The Corporation of the Town of Tecumseh

By-Law Number 2026-029

Being a By-law to prohibit or regulate the injuring or destruction of trees on all municipal lands within the Town of Tecumseh.

Whereas Section 11(1) of the *Municipal Act*, 2001, S.O. 2001, c.25 (the "**Municipal Act**") provides that a municipality may pass By-laws respecting the social and environmental well-being of the municipality, and the health, safety, and well-being of Persons;

And Whereas without limiting Sections 9, 10 and 11, Section 135 of the Municipal Act permits a local municipality to prohibit or regulate the Destruction or injury of trees including requiring that a permit be obtained to injure or Destroy trees and allowing the municipality to impose conditions to a permit, including conditions relating to the manner in which the Destruction occurs and the qualifications of Persons authorized to injure or Destroy trees;

And Whereas Section 62 of the Municipal Act permits a municipality, at any reasonable time, to enter upon land lying along any of its highways to inspect trees and conduct tests on trees and to remove decayed, damages or dangerous trees or branches of trees if, in the opinion of the municipality, the trees or branches pose a danger to the health or safety of any Person using a highway;

And Whereas Section 270(1) of the Municipal Act requires that a municipality shall adopt and maintain policies with respect to the manner in which the municipality will protect and enhance the tree canopy and vegetation cover;

And Whereas Section 391(1) of the Municipal Act provides that a municipality may pass By-laws imposing fees or charges on any Person for services or activities provided by the municipality or done on behalf of it;

And Whereas Section 429(1) of the Municipal Act provides that a municipality may establish a system of fines for a By-law passed under this Act;

And Whereas Section 434.1 of the Municipal Act authorizes a municipality to require Persons to pay an Administrative Penalty if the municipality is satisfied that a Person has failed to comply with a municipal By-law passed, subject to conditions as the municipality considers appropriate;

And Whereas Section 444 of the Municipal Act provides that if a municipality is satisfied that the contravention of a By-law of the municipality passed under the Act has occurred, the municipality may make an order requiring the Person who contravened the By-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

And Whereas Section 445 of the Municipal Act provides that if a municipality is satisfied that a contravention of a By-law of the municipality passed under the Act has

occurred, the municipality may make an order requiring the Person who contravened the By-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to do work to correct the contravention;

And Whereas Section 446 of the Municipal Act permits a municipality to direct or require that a matter or thing be done, such as maintaining land in a clean and clear condition, and that the municipality may direct that in default of it being done by the Person directed or required to do so, it shall be done at the Person's expense with costs incurred by the municipality being recovered by action or by adding the cost to the tax roll and collecting the cost in the same manner as property taxes;

And Whereas the Council Corporation of the Town of Tecumseh ("**Council**") deems it in the public interest to recognize the important contributions Trees make to community health, seeks to enact a By-law to protect and enhance tree canopy on municipal lands and implement the Town's Tree Canopy and Natural Vegetation Policy, and is committed to protecting the investments made to sustain and expand tree canopy on municipal lands;

Now Therefore the Council of The Corporation of The Town of Tecumseh enacts as follows:

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1. Short Title

This By-law may be referred to as “Town Tree Protection By-law”

2. Definitions

In this By-law wherever a word is used with the first letter capitalized, the term is being used as it is defined in this Section 2. Subject to Section 2, where any word appears in ordinary case, its regularly applied meaning in the English language is intended.

2.1 “**Administrative Fee**” means any fee set out in the Town’s Administrative Fees and Charges By-law.

2.2 “**Administrative Fees and Charges By-law**” means the Town’s By-law to prescribe Administrative Fees and charges, as amended or replaced from time to time.

2.3 “**Administrative Penalty**” means an administrative penalty established by the Town’s Administrative Monetary Penalty System (“**AMPS**”) By-law 2024-048, or its successor, or set out in the Town’s Administrative Fees and Charges By-law.

2.4 “**Boundary Tree**” means a Tree whose Trunk is growing on the boundary between adjoining lands as per the *Forestry Act*, R. S. O. 1990 (the “**Forestry Act**”), as amended, which for the purposes of this By-law means the Trunk is located on both Municipal Property and one or more adjacent property owned by another Person or entity.

2.5 “**Council**” means the Council of the Corporation of the Town of Tecumseh.

2.6 **"Destroy"** or “**Destruction**” means any of the following:

2.6.1 to remove or cut down a Tree; or

2.6.2 to Injure a Tree to such an extent that the Tree is deemed by a Qualified Tree Professional and approved by the Director as being no longer viable and unlikely to recover.

Such Destruction may occur directly or indirectly, through construction activities or neglect, whether by accident or by design including but not limited to, by cutting, burning, girdling, uprooting, interfering with its water supply, applying harmful or toxic chemicals, puncturing, or compacting, regrading or resurfacing within its Tree Protection Zone or Dripline.

2.7 "**Diameter at Breast Height (DBH)**" means the measurement, in centimetres, of the diameter of the Trunk of a Tree from the outside bark at a height of 1.4 meters above existing grade adjoining its base along the centre axis, and where the Tree has multiple stems at a height of 1.4 meters above existing grade, means the square root of the sum of the squares of each stem.

2.8 "**Director**" means the Person from time to time occupying the office the Director of the Public Works & Engineering Services or the office of the Director of Community & Recreation Services of the Corporation of the Town of Tecumseh, or such successor office as the case may be, or their designate, and includes any individual who has been authorized to temporarily act during that Person's absence or a vacancy in the office.

2.9 "**Dripline**" means the imagined line from the outer edge of a Tree's foliage extending perpendicularly down to the ground.

2.10 "**Emergency Tree Work**" means where the Town must execute Work to Injure or Destroy a Tree to address an immediate danger to the health and safety of any Person or property.

2.11 "**Fill**" means earth, sand, gravel, rubble, rubbish, garbage, or any other material whether similar to or different from any of these materials, whether originating on the site or elsewhere, used or capable of being used to raise, lower, or in any way effect the contours of the ground.

2.12 "**Good Arboricultural Practices**" means the proper implementation of maintenance, renewal and removal activities known to be appropriate for individual trees in accordance with American National Standards Institute A300 Tree Care Standards and related best management practices as outlined by the ISA.

2.13 "**Good Forestry Practices**" has the meaning ascribed to that term by the Forestry Act, as amended.

2.14 "**High Risk**" as it relates to a Tree, means where there is a likely or very likely likelihood of tree or tree component part failure and target impact with significant or severe potential consequences, as assessed in writing by a Qualified Tree Professional and approved in writing by the Director.

2.15 **"Injure"** or “**injury**” or “**injured**” or “**injuring**” means any actions which cause physical, biological or chemical damage to a Tree which has, or is likely to, have the effect of inhibiting or terminating its growth or compromising its structural integrity, by neglect or design, including but not limited to one or more of the following:

2.15.1 cutting, debarking, girdling or pruning the roots the Trunk;

2.15.2 pruning in a manner that is not aligned with Good Arboricultural Practices;

2.15.3 smothering a Tree’s roots or interfering with the water supply or air exchange, or changing the moisture content of the soil surrounding the Tree;

2.15.4 failing to protect a Tree in accordance with the Town’s standards, including works, storage or disposal within the Tree Protection Zone;

2.15.5 causing mechanical damage to a Tree, including damage caused by construction related activities (including excavation, trenching, horizontal directional drilling, or installation, connection or removal of driveways or utilities);

2.15.6 applying harmful or toxic substances on or near the Tree;

2.15.7 compacting, regrading or resurfacing within the Tree Protection Zone or Dripline; or

2.15.8 affixing any structure, hardware, or other object to any part of a Tree.

2.16 “**Municipal Property**” means any land owned by, or leased by, or leased to, or controlled by, or vested in the Town.

2.17 “**Officer**” means any individual appointed by a Town By-law, or pursuant to delegated authority to appoint under a Town By-law, to enforce a Town By-law, or a police officer employed by the Ontario Provincial Police or any other police service having jurisdiction in the Town.

2.18 “**Owner**” means a registered owner of the property, and their respective successors and assigns.

2.19 **"Parks Reserve Fund"** means the fund established by the Town for, among other things, the purpose of planting and maintaining Trees by Town staff, or their designates, on Municipal Property within the Town.

2.20 **"Permit"** means written permission issued by the Director pursuant to this By-law.

2.21 **"Permit Holder"** means the Person who has been issued a Permit pursuant to this By-law.

2.22 "**Person**" includes an individual or business name, sole proprietorship, corporation, partnership, or limited partnership, or an authorized representative thereof. For the purposes of a violation of Section 4 of this By-law, the Person shall be an individual or a business name, sole proprietorship, corporation, partnership, limited partnership, or an authorized representative thereof whose name appears on a vehicle permit as provided by the Ministry. If the vehicle permit consists of a vehicle portion and a licence plate portion, and different Persons are named on each portion, the Person whose name appears on the licence plate portion, as provided by the Ministry.

2.23 "**Pruning**" means the trimming or removal of branches, limbs or roots in accordance with Good Arboricultural Practices, including for the purpose of maintaining structural stability and balance and encouraging natural form, to maintain the health of the Tree.

2.24 "**Qualified Tree Professional**" means a professional who has gained recognized certifications, qualifications and expertise in the care and management of trees. Recognized certifications and qualifications include:

2.24.1 a Skilled Trades Ontario 444A Arborist;

2.24.2 a Certified Arborist as certified by the International Society of Arboriculture (ISA);

2.24.3 a Registered Consulting Arborist as registered with the American Society of Consulting Arborists (ASCA);

2.24.4 registered professional forester (RPF) in good standing with the Ontario Professional Forester's Association (OPFA); and / or

2.24.5 a person with qualifications approved by the Director or their designate.

2.25 "**Replacement Tree**" means a Tree to be established as part of the compensation for Injury or Destruction of a Town Tree of at least 50 mm caliper wire basket and species determined in accordance with the current applicable Town guidelines. Cash-in-lieu is to be calculated in accordance with Schedule "A" of this By-law.

2.26 "**Town**" means The Corporation of the Town of Tecumseh.

2.27 "**Town Tree**" means all Trees on Municipal Property in the Town.

2.28 "**Tree**" means a woody, perennial plant, whether alive or Dead, healthy or unhealthy, including saplings or seedlings and including the root system, which has reached, could reach or could have reached a height of at least 4.5 metres from the ground at physiological maturity.

2.29 "**Tree Compensation Fee**" means fee to be based on the premise of cost recovery and calculated in accordance with this By-law Schedule "A" and paid to the Town's Parks Reserve Fund.

2.30 "**Tree Protection Measure**" means physical barriers such as hoarding, fencing, matting, root buffering, trunk protection, or any other tool or method installed on, around, or near a Town Tree for the purpose of protecting the Tree against Injury or Destruction, including any signs or posted Permits required by the Town's current guidelines.

2.31 "**Tree Protection Zone**" means the minimum setback (including above, below and at ground level) required to protect the biological health and maintain the structural integrity of a Town Tree, as per the Town's Tree Protection and Preservation Guidelines, or as approved by the Director.

2.32 "**Trunk**" means the part of a Tree from its point of growth away from its roots up to where it branches out to limbs and foliage.

2.33 "**Work**" means any construction, grading, excavation, storage, installation, demolition, landscaping, or other activity that may impact a Tree or its Tree Protection Zone.

3. Scope and Prohibitions

3.1 Scope

This By-law shall apply to all Town Trees on any Municipal Property in the Town of Tecumseh.

3.2 Prohibitions

3.2.1 Except as provided in this By-law, no Person shall, without a valid Permit issued under this By-law, Injure or Destroy, or cause, direct, or permit, the Injury or Destruction, of any Town Tree.

3.2.2 No Person shall perform any Work within the Tree Protection Zone of a Town Tree without a valid Permit under this By-law.

3.2.3 No Person shall, without the written consent of the Director:

(a) damage, deface, disable, relocate, or otherwise interfere with the condition or function of any Tree Protection Measure associated with a Town Tree;

(b) plant a Tree on Municipal Property;

(c) deface, tack, paste or otherwise attach an object or thing to, around, or through a Town Tree; or

(d) remove any woody debris that has fallen or has been cut down by the Town in a natural area on Municipal Property.

3.2.4 Section 3.2.3(c) does not apply to the installation of identification tags for the purposes of Tree identification or surveying when undertaken in conjunction with activities subject to Section 5 of this By-law.

3.2.5 No Person shall, without the written consent of the Director:

(a) place, store or maintain any construction material, Fill, waste, or equipment within the Tree Protection Zone of a Town Tree; or

(b) change the grade, excavate, trench or tunnel within the Tree Protection Zone of a Town Tree.

4. Authority, Administration and Enforcement

4.1 Authority

4.1.1 The Director shall have the authority to plant trees on Municipal Property, care for and maintain Town Trees and remove Town Trees.

4.1.2 The Town's responsibility for a Boundary Tree shall be limited to its interest in the Tree and shall not create liability for acts or omissions of adjacent property Owners.

4.1.3 The Director shall have the authority to transfer funds into and out of the Parks Reserve Fund in accordance with this By-law.

4.1.4 Pursuant to Section 62 of the Municipal Act, the Director may, at any reasonable time, enter upon land lying along a highway under the jurisdiction of the Town to inspect Trees, conduct tests, and Prune or remove decayed, damaged, diseased, or High Risk Trees or branches that, in the opinion of the Director, pose a danger to the health or safety of any Person using the highway.

4.2 Administration and Enforcement

4.2.1 The administration and enforcement of this By-law is assigned to the Director, or their delegate, who shall perform all the functions conferred upon them by this By-law.

4.2.2 The Director shall have the authority to issue, refuse, revoke, and suspend a Permit in accordance with this By-law.

4.2.3 The Director shall have the power to impose terms or conditions on a Permit in accordance with this By-law.

4.2.4 Any Officer has the power to enforce the provisions of this By-law.

4.2.5 Any Officer or employee of the Town designated by Council to administer this By-law is authorized to inform any Person of the provisions of this By-law and request compliance therewith;

4.2.6 Any Officer or employee of the Town designated by Council to administer this By-law is authorized to order any Person believed by such Officer or employee to be contravening or who has contravened any provision of this By-law to desist from the activity constituting or contributing to such contravention and to take such steps as may be required to come into compliance thereof;

4.2.7 Where a Town Tree has been Injured or Destroyed without a Permit and part, or all, of the remaining stump is too short for the DBH to be measured, the diameter shall be measured at the height of the remaining Trunk.

4.2.8 The Director shall not approve the removal of a Boundary Tree without the consent of the adjacent property Owner where the tree is located, except if the Tree is deemed High Risk or as part of Emergency Tree Work.

4.2.9 Nothing in this By-law shall be interpreted to alter, limit, or override the rights and obligations of adjoining landowners under the Forestry Act, R.S.O. 1990, c. F.26, as amended, with respect to Boundary Trees.

4.2.10 Any costs incurred by the Town in doing the Work required to ensure compliance by a Person who is in contravention of any provisions of this By-law may be recovered by action or adding the costs to the tax roll and collecting them in the same manner as property taxes.

4.2.11 The Director shall maintain written records of all Permits issued, refused, revoked, suspended, and all High-Risk assessments conducted under this By-law for a total of seven (7) years.

5. Exemptions

5.1 Statutory Exemptions

5.1.1 In accordance with the exemptions prescribed in subsection 135(12) of the Municipal Act, this By-law does not purport to regulate:

(a) activities or matters undertaken by a municipality or a local board of a municipality;

(b) activities or matters undertaken under a license issued under the *Crown Forest Sustainability Act*, 1994

(c) the Injuring or Destruction of Trees by a Person licensed under the *Surveyors Act* to engage in the practice of cadastral surveying or his or her agent, while making a survey;

(d) the Injuring or Destruction of Trees imposed after December 31, 2002, as a condition to:

i. the approval of a site plan, a plan of subdivision or a consent under section 41, 51 or 53, respectively, of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections

ii. a development permit authorized by regulation made under section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under the regulation.

(e) the Injuring or Destruction of Trees by a transmitter or distributor, as those terms are defined in Section 2 of the *Electricity Act*, 1998, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;

(f) the Injuring or Destruction of Trees undertaken on land:

i. described in a license for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*, or

ii. to lawfully establish and operate or enlarge any pit or quarry on land that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act, and on which a pit or quarry is a permitted land use under a By-law passed under section 34 of the *Planning Act.*

5.2 Other Exemptions

This By-law does not regulate activities that may result in Injury or Destruction of Town Trees undertaken to install or maintain energy, utilities or communications lines in the Municipality as determined in a current agreement or memorandum of understanding with the Town.

6. Permit Application, Issuance, Conditions and Refusal or Revocation

6.1 Town Tree Permit Application

6.1.1 Any Person seeking to Injure or Destroy a Town Tree or to Work within the Tree Protection Zone of a Town Tree shall apply to the Director for a Permit.

6.1.2 The Director shall receive, process and review all Permit applications and shall maintain complete records showing all applications received and Permits issued.

6.1.3 A Person seeking a Permit in relation to a Town Tree shall submit the following to the Director:

(a) a formal request in writing via email or mail;

(b) the specific location of the Town Tree;

(c) the reason(s) for the proposed Injury or Destruction of the Town Tree; and

(d) any additional information that may be required by the Director.

6.1.4 In the event that the Director requests additional information, the Person who has submitted the request must provide the information within ninety (90) days of the request. Failing to do so shall result in the request becoming void.

6.2 **Town Tree Permit Issuance**

6.2.1 In deciding whether to issue a Permit, the Director shall consider the following:

(a) the species, condition and location of the Town Tree;

(b) the reason(s) for the proposed Injury or Destruction of the Town Tree;

(c) alternatives to the Injury or Destruction of the Town Tree;

(d) any proposed Tree Protection Measures to reduce the severity of or to mitigate harm to a Town Tree;

(e) if the Works are to be performed by and / or overseen by Qualified Tree Professional;

(f) the protection and preservation of ecological systems and their functions, including the protection and preservation of native flora and fauna;

(g) erosion, flood control and sedimentation of watercourses;

(h) any additional information the Director may consider necessary for the proper review of the request; and

(i) any other legislation, Town By-laws or Town policies that may apply or approvals that may be required.

6.2.2 After a decision is made by the Director to issue a Permit, written notice of that decision shall be given to the applicant or Permit Holder.

6.2.3 A Permit issued under this By-law shall include the following information:

(a) the date the Permit was issued and the date it expires;

(b) the address where the Town Tree to be Injured or Destroyed is located;

(c) the species, DBH, quantity and other identifying information of the Town Trees that are permitted to be Injured or Destroyed;

(d) the required Replacement Trees and/or Tree Compensation Fees calculated in accordance with Schedule "A" of this By-law;

(e) the reason for the approved Town Tree Injury or Destruction; and

(f) any other information deemed necessary by the Director for the administration of this By-law.

6.2.4 Permits issued for activities contemplated in this By-law may be subject to applicable fees as identified in the Town's Fees and Charges By-law.

6.3 **Town Tree Permit Conditions**

6.3.1 The Director may impose conditions as a requirement for obtaining a Permit, including but not limited:

(a) the timelines and any specifications within which the Work is to be performed;

(b) requirements to have regard for Good Arboricultural Practices and / or Good Forestry Practices;

(c) the Tree Works are carried out by or under the supervision of a Qualified Tree Professional;

(d) requirements related to Pruning, Tree Protection Zones and / or Tree Protection Measures;

(e) requirements to adhere to any approved plans or binding agreements related to the Town Tree(s);

(f) that specified measures be implemented to mitigate the direct and indirect effects of the Injury or Destruction on other nearby Trees, land, water bodies and / or natural areas;

(g) payment of costs and fees, including but not limited to initial site inspection fee, tree removal and stumping cost, and post-planting site inspection fees, and

(h) any other condition as may be required by the Director.

6.3.2 For Town Trees permitted to be Injured or Destroyed, the Director shall require payment of the Tree Compensation Fee calculated in accordance with Schedule "A" of this By-law prior to issuance of the Permit.

6.3.3 The Permit Holder is responsible for provision of the Tree Compensation Fees and any other applicable fees in accordance with the Town's Fees and Charges By-law.

6.3.4 The Director is responsible for confirming the required Tree Compensation Fees and any other applicable fees in accordance with the Town's Fees and Charges By-law.

6.3.5 Unless otherwise specified, any Permit issued under this By-law is valid for a period of one (1) year from the date of issuance and is non-transferable. A Permit may be renewed or extended for a period of time, as determined by the Director.

6.4 **Town Tree Permit Refusal or Revocation of Permit**

6.4.1 The Director, at their discretion, may refuse to issue a Permit for one or more of the following reasons:

(a) the applicant does not comply with this By-law or other applicable municipal, provincial or federal laws;

(b) the Tree is subject to an application for a building permit, rezoning, a consent, minor variance, plan of subdivision or site plan control that has been submitted to the Town but has not received final approval;

(c) the proposed Tree Protection Measures do not conform to the Town's tree preservation and protection standards;

(d) the Town's natural heritage system (as defined in the Town's Official Plan) will not be adequately protected and/or preserved;

(e) the proposed Tree Injury or Destruction may cause or exacerbate a natural hazard;

(f) the Town Tree is regulated under the *Endangered Species Act*, 2007, S.O. 2007, c. 6, as amended or its successor legislation and the proposed activities are in contravention of this Act; or

(g) the Town Tree is deemed a valuable asset, by either:

i. having a DBH of 60 centimeters or greater;

ii. being identified in the Town's Urban Forest Management Plan or Natural Heritage System;

iii. has a cultural, historical, or ecological significance as determined by the Director; or

iv. contributes significantly to erosion control, flood mitigation, or habitat preservation.

6.4.2 In addition to the circumstances set out in Section 6.4.1 of this By-law, the Director, at their discretion, may revoke, suspend, or impose a term on a Permit if:

(a) the Work does not comply with the terms and conditions of the Permit issued under this By-law;

(b) the Work does not comply with the specifications and recommendations in the applicable approved plans; or

(c) the Permit was issued on the basis of mistaken, false or incorrect information.

6.4.3 After a decision is made by the Director to refuse to issue or to revoke a Permit, written notice of that decision shall be given to the applicant or Permit Holder.

6.5 Town Tree Permit Terms and Requirements

A Permit issued under this By-law may not be transferred except with the approval of the Director.

7. Entry, Inspections and Orders

7.1 Entry and Inspections

7.1.1 An Officer may at any reasonable time, enter upon and inspect the land of any Person to ensure that the provisions of this By-law are complied with, which may include a dwelling if the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused.

7.1.2 Where entry is refused and entry is required to determine compliance, the Officer may seek a warrant in accordance with the *Provincial Offences Act* or any other applicable legislation.

7.1.3 No Person shall prevent, hinder, or obstruct, or attempt to hinder or obstruct, an Officer who is lawfully exercising a power or performing a duty under this By-law.

7.2 **Orders**

7.2.1 An Officer may make an order requiring the Person who contravened this By-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity or to do work to correct the contravention.

7.2.2 If the Officer confirms, after making an inspection, that there has been a contravention of this By-law (including, but not limited to, the breach of an Order or a condition of a Permit made pursuant to this By-law) then they may make an Order requiring the Person who contravened it (including the Owner, Permit Holder or, if applicable, a contractor of the Permit Holder) to discontinue the activity and/or correct the contravention at the responsible Person's expense.

7.2.3 An Order under this By-law may be served:

(a) personally, in which case it shall be deemed to have been served on the date of that Personal service;

(b) by electronic mail, provided the Person has previously communicated with the Town by electronic mail, in which case it shall be deemed to have been served on the date of that email; or

(c) by prepaid ordinary mail to the last known address of the Person being served, in which case it shall be deemed to have been served on the fifth day after the date it was mailed.

7.2.4 If a Person is required, under an Order pursuant to this By-law, to do a matter or thing, and has failed to discharge those obligations, the matter or thing may be done by the Town, under the direction of an Officer at the responsible Person's expense.

7.2.5 The Town may recover the applicable costs for correcting the contravention of this By-law by adding the costs to the tax roll for the Permit Holder or responsible Owner and collecting them in the same manner as property taxes.

8. Fines, Penalties and Offenses

Nothing in this Section limits the Town's authority to recover costs under Section 7 of this By-law.

8.1 **Offences**

8.1.1 Any Person who contravenes or fails to comply with any provision of this By-law or an Order issued pursuant to this By-law is guilty of an offence and can, at the discretion of an Officer, be issued a Penalty

Notice requiring the payment of an Administrative Penalty in accordance with the Town's Administrative Monetary Penalty System By-law, as amended or replaced from time to time.

8.1.2 No Person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under this By-law.

8.1.3 No Person shall fail to comply with any condition or term of any Order issued under this By-law. If there is a contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be continuing offence for each day or part of a day that the contravention remains uncorrected.

8.1.4 For the purposes of this By-law

(a) "multiple offences" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law; and

(b) an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

8.2 **Penalties and Orders**

8.2.1 Every Person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in such contravention by the corporation, is guilty of an offence and is liable to a fine, including the fines set out in this Section 8.2, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33 ("**Provincial Offences Act**") and the Municipal Act, as both may be amended from time to time.

8.2.2 Upon conviction, any fine imposed under this By-law may be collected under the authority of the Provincial Offences Act.

8.2.3 The court in which the conviction has been entered, and any court of competent jurisdiction, thereafter, may make an order prohibiting the continuation or repetition of the offence by the Person convicted, and such order shall be in addition to any other penalty imposed on the Person.

8.3 **Administrative Penalties**

8.3.1 As an alternative to the laying a charge under the Provincial Offences Act for any breach of any provision of this By-law, an Officer may issue an Administrative Penalty to the Person who has contravened this By-

law provided the authority for the Municipality to issue Administrative Penalties has been granted by municipal By-law.

8.3.2 A By-law Enforcement Officer has the discretion to either proceed by way of an Administrative Penalty or a charge laid under the Provincial Offences Act. If an Administrative Penalty is issued to a Person for a contravention of this By-law, no charge shall be laid against that same Person for the same contravention.

8.3.3 The amount of the Administrative Penalty for a contravention of a provision of this By-law is fixed as set out in an Administrative Penalty By-law, as amended from time to time, or any successor By-law.

8.3.4 A Person who is issued an Administrative Penalty shall be subject to the procedures as provided for in an Administrative Penalty By-law of the Municipality, as amended from time to time, or any successor By-law.

8.3.5 If an Officer issues a penalty notice under the Administrative Penalty System, the property Owner may appeal the penalty through the Administrative Monetary Penalties System appeal process outlined in the Administrative Penalty By-law, as amended from time to time, or any successor By-law.

8.3.6 An Administrative Penalty imposed on a Person pursuant to this By-law this is not paid within fifteen (15) days after the day it becomes due and payable, constitutes a debt of the Person to the Municipality and may be added to a municipal tax roll and collected in the same manner as municipal taxes.

8.4 Collection of Unpaid Fines

8.4.1 Where a fine is in default, the Municipality may proceed with civil enforcement against the Person upon whom the fine has been imposed, pursuant to the Provincial Offences Act.

8.4.2 For fines applied pursuant to section 8.3 of this By-law, the Municipality may make a request to the treasurer of a local municipality to add any part of a fine that is in default to the tax roll for any property in the local municipality for which all the Owners are responsible for paying the fine and collect it in the same manner as municipal taxes.

9. Interpretation of This By-law

9.1 Interpretations

9.1.1 Wherever this By-law refers to a “Person” or thing with reference to gender or the gender is neutral, the intention is to read the By-law with the gender applicable to the circumstances.

9.1.2 References to items in the plural include the singular, as applicable.

9.1.3 The words “include”, “includes” or “including” are not to be read as limiting the phrases or descriptions that precede it.

9.1.4 Where this By-law refers to Town guidelines, standards, or policies, such documents shall be as adopted and amended from time to time by Council or by delegated authority.

9.2 **Severability**

If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law will be considered to be severed from the balance of the By-law, which will continue to operate in full force.

9.3 **Conflicting By-laws and Regulations**

9.3.1 This By-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the Town or by any governmental authority having jurisdiction to make such restrictions or regulations.

9.3.2 If there is a conflict between a provision of this By-law and a provision of any other Town By-law, the provision that establishes the higher standard to protect the health and safety of Town Tree shall apply.

10. Appeals

10.1 A Person whose application for a Permit has been refused, or who objects to a condition imposed on a Permit, may appeal the decision of the Director by submitting a written notice of appeal to the Chief Administrative Officer (“**CAO**”) within fourteen (14) days of receiving written notice of the decision.

10.2 The appeal shall include the reason for the appeal and any supporting documentation.

10.3 The CAO shall review the appeal and may confirm, vary, or overturn the decision of the Director.

10.4 The decision of the CAO shall be final and binding and shall be provided in writing.

10.5 This appeal process does not apply to Administrative Penalties issued under the Town’s Administrative Monetary Penalty System By-law.

11. Review and Approval

Council delegates authority to the Director of People & Culture and Chief Administrative Officer to regularly review and, if applicable, revise the Policy. Any

significant amendments to the Policy are to be reported to Council for information.

12. Enactment

This By-law shall come into force and take effect on the date this By-law is passed.

Read a first, second, third time and finally passed this 23rd day of June, 2026.

Gary McNamara, Mayor

Robert Auger, Clerk

Schedule “A” - Tree Compensations

Tree Compensation Fees imposed under this By-law are intended solely to achieve cost recovery for the removal and replacement of Town Trees and are not intended to be punitive in nature.

For Town Trees Permitted to be Injured or Destroyed, or where a charge related to a contravention to this By-law has been issued, a Tree Compensation Fee will typically be required to be paid to the Town to cover the costs of replacing the Town Trees Injured and/or Destroyed.

Where a condition to compensate for the Permitted Injury or Removal of a Town Tree has been issued as part of a Permit, or where tree compensation is required to comply with an Order, the compensation shall be subject to the replacement ratios outlined in Table A.1.

Tree compensation requirements are to be calculated using the method outlined below. In some exceptional cases, at the sole discretion of the Director, tree compensation requirements may alternately be calculated using the Trunk Formula Method (or equivalent) as outlined in the most current edition of the Council of Tree and Landscape Appraisers (CTLA) Guide for Plant Appraisal.

The fees for each applicable task are to be as per the Town’s Administrative Fees and Charges By-law:

a. Tree removal and stumping fee; and

b. Replacement Tree fee multiplied by the number of Replacement Trees determined based on the table below.

Tree Compensation Fee = (a) + (b)

Table A.1: Replacement Tree Ratios, by DBH of the Injured or Removed Town Tree

Diameter at Breast Height (DBH) in centimeters of Town Tree to be Injured or Removed	Number of Trees to be Planted for Injury of a Town Tree	Number of Trees to be Planted For Destruction of a Town Tree
0.1 - 19	1	2
20 - 29	2	3
30 - 39	3	5
40 - 49	4	7
50 - 59	5	9
60 - 69	6	11
70 - 79	7	14
80 - 89	8	16

Diameter at Breast Height (DBH) in centimeters of Town Tree to be Injured or Removed	Number of Trees to be Planted for Injury of a Town Tree	Number of Trees to be Planted For Destruction of a Town Tree
90 - 99	9	18
100+	10 trees plus 1 additional tree for every full 10 cm above 100 cm DBH	20 trees plus 2 additional trees for every full 10 cm above 100 cm DBH

Notes:

1. The per-tree compensation fee shall be assessed in accordance with Town's Administrative Fees and Charges By-law 2025-119, as amended, or its successor(s).

2. Trees confirmed in writing by a Qualified Tree Professional to be dead may be exempted from replacement requirements at the sole discretion of the Director.

3. Where both injury and Destruction occur to the same Tree, compensation shall be calculated based on Destruction only.