

ISLANDS TRUST COUNCIL

BYLAW NO. 115

A bylaw to prescribe fees for issuing Natural Area Exemption Certificates

Whereas Section 49.3 of the *Islands Trust Act* provides that Islands Trust Council may issue a Natural Area Exemption Certificate for the purposes of protecting natural area values or amenities of an eligible natural area property;

WHEREAS Section 363(1) of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to a service provided and the exercise of regulatory authority; and

NOW THEREFORE the Islands Trust Council, having jurisdiction in respect of the Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

1.0 Citation

1.1 Bylaw No. 93, being "Islands Trust Council Natural Area Exemption Certificate Fees Bylaw, 2004" is repealed in its entirety.

1.2 This bylaw may be cited as the "Islands Trust Council Natural Area Exemption Certificate Fees Bylaw No. 115, 2006".

2.0 Interpretation

2.1 In this bylaw:

"Applicant" means the owner of the property to be subject to a Natural Area Exemption Certificate, or an agent authorized by the owner to apply on its behalf.

"Application Fee" is payable to the "Islands Trust".

"Covenanted Area" is that area of the Land that is proposed to be covenanted and which meets the criteria of an "eligible natural area property"

"Eligible natural area property" means property so designated under section 49.1 of the *Islands Trust Act*.

"Islands Trust" means the Chief Administrative Officer or his/her authorized representative.

"Natural area exemption certificate" means a certificate issued under section 49.3 of the *Islands Trust Act*.

3.0 Natural Area Exemption Certificate Application Fees

3.1 (a) Prior to the processing of an application for a Natural Area Exemption Certificate, the applicant must deliver to the Islands Trust \$275 as Phase 1 of the Application Fee.

- (b) An application administration fee in the amount of \$ 50.00 being a portion of the fee referred to in paragraph (a), is not refundable in any event.
 - (c) If the application is not processed for any reason, the Islands Trust must pay to the Applicant an amount equal to the fee paid, less \$50.00.
- 3.2 (a) If Trust Council passes a resolution instructing the Secretary to issue a Natural Area Exemption Certificate to the Applicant, then the application enters Phase 2 of the application process and, in order to proceed, the Applicant must deliver to the Islands Trust \$175.

3.3 Extraordinary Costs

- (a) In the event the costs of processing, inspection, and administration in respect of either Phase 1 or Phase 2 of the application process are estimated by the Islands Trust to exceed 200% (percent) of the applicable fee, the Applicant shall pay to the Islands Trust prior to the processing of the application 50% of the estimated actual costs of processing, site inspection, and administration.
- (b) In the event that the amount paid under Section 3.1(a) and 3.2(a) exceeds the actual costs of processing, inspection, and administration related to the application, the Islands Trust shall refund any amount exceeding \$50 to the Applicant.
- (c) In the event that the amount paid under Section 3.1(a), 3.2(a) or 3.3(a) is less than 50% of the actual costs of processing, inspection, and administration, the Islands Trust shall invoice the Applicant for any amount exceeding \$50 which shall become a debt due and payable to the "Islands Trust".

3.4 Severability

- (a) In the event a portion of this bylaw is set aside by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the bylaw remains in force and in effect.

READ A FIRST TIME THIS	8 TH	DAY OF	DECEMBER	, 2006
READ A SECOND TIME THIS	8 TH	DAY OF	DECEMBER	, 2006
READ A THIRD TIME THIS	8 TH	DAY OF	DECEMBER	, 2006
ADOPTED THIS	30 TH	DAY OF	JANUARY	, 2007

SECRETARY

CHAIR