAGE OF BURNSTICK LAKE
BYLAW NUMBER 31-98**

BEING A BYLAW OF THE SUMMER VILLAGE OF BURNSTICK LAKE FOR THE PURPOSE OF ESTABLISHING POLICIES FOR THE REMOVAL OF TREES ON COMMUNITY RESERVE LANDS

WHEREAS Section 665 of the Municipal Government Act being Chapter M-26.1 RSA 1994 and amendments thereto provide for the establishment of public lands as municipal reserve, school reserve, municipal and school reserve, environmental reserve and public utility lot;

AND WHEREAS Section 677 of the Municipal Government Act may authorized the maintenance and protection of reserve lands if the interests of the public will not be adversely affected;

AND WHEREAS Council deems it necessary from time to time to authorize the removal of dead trees to maintain safety and protection of the reserve lands;

NOW THEREFORE the Council of the Summer Village of Burnstick Lake, in the Province of Alberta, duly assembled enact as follows:

1. TITLE

1.1. This bylaw shall be known as the "Tree Removal Permitting Bylaw"

2. DEFINITIONS

2.1. "Council" refers to the Council of the Summer Village of Burnstick Lake.

2.2. "Council Designate" means a person designated by resolution of Council to have authority to issue a Tree Removal Permit.

2.3. "Permit" refers to a Tree Removal Permit.

2.4. "Property Owner" refers to a person who holds title to a property at the Summer Village of Burnstick Lake or is the spouse of a person who holds title or is a person or the spouse of a person who holds a valid land lease agreement on a property located within the Summer Village of Burnstick Lake.

2.5. "Reserve lands" refer to all lands within the municipal boundaries of the Summer Village of Burnstick Lake designated as "MR" "ER" or "PUL" and is held in the name of the Summer Village of Burnstick Lake at the Land Titles Registry.

2.6. "Municipal Administrator" means the chief administrative officer of the Summer Village of Burnstick Lake, duly appointed by the Council of the Summer Village of Burnstick Lake.

2.7. "Security Deposit" may include an irrevocable letter of credit issued by a chartered bank or credit union approved to operate in the Province of Alberta, a Term Deposit or Guaranteed Investment Certificate issued in the name of the Summer Village of Burnstick Lake or cash held on deposit in Trust by the Summer Village of Burnstick Lake.

2.8. "Summer Village" means the Summer Village of Burnstick Lake.

3. REMOVAL OF TREES

3.1. Anyone wanting to remove a tree or trees from reserve lands must obtain a Tree Removal Permit from the Summer Village.



- 3.2. Only persons issued a written Tree Removal Permit may cut down and/or remove a tree or trees from reserve lands.
- 3.3. Only trees specifically marked and stated on the Tree Removal Permit may be cut down and/or removed.

4. PROCESS FOR OBTAINING PERMIT

- 4.1. A request for a Tree Removal Permit shall be made in writing to the Council and the Council Designate shall receive and consider the request and after having done so, may in absolute discretion, issue to the applicant a Tree Removal Permit. No cutting or removal of trees is permitted unless a Tree Removal Permit is issued in a form approved by Council.
- 4.2. The applicant must physically mark all trees applied for removal with surveyors tape prior to inspection by a Council Designate.
- 4.3. When issuing a permit, the Council may issue the permit unconditionally or may impose conditions considered appropriate.
- 4.4. Permits pursuant to this bylaw are valid for such period of time as determined by Council Designate issuing the permit.
- 4.5. Council may require a security deposit from the applicant to ensure restoration and clean up of the site and shall use the deposit to restore the site if not done by applicant within the time specified in the permit..
- 4.6. The applicant assumes all responsibility to ensure the safe removal of trees without damaging adjacent lands, other trees, reserve lands or people and shall save the Summer Village harmless from any actions, suits or claims that may result from the removal of the tree or trees.

5. EXCEPTIONS

- 5.1. If through an act of a hail, strong gusts, heavy rain or heavy snowfall, a tree on the reserve land experiences major damage and threatens the safety of people or property, a property owner may take immediate action to cut down and/or remove the said tree without a permit.
- 5.2. The removal of dead trees, stumps and deadfall due to natural causes can be cleared without a permit.

6. OFFENCES

- 6.1. Except as provided for in Section 5.1, no person shall damage, cut down and/or remove a tree or trees from reserve lands without first obtaining a valid Tree Removal Permit.

7. PENALTIES

- 7.1. Any person who cuts down, removes or damages a tree or trees on reserve land without a valid permit authorizing such action is guilty of an offence and is liable to a fine of:
 - a) \$250 per tree with a trunk diameter of 5 cm or less;
 - b) \$500 per tree with a trunk diameter greater than 5 cm.
- 7.2. The fine as outlined in Section 7.1 must be paid within thirty (30) days from the date of service.
- 7.3. The Violation Ticket must be signed by either the Municipal Administrator or the Mayor of the Summer Village.



7.4. Service of such Violation Ticket shall be sufficient if it is

- a) personally served or,
- b) left for him at his last or most usual place of abode with a person who is apparently at least 16 years old or,
- c) mailed at the last known mailing address by registered mail.

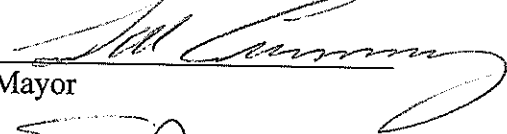
8. SEVERABILITY

8.1. Should any section or part of this Bylaw be found to have been improperly enacted, for any reason, then such section or part shall be regarded as being severable from the rest of the bylaw and the bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this bylaw.

9. EFFECTIVE DATE OF BYLAW

This bylaw shall take effect upon final reading thereof.

READ a first time this 6th day of October, AD 1998

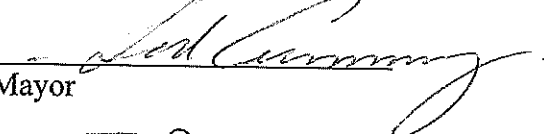


Mayor

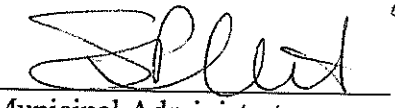


Municipal Administrator

READ a second time this 8th day of December, AD 1998

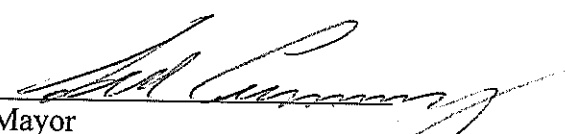


Mayor

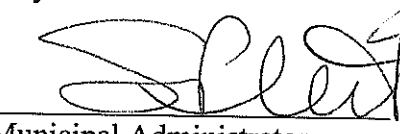


Municipal Administrator

READ a third time and passed this 9th day of February, AD 1999



Mayor



Municipal Administrator

SCHEDULE "A"

SUMMER VILLAGE OF BURNSTICK LAKE

TREE REMOVAL PERMIT

No. _____

Issued under the authority of Bylaw 31-98 Summer Village of Burnstick Lake.

This permit authorizes _____

of _____
(Mailing Address)

to cut down / remove trees as listed below from the following lands:

Lot _____ Block _____ Plan _____ for the purpose

of _____

Cutting / Removal shall be done in compliance with Bylaw 31-98, Summer
Village of Burnstick Lake and the following conditions:

List of Trees: _____

Effective Date: _____, _____ Expires _____, _____

Approved: _____ Issued _____, _____

Authorized Signature

I have read and understand the conditions above and accept full responsibility as outlined
in Bylaw 31-98.

Date

Applicant

SCHEDULE "B"
SUMMER VILLAGE OF BURNTSICK LAKE
VIOLATION TICKET

No. _____

Issued under the authority of Bylaw 31-98 Summer Village of Burnstick Lake

To: _____

of _____

Lot _____ Block _____ Plan _____
(civic address)

In Contravention of Section _____ Subsection _____

of Bylaw 31-98 and amendments thereto of the Summer Village of Burnstick Lake.

Description of Contravention:

Fine:

_____ \$ 250.00 x _____ of trees = _____

_____ \$ 500.00 x _____ of trees = _____

TOTAL FINE _____

*Payment of the above-noted fine must be made by cheque or money order payable to:
Summer Village of Burnstick Lake,
Box 5754, High River, Alberta T1V 1P3*

and is due 30 days from the date of service.

Mayor or
Municipal Administrator

Date of Service