

**HORNBY ISLAND**  
**SITING AND USE PERMIT BYLAW NO. 52**

AS AMENDED BY HORNBY ISLAND TRUST COMMITTEE BYLAW NO. 54 and 122

NOTE: This Bylaw is consolidated for convenience only and is not be construed as a legal document.

Certified copies of the Siting and Use Permit Bylaw are available from the Islands Trust Office, 2nd Floor, 1627 Fort Street, Victoria, BC V8R 1H8

February, 2005

**BYLAW AMENDMENTS**

This Copy is consolidated for convenience only and includes the following text amendments:

<u>Bylaw Number</u>	<u>Amendment Number</u>	<u>Adoption Date</u>
Bylaw No. 54	Amendment No. 1, 1990	February 7, 1991
Bylaw No. 122	Amendment No. 1, 2004	January 17, 2005

**HORNBY ISLAND TRUST COMMITTEE**

**BYLAW NO. 52**

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A Bylaw to Require and Define Procedures for Application for Siting and Use Permits in compliance with Hornby Island Official Community Plan Bylaw, 1976 and Hornby Island Land Use Bylaw No. 37, 1988.

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WHEREAS the Hornby Island Local Trust Area is not subject to a requirement established under Part 21 of the *Municipal Act* that building permits be obtained for construction;

AND WHEREAS the Hornby Island Local Trust Area is subject to Land Use Bylaw No. 37, 1988 that regulates use, density of use, siting, size and dimensions of uses, buildings and structures permitted on the land;

NOW THEREFORE the Hornby Island Trust Committee being the Trust Committee having jurisdiction in respect of the Hornby Island Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, R.S.B.C. 1989, enacts as follows:

**1. Title**

This bylaw may be cited for all purposes as the "**Hornby Island Trust Committee Siting and Use Permit Bylaw No. 52, 1990**".

**2. Requirement**

HO-122

Owners of land within the Hornby Island Local Trust Area are required to obtain a siting and use permit for new construction of a building or structure exceeding 9.3 metres (100 square feet) in gross floor area or any addition to an existing building or structure in accordance with this bylaw before beginning construction on the land.

Owners of land within the Hornby Island Local Trust Area are required to obtain a siting and use permit in accordance with this bylaw before beginning construction on the land.

**3. Application**

This bylaw shall apply to Hornby Island, Toby Island, Flora Islet, Norris Rocks, and unnamed islets and the surface of water within 1,000 metres of the natural boundary of the sea on Hornby and Toby Islands and Flora Islet except where the boundary would impinge on another jurisdiction, in which case, the jurisdiction of this bylaw extends to the mid-channel between the Islands.

**4. Interpretation**

HO-122

In this bylaw, definitions contained in the Hornby Island Land Use Bylaw apply with the addition of the following:

"Approval" means approval in writing from the person specified in Section 5 as authorized to issue permits.

"Construction" means new construction of a building or structure and includes addition to an existing building or structure, but does not include the repair of an existing building or structure.

**5. Administration**

- HO-54 5.1 This Bylaw shall be administered by the Secretary of the Islands Trust or a designate specified by the Secretary.
- 5.2 No owner, lessee, tenant, occupant or agent for the owner shall do any act, or suffer or permit any act or thing to be done in contravention of this bylaw.
- 5.3 Any person who violates any of the provisions of this bylaw shall, upon summary conviction thereof, be liable to a penalty of not more than \$1000.00.

**6. Application Procedures**

- 6.1 An application for a siting and use permit shall be made by the owner of the land involved or by a person authorized by the owner.
- 6.2 An application for a permit shall:
- (a) be submitted to the Islands Trust office on the form prescribed in Appendix 1 of this bylaw;
  - (b) not be considered a valid application until it contains all the information required by the form; and
  - (c) include the fees required by Hornby Island Trust Committee Fees Bylaw.
- HO-122 6.3 A permit may be issued only if the construction and use of land and structures to which it relates does comply with the applicable land use bylaw.

**7. Severability**

If any provision of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid provision shall be severed and the remaining sections and procedures remain valid.

READ A FIRST TIME THIS 5th day of May , 1990

READ A SECOND TIME THIS 5th day of May , 1990

READ A THIRD TIME THIS 5th day of May , 1990

RECONSIDERED, AND FINALLY PASSED AND ADOPTED THIS 17th day of May , 1990

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Jim Windsor  
SECRETARY

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Nick Gilbert  
CHAIRPERSON