

The Corporation of the Township of Huron-Kinloss



BY-LAW

2011-85

**A By-law of The Corporation of the Township of Huron-Kinloss to
prohibit or regulate the destruction or injuring of trees or woodlots on
private property in the Township of Huron-Kinloss**

WHEREAS, Section 135 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, permits the enactment of a By-law by the Council of The Corporation of the Township of Huron-Kinloss to prohibit and regulate the destruction or injuring of trees;

AND WHEREAS, pursuant to Section 135(7) of the Municipal Act, a municipality may require that a permit be obtained for the injuring or destruction of trees and impose conditions including those relating to the manner in which destruction occurs and the qualification of persons authorized to destroy or injure trees;

AND WHEREAS, the Council of The Corporation of the Township of Huron-Kinloss deems it desirable in the public interest to enact a Tree Preservation By-law for the purposes of:

- Protecting vegetation in the Lakeshore Urban Area along the bluff for the purpose of habitat protection, water quality, aesthetics, and a buffer zone;
- Retention of tree cover in the lakeshore area;
- Minimizing the destruction or injuring of trees;
- Regulating and controlling the removal, maintenance and protection of trees;
- Protecting, promoting and enhancing the aesthetic values of land;
- Sustaining a healthy natural environment;
- Prevent soil erosion and water run-off;
- Protecting significant and sensitive natural areas to ensure maximum environmental benefits of trees in both urban and rural settings;
- Contributing to human health and quality of life through the maintenance of tree cover and woodlots;
- Protecting woodlots that are less than 1 hectare in size and not under the jurisdiction of the County of Bruce Forest Conservation By-law;

NOW THEREFORE, the Council of The Corporation of the Township of Huron-Kinloss enacts as follows:

1.0 DEFENITIONS

In this By-law:

- (a) "Applicant" means the person who submits an application for a permit under this By-law;
- (b) "Arborist" means an expert in the care and maintenance of trees and includes an arborist certified by the Ontario Ministry of Training, Colleges and Universities or the International Society of Arboriculture, a consulting Arborist registered with the American Society of Consulting Arborist, a Registered Professional Forester;
- (c) "bluff" is the sloped area that comprised the old Algonquin shoreline and runs parallel to the Lake Huron shoreline between the North and South boundaries of the Township of Huron-Kinloss and shall include the area defined as the toe of the bluff to 3 metres beyond the top of the bluff.
- (d) "Building Permit" means a building permit issued under the Building Code Act, 1992, S.O. 1992, c. 23, as amended;
- (e) "Clerk" means the Clerk of Township of Huron-Kinloss;

- (f) "Council" mean the Council of The Township of Huron-Kinloss;
- (g) "Crown" means the upper part of a tree, which includes the branches and leaves;
- (h) "Destruction" means the removal of a tree or harm resulting in the death, injury, or removal of a tree by cutting, burning, uprooting, chemical application or other means including irreversible injury and the term "destroy" shall have a corresponding meaning;
- (i) "Diameter" means the width measured outside the bark at a specified point of a Tree stem or trunk;
- (j) "DBH" or "Diameter Breast Height" means the Diameter of the stem or trunk of a Tree measured at a point that is 1.37 metres above the ground;
- (k) "Good Forestry Practices" means the proper implementation of harvest, renewal and maintenance activities known to be appropriate for the forest and environmental conditions under which they are being applied and that minimize detriments to forest values including significant ecosystems, important fish and wildlife habitat, soil and water quality and quantity, forest productivity and health and the aesthetics and recreational opportunities of the landscape;
- (l) "Good Arboriculture Practice" means the proper implementation or removal, renewal and maintenance activities known to be appropriate for individual trees in and around urban area to minimize detrimental impacts or urban forest values and include pruning of trees to remove dead limbs, maintain structural stability and balance, or to encourage their natural form, provided that such pruning is limited to the appropriate removal of not more than one-third of the live branches or limbs of a tree, but does not include pruning to specifically increase light or space;
- (m) "Injure" means any action that causes physical, biological or chemical damage to a Tree and does not include pruning or removing branches for maintenance purposes. The term "injury" shall have a corresponding meaning;
- (n) "Officer" means a By-Law Enforcement Officer or the Director of Facilities and Recreation as appointed by the Township of Huron-Kinloss Council the County Forestry Manager or other person appointed by Council for the administration and enforcement of this By-Law;
- (o) "Order" means a Work Order or an Order to Discontinue an Activity;
- (p) "Owner" means the person having any right, title, interest or equity in land or any such person's authorized representative and includes the person for the time being managing or receiving the rent of the land and includes a lessee or occupant of the land and includes the owner of either property where the base of a tree straddles a property line and the owner of a property that is physically impacted by the roots or the crown of a tree;
- (q) "Permit" means the authorization from the Officer or his or her designate provided such designate is an Officer, to injure or destroy trees pursuant to this By-law;
- (r) "Person" means any individual, corporation, partnership, association, firm, trust, or other entity and includes anyone acting on behalf or under the authority of such entity;
- (s) "Qualified OPFA Member" means a Registered Professional Foresters or Associate Member of the Ontario Professional Foresters Association under the Professional Foresters Act 2000, c.18, as amended, to practice professional forestry, unless a suspension, term, condition or limitation of certification applies which would restrict the Member from carrying out responsibilities under this By-law;
- (t) "Remove, Removes or Removal" means to move from a place or position occupied; or
 - (i) To transfer or convey from one place to another; or
 - (ii) To take off; or
 - (iii) To take away; withdraw; or
 - (iv) To do away with; eliminate.
- (u) "Silviculture" means the theory and practice of controlling forest establishment, composition, growth and quality of forests to achieve the objectives of management;
- (v) "Silvicultural Prescription" means the site specific operational plan prepared by, or under the direction of, a Qualified OPFA Member (unless otherwise exempted under the *Professional Foresters Act*), that describes the existing forest conditions and the forest management objectives for an area, and which prescribes the method for harvesting the existing forest stand and a series of silvicultural treatments that will be carried out to establish a free-growing stand in a manner that accommodates other resource values as identified;

- (w) "Site" means the area of land containing any tree(s) proposed to be injured;
- (x) "Toe of bluff" means the lowest point on a slope, where the surface gradient changes from relatively shallow to relatively steep (greater than 3:1).
- (y) "Top of bluff" means the point of the slope where the downward inclination of the land begins, or the upward inclination of the land level off. This point is situated at a higher topographic elevation of land than the remainder of the slope.
- (z) "Township" and "Township of Huron-Kinloss" means The Corporation of the Township of Huron-Kinloss;
- (aa) "Tree" means any live or dead plant of any species of woody perennial plant, including its root system, which has reached or can reach a height of at least 4.5 metres (15 feet) at physiological maturity;
- (bb) "Tree Protection Plan" means a plan prepared by an Arborist or a Registered Professional Forester that is consistent with the Township Guidelines;
- (cc) "woodlot" means a treed area smaller than one hectare;

2.0 LANDS SUBJECT TO THIS BY-LAW

This by-law applies to trees and trees in woodlots on private property as described in section (a) in the Township of Huron-Kinloss but does not apply to woodlands that are governed by the County of Bruce over one (1) hectare (2.47 acres) in size

- (a) All lands in the attached Schedule "A" defined as the bluff. When there is a discrepancy between the mapping and definition of the by-law, the definitions prevail.

3.0 GENERAL PROHIBITIONS

- 3.1 No person shall injure or destroy, cause, permit or arrange for the destruction or injury of one (1) or more trees in an area described in Section 2.0;
 - (a) Unless exempted under the provision of this By-law; or
 - (b) Except in accordance with a valid permit issued pursuant to the provision of this By-Law.
- 3.2 No person shall;
 - (a) Fail to comply with an Order issued under this By-law;
 - (b) Remove or deface an Order posted pursuant to this By-law;
 - (c) Fail to produce or post permit.
- 3.3 No person shall contravene, or cause or permit the contravention of the terms or conditions of a Permit issued under this By-Law.
- 3.4 No person shall obstruct or interfere with an Officer, or any person or agent authorized by an Officer, in the discharge of his or her duties under this by-law. Such action shall be considered a violation of this By-law.

4.0 EXEMPTIONS FROM APPLICATION OF BY-LAW

The provisions of this By-law do not apply to:

- (a) Activities or matters undertaken by the Township, County of Bruce or a local board of the Township; or
- (b) Activities or matters undertaken under a licence issued under the *Crown Forestry Sustainability Act, S.O. 1994*; or
- (c) The Destruction or Injuring of Trees by a person licensed under the *Surveyor's Act, R.S.O. 1990, c. S.29* to engage in the practice of cadastral surveying or his or her agent while making a survey; or

- (d) The Destruction or Injuring of Trees, imposed after December 31, 2002 as a condition to 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; or
- (e) The Destruction or Injuring of Trees imposed after December 31, 2002 as a condition to 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; or
- (f) Trees injured or removed by or with the permission of the Township of Huron-Kinloss that are situated on lands owned or controlled by it; or
- (g) Activities or matters undertaken by the provincial government or federal government or their authorized agents; or
- (h) The Destruction or Injuring of trees by a transmitter or distributor, as those terms are defined in Section 2 of the *Electricity Act*, 1998, for the purpose of construction and maintaining a transmission system or a distribution system, as those terms are defined in that Section; or
- (i) Trees measuring less than 25 millimetres (1 inch) DBH; or
- (j) The pruning of tree branches in accordance with Good Arboriculture Practice to maintain, improve, or protect tree health and surrounding forest health while maintaining the tree's natural shape; or
- (k) The Destruction or Injuring of Trees that is required in order to erect any building, structure or thing in respect of which a building permit is issued and has taken into consideration the protection of Trees surrounding the structure or work within the building envelope, provided that no tree is Destroyed or injured that is located more than 15 meters from the outer edge of the building, structure, septic system, or thing; or
- (l) The Destruction or Injuring of Trees that is reasonably required in order to install and provide utilities to the construction or use of building, structure or thing in respect of which a Building Permit has been issued; or
- (m) The Destruction or Injuring of Trees that is reasonably required in order to install a single lane driveway for vehicular access to the building, structure or thing in respect of which a Building Permit has been issued and has taken into consideration the protection of Trees surrounding the driveway, provided that no Tree is Destroyed or Injured that is located more than 15 metres from the outer edge of the driveway; or
- (n) The trees that are Destroyed are located within a cultivated orchard, plant nursery or Christmas Tree Farm that are being actively managed and harvested for the purposes for which the trees were planted as demonstrated in a management or business plan; or
- (o) The injuring or destruction of trees undertaken on land 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
- (p) The injuring or destruction of trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land;
 - i. That has not been designated under the *Aggregate Resources Act* or a predecessor of that Act; and
 - ii. On which a pit or quarry is a permitted land use under a by-law passed under Section 34 of the *Planning Act*.

5.0 APPLICATION FOR PERMIT TO INJURE OR DESTROY TREES

- 5.1 A permit is required under this By-law for the removal of one (1) or more trees for all lands described in Section 2.0.
- 5.2 An application for a Permit shall be submitted at least fourteen (14) working days prior to the commencement date of the destruction or injuring of the Tree(s) to the Township of Huron-Kinloss and shall include the following:
 - (a) Each application form shall be signed and complete.
 - (b) Permission for an officer to enter upon his or her property and undertake such site inspections as may be required to consider the application. An officer may undertake a site inspection prior to, during and after the proposed activity.

- (c) Where in the opinion of the Officer, additional information is necessary, the Officer may require the submission of;
 - i. A Tree Protection Plan prepared by or prepared under the direction of an Arborist or a Silvicultural Prescription prepared by or prepared under the direction of a Qualified OPFA Member; and/or
 - ii. A Tree Replanting Plan prepared by or prepared under the direction of an Arborist or a Qualified OPFA member.

5.3 An application for a Permit shall be deemed incomplete, and no Permit issued if;

- (a) The application has not been completed in full; or
- (b) The owner/applicant has not signed the application; or
- (c) The party who will be undertaking or responsible for the injuring or destruction of trees has not signed the application; or
- (d) Any required inspections have not been undertaken; or
- (e) The Tree Protection Plan requested has not been submitted for review.

5.4 The Officer shall notify the Owner/Applicant in writing of all permit refusals.

6.0 RENEWAL OR TRANSFER

- (a) A permit may be transferred or renewed upon application to the Township, if the Owner is in compliance with the existing Permit. A permit may be renewed a maximum of two times. A transferred Permit expires on the date that the existing Permit was due to expire. A renewed Permit expires 90 days after the expiry date of the previous Permit.
- (b) A Person who wishes to renew or transfer a Permit shall, at least 15 days before the expiry of the Permit, submit to a Designated Officer a fresh application that:
 - i. complies with all requirements set out in section 5.0, and
 - ii. for its Tree Inventory and Preservation Plan, relies upon the Tree Protection Plan for the Site that is referenced in the existing Permit.

7.0 ISSUANCE OF PERMIT

- (a) The Officer is authorized to issue a permit for the Destruction or Injury of Trees where the Officer is satisfied that:
 - i. The intent of the by-law is maintained, or
 - ii. Trees are in poor condition and cannot be maintained in a healthy and safe condition as prescribed in a Tree Protection Plan; or
 - iii. The trees are causing or are likely to cause structural damage to load-bearing structure or roof structure or other physical damage; or
 - iv. The Officer is satisfied that the trees are growing in inappropriate locations and cannot be maintained on a routine basis due to restrictive site conditions; or
 - v. Destruction or Injury is required in order to remediate contaminated soil; or
 - vi. Trees are to be relocated and the Officer is satisfied that the trees will be sufficiently prepared for relocation; or
 - vii. Destruction or Injury is required for trees specifically identified for injury or destruction on plan approved by the Ontario Municipal Board or Council; or
 - viii. The injury or destruction of trees is required to permit the establishment or extension of a use permitted by the Zoning By-law and there is no reasonable alternative to the injury or destruction of the tree(s).
- (b) A Permit shall not be issued where:
 - i. An Application required under this By-law is incomplete; or
 - ii. Trees are healthy; or
 - iii. Environmentally sensitive area, ecological systems, natural landforms or contours will not be adequately protected and preserved; or
 - iv. An application for rezoning, a consent, a minor variance, a plan of subdivision or a site plan to the land on which the tree(s) is located has been submitted to the Township of Huron-Kinloss, but has not received final approval; or
 - v. The tree is an endangered or threatened species as defined in *Ontario's Endangered Species Act, 2007, S.O. 2007, c.6*, or
 - vi. Issuance of a permit pursuant to the County of Bruce Forest Conservation By-Law is required; or
 - vii. Approval is inconsistent with an approved Tree protection Plan or an approved Silvicultural Prescription; or
 - viii. An inspection as required by Section 5.2 (c). has not been permitted; or
 - ix. Erosion or flood control will be negatively impacted; or
 - x. The Destruction or Injury of the Tree(s) is otherwise unacceptable to the Officer.

8.0 CONDITIONS TO PERMIT

The following shall be deemed to be conditions to the issuance of every permit under this By-law:

(a) Marking of Trees

Prior to the submission of an application and issuance of the permit, the owner shall cause all trees which are to be removed or destroyed to be marked with clearly visible marks of yellow paint at breast height and at the base of the tree below the saw line and extending to the ground. All trees shall be marked facing the same direction, unless the terrain requires a change in direction, in which case the marking will proceed consistently with the terrain.

(b) Prior to commencement of any work that would result in injury to or destruction of trees authorized pursuant to this By-law, the person causing such work to be carried out shall ensure that the permit is posted in a conspicuous place within the property or it is available on site and can be produced upon request by an officer. The failure to post or produce a permit as required shall constitute an offence.

(c) In addition to the above conditions, the Officer may attach conditions to the Permit which in the opinion of the Officer are reasonable and deemed appropriate and related to the purposes of this By-law or the safety and convenience of the public.

(d) An Officer, or any person authorized by an Officer, may at all times enter upon and inspect any land for the purposes of enforcing this By-law, determining compliance with this By-law, determining compliance with terms and conditions of a Permit issued under this By-law, determining compliance with an Order issued under Section 14.0 of this By-law or laying charges under this By-law.

9.0 DURATION OF PERMIT

(a) Every permit shall be issued to the applicant or owner and shall expire 90 days after issuance.

10.0 APPEALS

10.1 An Applicant for a permit may appeal to Council by filing a notice of appeal personally or by registered mail to the Township of Huron-Kinloss if;

- (a) An Officer refuses to issue a permit, within thirty (30) days after written notice of refusal is received; or
- (b) An Officer fails to make a decision on a complete application, within thirty (30) days after an application is received by the Officer; or
- (c) The applicant objects to a term or condition of the permit within thirty (30) days after issuance of the permit; or
- (d) A person objects to an order made under Section 13.0 and 14.0 of this By-law.

10.2 Where an appeal is filed under 13.0 or 14.0, the notice of appeal shall be filed within thirty (30) days of the date of the decision.

10.3 An appeal filed under sections 13.0 or 14.0 does not act as a stay of any orders issued, which shall take effect on the day it is served or deemed served, and shall continue to be effective until Council renders a decision indicating otherwise.

10.4 Circulation of Notice or Hearing

- (a) The Clerk shall circulate to the applicant the Notice of Hearing;
- (b) The Clerk shall where possible post a Notice of Hearing on the lands subject to the hearing;
- (c) The Clerk shall post the notice of hearing on the municipal website
- (d) Notice shall contain the following information:
 - i. Name of Owner
 - ii. The address of the lands subject to the hearing
 - iii. Purpose of the application/appeal
 - iv. The date or dates for which the application is sought
 - v. The date and time the matter will be heard by Council
 - vi. Contact information should an individual wish to address Council regarding the matter.

10.5 Council Decision

(a) In hearing the matter, Council shall give the owner and any person scheduled as a delegation opposed to or in favour of the application an opportunity to be heard and may consider such other matters including the Officer's comments as deemed appropriate

(b) Council may:

- i. Issue a Permit; or
- ii. Issue a Permit with terms and conditions; or
- iii. Refuse to issue a Permit.

(c) The Clerk shall notify the Owner or Applicant in writing of Council's decision.

10.6 The proceedings at the hearing held by Council shall be in accordance with the provisions of the *Statutory Powers Procedures Act*, R.S.O. 1990, c. 22. The decision of Council under this section is final.

11.0 DESIGNATION OF OFFICERS

11.1 The Township of Huron-Kinloss hereby delegates to the Officer the authority to issue and refuse a Permit under this By-law, and to impose such terms and conditions in accordance with Good Forestry Practices and Good Arboriculture Practices;

12.0 INSPECTIONS BY AN OFFICER

12.1 An Officer may;

(a) At any time during daylight hours and upon producing identification enter and inspect any land to which this By-law applies.

12.2 Any person who obstructs an officer in carrying out an inspection under this By-law is guilty of an offence.

13.0 ORDER TO DISCONTINUE ACTIVITY

13.1 Where an officer believes that a contravention of this by-law has occurred, the Officer may issue an Order to Discontinue Activity requiring the person who contravened the By-law to stop the injuring or destruction of trees and shall set out the particulars of the contravention.

13.2 The Order to Discontinue Activity shall set out:

- (a) The name of the owner of the property at the address shown on the assessment roll of the municipality;
- (b) The legal description of the land;
- (c) Reasonable particulars of the contravention; and
- (d) The date and time by which the order must be in compliance with the By-law; and
- (e) Contact information of the Officer and municipality.

14.0 WORK ORDERS

14.1 Where the Officer believes that a contravention of the By-law has occurred, the Officer may issue a Work Order requiring the person to rehabilitate the land, woodlot or to plant or replant trees in such a manner and within such a period as the Officer considers appropriate, including any silvicultural treatment necessary to re-establish the trees.

14.2 The order shall set out:

- (a) The name of the owner of the property at the address shown on the assessment roll of the municipality;
- (b) The legal description of the land;
- (c) A description of the work to be done;
- (d) A statement that if the work is not done in compliance with the order within a specified time period, the Township of Huron-Kinloss may have the work done at the expense of the owner;
- (e) The date and time by which the work must be complete; and
- (f) Contact information of the Officer and municipality.

15.0 SERVICE OF AN ORDER

- 15.1 An Order issued under this By-law shall be served on the Owner of the property and such other persons affected by it as the Officer determines and a copy of the Order may be posted on the property.
- 15.2 An Order issued under this By-Law may be served personally or by registered mail sent to the applicant or last known address of the person on the assessment roll to whom the Order is to be given or that person's agent for service.
- 15.3 If an Order is served by registered mail, the service shall be deemed to have been made on the seventh (7th) day after the mailing.
- 15.4 Where service cannot be served as per 15.1, 15.2, 15.3 the Officer shall place the Order containing the terms of the Order in a conspicuous place on the owners property, and the placing of this Order shall be deemed to be sufficient service of the Order on the person to whom the Order is directed.

16.0 REMEDIAL ACTION

- 16.1 Where an Owner fails to comply with a Work Order issued under this By-law, the Township of Huron-Kinloss may do the work directed or required to be done at the person's expense.
- 16.2 The Township of Huron-Kinloss may recover the costs of doing a matter or things under this section of the By-Law from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.
- 16.3 Where the Township of Huron-Kinloss chooses to do the work directed or required to be done in a Work Order it shall serve notice to the person personally or by registered mail sent to the applicant or last know address of the person on the assessment roll to whom the notice is to be given or that person's agent for service.
- 16.4 The Notice shall set out:
(a) The municipal address or the legal description of the land; and
(b) Reasonable particulars of the contravention; and
(c) The date the Township of Huron-Kinloss will be entering the property to do the work directed or required to be done; and
(d) A statement that the work being completed will be at the Owner(s) expense.
- 16.5 If a Notice is served by registered mail, the service shall be deemed to have been made on the seventh (7th) day after the day of mailing
- 16.6 The Township of Huron-Kinloss may enter upon land to complete the work three (3) days after service is in effect.

17.0 ENFORCEMENT

- 17.1 An Officer may enforce the provisions of this By-law.
- 17.2 An Officer may at any reasonable time enter and inspect any land to determine whether this By-law, an Order, Court Order or a condition of a Permit is being complied with.
- 17.3 An Officer exercising a power may be accompanied by a person under his direction.
- 17.4 No person shall hinder or obstruct an Officer or attempt to hinder or obstruct an Officer who is performing a duty under this By-law.
- 17.5 Any person who provided false information to an Officer shall be deemed to have hindered or obstructed the Officer in the execution of their duties. .

18.0 PENALTY

- 18.1 Any person who contravenes any provisions of this By-Law, or an Order issued under this By-law is guilty of an offence and upon conviction is liable to
- (a) A maximum fine of \$100,000
(b) In the case of a continuing offence, for each day or part of a day that the offence continues, a maximum fine of \$10,000 for each day;
(c) Notwithstanding 18.1 (a), in the case of a multiple offence, for each offence included in the multiple offence, a maximum fine of \$10,000 for each offence included in the multiple offence.

- 18.1 Any person who contravenes any provisions of this By-Law, or an Order issued under this By-law is guilty of an offence and upon conviction is liable to
- (a) A maximum fine of \$100,000
 - (b) In the case of a continuing offence, for each day or part of a day that the offence continues, a maximum fine of \$10,000 for each day;
 - (c) Notwithstanding 18.1 (a), in the case of a multiple offence, for each offence included in the multiple offence, a maximum fine of \$10,000 for each offence included in the multiple offence.
 - (d) In accordance with Subsection 429 (2)(d) of the Municipal Act a special fine may be imposed and may exceed \$100,000 in circumstances where there is an economic advantage or gain from the contravention of this By-Law or an Order under this By-Law.
- 18.2 The Township of Huron-Kinloss designates that the Harvesting of each Tree for which a permit is required is one offence in a series of multiple offences.
- 18.3 If a person is convicted of an offence for contravening this By-Law or an Order issued under this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the person to rehabilitate the land or to plant or replant Trees in such a manner and within such a period as the court considers appropriate, including any Silvicultural treatment necessary to re-establish the Trees.
- 18.4 If a court makes an order under section 18.3 of this By-law, the Township of Huron-Kinloss relies on Section 446(3) and 446(4) of the Municipal Act, as amended, for the recovery of costs.

19.0 CONFLICT WITH OTHER BY-LAWS

- (a) If there is a conflict between this By-law and a By-law passed under the Forestry Act or Municipal Act by an upper tier municipality, the provisions of the upper tier By-law prevail;
- (b) Nothing in this By-law shall exempt any person from complying with the requirement of any other By-law in force or from obtaining any license, permission, permit, authority or approval required under any other By-law or legislation.

20.0 ADMINISTRATION

- 20.1 If any section or sections of this By-law or parts thereof are found by any Court to be illegal or beyond the power of the Council to enact, such Section or Sections or parts thereof shall be deemed to be severable and all other Sections or parts of this By-law shall be deemed to be separate and independent there from and continue in full force and effect unless and until similarly found illegal.
- 20.2 In this By-Law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.
- 20.3 This By-Law may be cited as the "Tree Preservation By-law".

READ a First, Second and Third time, and finally passed this 15th day of August, 2011.

Original Signed by Mitch Twolan
Mitch Twolan, Mayor

Original Signed by Sonya Watson
Sonya Watson, Clerk

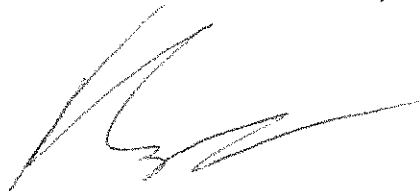
ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2011-85, of the Township of Huron-Kinloss, attached hereto are the set fines for those offences. This Order is to take effect July 4, 2012.

Dated at London this 4th day of July 2012.



Kathleen E. McGowan
Regional Senior Justice
West Region

THE CORPORATION OF THE TOWNSHIP OF HURON-KINLOSS BY-LAW 2011-85, BEING A BY-LAW TO PROHIBIT OR REGULATE THE DESTRUCTION OR INJURING OF TREES OR WOODLOTS ON PRIVATE PROPERTY IN THE TOWNSHIP OF HURON-KINLOSS

PART I – PROVINCIAL OFFENCES ACT

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence (Section(s))	COLUMN 3 Set Fines
1.	Injure or destroy tree in designated area without permit	3.1	\$450.00
2.	Fail to comply with an Order	3.2(a)	\$450.00
3.	Remove or deface an Order	3.2(b)	\$450.00
4.	Fail to produce or post permit	3.2(c)	\$450.00
5.	Contravene or permit contravention of terms of permit	3.3	\$450.00
6.	Obstruct or interfere with officer	3.4	\$450.00

Note: The penalty provision for the offences indicated above is Section 18.0 of By-law No. 2011-85, a certified copy of which has been filed and section 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33.

THE CORPORATION OF THE TOWNSHIP OF HURON-KINLOSS BY-LAW 2011-85, BEING A BY-LAW TO PROHIBIT OR REGULATE THE DESTRUCTION OR INJURING OF TREES OR WOODLOTS ON PRIVATE PROPERTY IN THE TOWNSHIP OF HURON-KINLOSS

PART I – PROVINCIAL OFFENCES ACT

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence (Section(s))	COLUMN 3 Set Fines
7.	Injure or destroy tree in designated area without permit	3.1	
8.	Fail to comply with an Order	3.2(a)	
9.	Remove or deface an Order	3.2(b)	
10.	Fail to produce or post permit	3.2(c)	
11.	Contravene or permit contravention of terms of permit	3.3	
12.	Obstruct or interfere with officer	3.4	

Note: The penalty provision for the offences indicated above is Section 18.0 of By-law No. 2011-85, a certified copy of which has been filed and section 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33.