

CORPORATION OF THE COUNTY OF ELGIN

**WOODLANDS CONSERVATION BY-LAW
(By-Law 05-03, as amended)**

**Consolidated Version for Public Reference Only
(Not an Enacted Instrument)**

COUNTY OF ELGIN

By-Law No. 05-03

(Woodlands Conservation By-Law)

**“BEING A BY-LAW TO PROHIBIT OR REGULATE THE HARVEST, DESTRUCTION,
OR INJURING OF TREES IN THE COUNTY OF ELGIN”**

WHEREAS Section 135(2) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, permits the enactment of a By-Law by the Council of the County of Elgin to prohibit or regulate the destruction or injuring of trees in woodlands; and

WHEREAS Council may require that permission be obtained to harvest, destroy, or injure trees in woodlands and, furthermore, impose conditions to such permission; and

WHEREAS Council has determined that it is desirable to enact such a By-Law for purposes including but not necessarily limited to the following:

- preservation and improvement of woodland resources in Elgin County through good forestry practices;
- promotion of good forestry and utilization practices that sustain healthy woodlands;
- minimize the destruction or injury of trees;
- regulation and control of the removal, maintenance, and protection of trees;
- protection, promotion, and enhancement of the aesthetic value of woodlands;
- recognition and reconciliation of the entitlement of the owners of lands to use and enjoy such lands and woodlands located thereon with the purposes of this By-Law as otherwise stated above.

NOW THEREFORE the Municipal Council of the Corporation of the County of Elgin hereby enacts as follows:

1. Definitions

- a) “AGS” or “Acceptable Growing Stock” means trees suitable for retention in a woodlands for at least one (1) cutting cycle (ten to twenty-five years), provided that such trees are of a commercial species and of such form and quality so as to be saleable for sawlog products at some future date;
- b) “Basal area” means the area of the cross-section of the stem of a tree taken at a point of measurement 1.3 metres above the point on the tree where the ground meets the stump in an undisturbed state at the base of the tree;
- c) “Basal area calculation” means the process to determine basal area for woodlands to which this By-Law applies, provided that such calculations are undertaken and completed in accordance with the rules and guidelines as set forth in Schedule “I” hereto;
- d) “Building permit” means a building permit issued under the Building Code Act 1992, R.S.O. c. 23, as amended;
- e) “Business day” means any day falling on or between Monday and Friday of each week but does not include New Year’s Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Civic Holiday, Labour Day, Thanksgiving, Remembrance Day, Christmas Day or Boxing Day;
- f) “Clerk” means the Chief Administrative Officer for the Corporation of the County of Elgin, any Deputy Clerk thereof, or any other person so designated by the said Chief Administrative Officer;

- g) "Circumference" means the measurement of the perimeter or outer boundary of a stem or trunk of a tree with such measurement including the bark of the stem, which measurements must be taken at ten, twenty, thirty, or forty-five centimetres above the highest point of ground in an undisturbed state at the base of the tree and the height of which measurement must be marked upon the remaining stump;
- h) "Clear" or "clearing" means the complete and unselective removal, cutting, and/or destruction of trees within a defined area of land;
- i) "Clerk" means the Chief Administrative Officer for the Corporation of the County of Elgin or his or her designate;
- j) "Conifer Plantation" means woodlands where coniferous trees have been planted or seeded in a pre-determined pattern;
- k) "Coppice growth" means where more than one tree stem grows from a single tree stump;
- l) "Cord" means a pile of fuelwood 3.63 m³ in size;
- m) "Corridor" means a strip of vegetation, including but not necessarily limited to trees, which does not satisfy the definition of Woodlands as set forth herein but which connects two or more Woodlands or parts of Woodlands and thereby facilitates the movement, spread, and/or relocation of plant and/or animal species;
- n) "Council" means the Municipal Council for the Corporation of the County of Elgin;
- o) "Diameter" means the diameter of the stem of a tree measured outside the bark at a specified point of measurement;
- p) "DBH" or "Diameter Breast Height" means the diameter of the stem of a tree measured at a point that is 1.3 metres above the highest point of the ground in an undisturbed state at the base of the stem or trunk of the tree;
- q) "Dripline" means an imaginary line running directly beneath the outer most branches of the trees forming the perimeter of the woodlands;
- r) "Forest Stand" means that part of the woodlands that is a continuous group of trees sufficiently uniform in species composition, arrangements of age classes, and conditions so as to be a homogenous and distinguishable unit for forestry management purposes;
- s) "Fuel Wood" means trees or parts thereof that are of a sufficient size and quality to yield firewood;
- t) "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, and, without limiting the generality of the foregoing, Good Forestry Practices permits the harvest of trees that,
- have been damaged by disease, insects, wind, ice, fire, lightning, or other natural causes to an extent that the health of such trees is likely to further deteriorate and can be assessed as such;
 - have been assessed and identified for removal to prevent disease or insects from spreading to other trees;

- are cut in accordance with Provincial Silvicultural Guidelines as referred to in the Forest Operations and Silvicultural Manual and its revisions prepared under the authority of the Crown Forest Sustainability Act, S.O. 1994, c. 25; and/or
 - are marked and cut as part of a Woodlands Management Plan by way of a prescription approved by a Registered Professional Forester or Associate Member in good standing.
- u) "Destroy" or "destruct" means any action, which causes or results in irreversible injury or death of a tree;
- v) "Harvest" means the destruction of a tree through cutting or other mechanized means which results in the irreversible death of a tree by design;
- w) "Local Board" means a municipal service board, transportation commission, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs and purposes of one or more municipalities;
- x) "Log" means a portion of a tree of a prescribed species reduced to a size suitable for loading on a vehicle for transport to a processing mill for the production of lumber or other products;
- y) "Logger" means an individual or company or similar group who cuts trees for purchase, sale, or other profit on behalf of a landowner;
- z) "Member Municipalities" includes the lower tier municipalities within the County of Elgin, namely: Municipality of Bayham, Municipality of Central Elgin, Municipality of Dutton Dunwich, Municipality of West Elgin, Town of Aylmer, Township of Malahide, and Township of Southwold;
- aa) "Municipality" means a geographic area whose inhabitants are incorporated within the County of Elgin;
- bb) "Officer" means an individual or individuals appointed by Council or contracted by the Corporation of the County of Elgin to administer and enforce this By-Law, including but not limited to the Elgin County Tree Commissioner;
- cc) "Owner" means a person having any right, title, interest or equity in land;
- dd) "Own Use" means a use that does not include a sale, exchange or other disposition of trees destroyed or injured;
- ee) "Permit" means the written authorization as provided for and contemplated by this By-Law;
- ff) "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;
- gg) "Plantation" is Woodlands where trees have been planted or seeded in a predetermined pattern;
- hh) "Plot" means a carefully measured area laid out for experimentation, which may be permanent or temporary;
- ii) "Point of Measurement" means, for the purposes of Schedule "A" hereto, the point on the tree trunk measured above the highest point on the tree where the undisturbed ground meets the base of the stem or trunk of the tree. For coppice growth and for purposes of Schedule "A" hereto, the point of measurement means that point on each individual stem or trunk

of tree measured above the point on the tree trunk where the tree stems separate, provided that such point of separation is less than or equal to the height of the lowest point of measurement as set forth on Schedule "A" hereto;

- jj) "Prescribed Species" means the species of trees as listed in Schedule "A" to this By-Law;
- kk) "Prescription" means a "pre-harvest silvicultural prescription", which is a written document detailing a course of management action prescribed for a particular area after specific assessments and evaluation have been made and bearing the signature of a registered Professional Forester or an Associate Member of the Ontario Professional Foresters Association;
- ll) "Registered Professional Forester" is as defined in the Professional Foresters Act, S.O. 2000, c. 18;
- mm) "Sensitive Natural Areas" means the:
 - i) provincially significant life science Areas of Natural and Scientific Interest (A.N.S.I.);
 - ii) wetlands designated as locally, regionally or provincially significant;
 - iii) significant natural areas within Elgin County as designated by any one of the following or any successor entity thereto:
 - County of Elgin or any of its Member Municipalities;
 - Ontario Ministry of Natural Resources;
 - Kettle Creek Conservation Authority;
 - Catfish Creek Conservation Authority;
 - Lower Thames Valley Conservation Authority; and/or
 - Long Point Region Conservation Authority;
- nn) "Silviculture" means the art and science of producing and tending a forest and the theory and practice of controlling forest establishment, composition, growth, and quality of forest to achieve the objectives of management;
- oo) "Stand Improvement" means the destruction or harvesting of:
 - i) trees that have been damaged by disease, insects, wind, ice, fire, lightning, or other natural causes to the extent that the health, growth, yield, and quality of such trees is likely to further deteriorate;
 - ii) diseased or insect infested trees that should be cut or removed to prevent disease or insects from spreading to other trees;
 - iii) exotic species, or trees not indigenous to the municipality, if such destruction is carried out in such a manner as to encourage replacement of exotics by indigenous species, excluding *Pinus* and *Picea* species; or
 - iv) defective and/or undesirable trees so as to concentrate growth on sound trees of good form;
- pp) "Tree" means, for the purposes of the definition of a woodland, any species of woody perennial plant, including its root system, which has reached or can reach a height of at least 4.5 metres at physiological maturity;
- qq) "UGS" or "Unacceptable Growing Stock" means trees that have a high risk of dying, and are expected to decline over the next cutting cycle, including but not limited to trees that are of poor form and/or low quality;
- rr) "Windbreak" means a designed, planted and fully maintained windbreak or naturally planted windrow not exceeding 10 metres in width;
- ss) "Watercourse" means a natural or man-made watercourse containing flowing water at least for part of the year;

- tt) "Woodlands" means:
- a) a parcel of land having an area of one hectare or more with at least:
 - i) 1000 trees, of any size, per hectare; or
 - ii) 750 trees, measuring over five (5) centimetres in diameter at DBH, per hectare; or
 - iii) 500 trees, measuring over twelve (12) centimetres in diameter at DBH, per hectare; or
 - iv) 250 trees, measuring over twenty (20) centimetres in diameter at DBH, per hectare; or
 - b) a parcel of land having an area of between 0.2 hectares and one hectare with at least an extrapolated average of:
 - i) 1000 trees, of any size, per hectare; or
 - ii) 750 trees, measuring over five (5) centimetres in diameter at DBH, per hectare; or
 - iii) 500 trees, measuring over twelve (12) centimetres in diameter at DBH, per hectare; or
 - iv) 250 trees, measuring over twenty (20) centimetres in diameter at DBH, per hectare;

provided that, in both circumstances, "Woodlands" does not include a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees or a tree nursery for landscape and provided further that, for purposes of this definition, "Woodlands" shall include the area up to the dripline of the outer most trees of such "Woodlands" and/or corridors measured up to and including 30 metres in width.

- (uu) "Injure" means any action that causes physical, biological, or chemical damage to a tree but does not include pruning or removal of branches for maintenance purposes as undertaken in accordance with Good Forestry Practices, and "Injury" shall have a meaning consistent therewith.

2. General Prohibitions

- a) Except as provided in Section 3, no person through their own actions or through any other person shall harvest, destroy, or injure any living tree unless the person who is harvesting, destroying or injuring trees have done so in accordance with:
 - i) Good Forestry

The person who is harvesting, destroying or injuring trees does so in accordance with Good Forestry Practices as prescribed by:

 - a) a Registered Professional Forester in good standing with the Ontario Professional Foresters Association; or
 - b) an associate member in good standing of the Ontario Professional Foresters Association, and

the person who is harvesting, destroying or injuring trees has abided by Section 5 below; or
 - ii) Circumference Limit

The person who is harvesting, destroying or injuring trees has only harvested, destroyed, or injured those trees which have attained, at the specified point of measurement, the circumference measurement which equals or is greater than the minimum circumference

prescribed for the species in Schedule "A" hereto and the person who is harvesting, destroying, or injuring trees has abided by Section 5 below.

- b) In addition to and/or notwithstanding that set forth in Section 2(a) above,
- i) Except in accordance with Section 2(a), no person through their own actions or through any other person shall harvest, destroy, or injure a tree as prescribed in Schedule "A" located in a Conifer Plantation;
 - ii) Except in accordance with Section 2(a)(i), no person through their own actions or through any other person shall harvest, destroy, or injure a tree located in a Sensitive Natural Area;
 - iii) Except in accordance with Section 2(a)(i) or Section 3, no person through their own actions or through any other person shall harvest, destroy, or injure any living tree having a circumference at the specified point of measurement less than that referenced in and set forth in Schedule "A" hereto;
 - iv) Except in accordance with Section 3, no person through their own actions or through any other person shall harvest, destroy, or injure any living tree unless the person who is harvesting, destroying, or injuring trees has only harvested, destroyed, or injured those trees:
 - 1. which have met the definition of stand improvement which can be proven before and after the trees have been harvested, destroyed, or injured, the onus of which proof lies upon such person harvesting, destroying, or injuring those trees; or
 - 2. which have attained, at the specified point of measurement, the circumference of which equals or is greater than the minimum circumference prescribed for the species in Schedule "A";
 - v) At no time shall the harvest, destruction, or injury of trees be permitted or allowed so as to:
 - 1. reduce the number of trees per hectare below the minimum number of trees per hectare required to constitute woodlands;
 - 2. reduce the basal area in that part of the woodlands and where trees which measure 26 centimetres or more at DBH have been harvested, destroyed, or injured below 16 m² per hectare for all trees, including a minimum of 4 m² per hectare in trees 50 centimetres or more at DBH;
 - vi) At all times, the harvesting, destruction, or injury of trees in woodlands with a basal area less than 16 m² per hectare of trees measuring 26 centimetres or more at DBH shall be completed in accordance with Good Forestry Practice, including but not limited to according to a prescription;
 - vii) Where trees are marked for harvest, destruction, or injury, the person responsible for marking such trees shall mark those trees to be harvested, destroyed, or injured with a paint mark of at least five centimetres in area and visible on at least two (2) opposite sides of the tree as well as the base of the tree in such a fashion that such marks will be visible after harvesting, destruction, or injury is complete;
 - viii) With the exception of work on municipal drains and/or where such work is exempted pursuant to Section 3 below, if any tree removal is necessary due to the undertaking of any drainage work, notification of the Officer is necessary and every person intending to destroy or

injure trees for purposes of drainage work must comply with the requirements of Section 4 below;

- ix) In the event that drainage work adjacent to a woodlands shall result in the destruction or injury of a tree or trees within such woodlands, any such drainage work shall be constructed of closed tile in that part of the drainage works that passes through or within 10 metres adjacent to such woodlands; and
 - x) Where trees are marked for harvest, destruction, or injury in accordance with this By-Law, any and all trees so marked shall be harvested and removed from the woodlands by the person who is harvesting, destroying, or injuring such trees.
- c) No person through their own actions or through any other person shall:
- i) fail to comply with an order issued pursuant to this By-Law;
 - ii) contravene the terms or conditions of a permit issued or decision made pursuant to or as contemplated by this By-Law; or
 - iii) remove or deface any order issued pursuant to this By-Law.
- d) A person shall not:
- i) harvest, destroy, or injure a tree below the lowest point of measurement contemplated by this By-Law unless otherwise authorized by an Officer;
 - ii) harvest unnecessarily or intentionally destroy or injure any tree that is to remain standing after the harvest of trees is completed;
 - iii) operate a vehicle, equipment, or machinery or conduct their operations in such a manner or at such time that results in excessive damage to the soil, wetlands, or natural areas or portions of the woodlands;
 - iv) operate a vehicle, machinery, or equipment or conduct operations in a manner or at a time that results in the leaving of any part of a tree in a watercourse, including but not limited to any trees that have not been cut but have been pushed, knocked over, or otherwise ended up in a watercourse;
 - v) leave a treetop, which can be safely trimmed and not scheduled for fuel wood processing, higher than 3.5 metres above the ground to the highest branch.

3. Exemptions to this By-Law

This By-Law does not apply to:

- a) Activities or matters undertaken by the Corporation of the County of Elgin or any member municipality of the Corporation of the County of Elgin or any Local Board of the Corporation of the County of Elgin or any member municipality thereof;
- b) Activities or matters undertaken under a license issued pursuant to the Crown Forestry 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 in the process of completing a survey;
- d) The injuring or destruction of trees imposed as a condition to the approval of 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;
- e) The injuring or destruction of trees imposed 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;

- f) 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 construction and maintaining a transmission system or a distribution system, as those terms as defined in the Section;
- g) 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;
- h) 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 permitted land use under a by-law passed under Section 34 of the Planning Act;
- i) the injuring or destruction of trees where the owner of the woodlands has been granted an exemption by the Council pursuant to Section 4;
- j) The injuring or destruction of trees that is required in order to erect any 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 structure or work within the building envelope, provided that no tree is destroyed or injured that is located more than 15 metres from the outer edge of the building, structure or thing and the Officer has been notified;
- k) The injuring or destruction of trees that is required in order to install and provide utilities to the construction or use of the building, structure or thing in respect of which a Building Permit has been issued;
- l) The injuring or destruction of trees that is required in order to install and provide utilities to provide a single lane driveway for vehicular access to the building, structure or thing in respect of which a Building Permit has been issued;
- m) The owner of the woodlands who has harvested, destroyed or injured twenty (20) trees per year, providing such activities has not reduced the number of trees per hectare below the minimum number of trees per hectare required to be considered a woodland and notification of such operations has been provided to the Officer;
- n) The harvest, destruction, or injury of trees where the trees are destroyed, or injured pursuant to a legally binding contract if:
 - i) the owner of the woodlands has given notice pursuant to S. 5 herein;
 - ii) the contract was signed within one (1) year immediately preceding the date on which this By-Law was passed;
 - iii) proof of the signed contract and a down payment of at least twenty (20) per cent of the contract value has been received by the Officer; and
 - iv) the trees are harvested, injured or destroyed in a manner consistent with this By-Law and the restrictions and regulations thereunder and have been or are harvested, destroyed, or injured within two (2) years of the date of enactment of this By-Law.
- o) The destruction or injury of trees that may occur during the pursuit of normal farming practices as outlined under the Farming and Food Production and Protection Act, S.O. 1998, c. 1, including but not limited to

the destruction or injury of trees to prevent the encroachment of woodlands on agricultural production resources;

- p) The destruction or injury of trees undertaken for the construction of drainage works under the Drainage Act, R.S.O. 1990, c. D.17, as amended, and the Officer has been notified;
- p) The harvest of trees by the owner of the woodlands for his or her own use, providing that such harvest has not reduced the number of trees per hectare below the minimum number of trees per hectare required to constitute woodlands as defined by this By-Law.

3.1 Exceptions to Exemptions

- (a) The exemptions provided for in sections 3 (m) and 3 (q) above do not apply to lands identified in Schedule "L" hereto and for which the harvest, destruction, or injury of a tree or trees upon such lands requires that a Slope Permit be obtained pursuant to section 5.1 below.

4. Council Exemption (Woodlands Clearing)

- a) In order to be considered for an exemption to the prohibition contained in Section 2 hereunder, the owner of the woodlands must apply to the Council for an exemption at least forty (40) days prior to the anticipated commencement of harvest, injury or destruction of trees by submitting:
 - i) a completed application form as set forth in Schedule "B";
 - ii) if demanded by the Clerk in respect of woodlands having an area greater than one (1) hectare, an environmental impact study; and
 - iii) the applicable fee as set out in Schedule "G" hereto.
- b) At least twenty-one (21) days prior to consideration of the application for an exemption, the Officer shall send, by regular mail, written notice in the form of Schedule "D" to the applicant and all assessed owners of each parcel of land abutting the applicant's woodlands for which an exemption is being sought and to such other persons and agencies as prescribed by Council.
- c) The Officer shall erect and display a public notice regarding the exemption application at the entrance to the woodlands in a position that insures that it is clear and visible to all persons, which notice shall be in the form set forth in Schedule "E" hereto.
- d) The notice shall be posted at least twenty-one (21) days prior to consideration of the application by either the Clerk or Council.
- e) In respect of applications for exemptions for woodlands having an area of less than one (1) hectare, where there have been no objections filed with the Council or Clerk and/or the Officer agrees that the general purpose and intent of this By-Law is maintained, the Clerk may grant the permit for an exemption in the form set forth as Schedule "C" hereto; provided that, in respect of applications for exemptions for woodlands having an area equal to or greater than one (1) hectare, the said application shall be considered by Council.
- f) When granting an exemption, the Clerk may include terms or conditions desirable for the appropriate development or use of the land on which the exemption is sought and in keeping with and maintaining the purpose and intent of this By-Law.
- g) Where the application for exemption relates to a woodlands having an area greater than one (1) hectare or where there have been objections filed with the Clerk or where the Clerk refuses to grant a permit for

exemption, or where the applicant objects to the terms and conditions on the permit for exemption as established by the Clerk, the Council will consider or re-consider, as the case may be, the application for exemption or any conditions to the permit and thereafter make a decision as to the granting of the exemption and a permit in relation thereto.

- h) When granting an exemption, the Council may include terms and conditions to its permission which are desirable for the appropriate development or use of the land on which the exemption is sought and as consistent with and maintaining the general purpose and intent of this By-Law.
- i) Council shall hear any person who wishes to speak to the application for an exemption for which objections have been filed. Upon the conclusion of the Council hearing during which the application for the exemption is being considered, the Council may make its decision regarding the granting of a decision or defer such decision to a subsequent date, in which latter circumstances, the Council shall advise the persons in attendance of the date, time, and location when Council will make a final determination in respect of such application.
- j) When denying an exemption, Council must notify the applicant of the denial of such application, the date of denial of such application, and the reasons for such denial, which notification must be delivered within ten days of the date of such denial.
- k) For purposes set forth above, the applicant may object to the terms and conditions attached to any permit for exemption issued pursuant to this By-Law.

5. Notification/Application (Permission by Notice of Intent)

- a) (i) Every owner of woodlands or person acting on behalf of the owner who intends to harvest, destroy, or injure trees personally or through another person under Section 2(a)(i) or Section 2(a)(ii) of this By-Law shall submit to the Officer a complete application to harvest, destroy, or injure trees as prescribed in Schedule "F" hereto not less than thirty (30) days prior to the commencement of such harvest, destruction, or injury; provided at all times that the Officer possesses the unfettered discretion to determine if any one or more such application(s) is complete;
- (ii) Within twenty-one (21) business days of receipt of the said complete application to harvest, destroy, or injure trees as set forth in subsection 5(a)(i) above, the Officer shall either approve or deny the application and, in the event of approval, shall impose reasonable terms and/or conditions to achieve and as are consistent with the purposes and intent of this By-Law; provided at all times that the Officer shall communicate any such decision to the owner of the woodlands or any person acting on behalf of such owner, including but not limited to through endorsement of the detail of such decision on the application submitted pursuant to section 5(a)(i) above; and,
- (iii) The owner of woodlands or any person acting on behalf of such owner may appeal either a failure of the Officer to make a decision in respect of an application to harvest, destroy, or injure trees within twenty-one (21) days of submission thereof to the Officer or any decision made in respect of such application, including as to the terms and conditions imposed in relation thereto, to Council and, in respect of such appeal:
 - 1. Council shall arrange for a date and time for consideration of the said appeal and written notice of such date and time shall be delivered to the Officer and owner of the woodlands or any person acting on behalf of such owner.
 - 2. Council shall consider any written submissions by the Officer and owner of woodlands or person acting on behalf of such owner in respect of the

application to harvest, destroy, or injure trees and any decision made by the Officer in respect thereof or failure on the part of the Officer to make any such decision in respect thereof.

3. On the date and at the time scheduled for consideration of the said appeal, or as soon after that date and/or time that the appeal can be heard, Council shall hear and consider any further oral representations by the owner of the woodlands or person acting on behalf of such owner and answers to questions posed by Council or any designate thereof and thereafter make an appeal decision to either confirm, reverse, or vary the decision of the Officer or, where the officer has not made a decision, to approve or deny the application and, in the event of approval, to impose reasonable terms and/or conditions to achieve and as are consistent with the purposes and intent of this By-Law; provided that Council shall have the discretion to defer its decision to a subsequent date, in which case, the owner of the woodlands or the person acting on behalf of the owner shall be advised of the date, time, and place when Council shall make and announce that appeal decision.
4. In the event that the application to harvest, destroy, or injure trees is denied on appeal, Council, in writing, shall notify the owner of the woodlands or the person acting on behalf of the owner of such denial and the reasons therefor within ten (10) days of the date of such decision.
5. Subject to any decision of a court of competent jurisdiction in the Province of Ontario, the appeal decision of Council shall be final.

- b) A fee will not be chargeable in respect of an Application contemplated under Section 5(a) above.
- c) Any person who has submitted an application to harvest, destroy, or injure trees in accordance with Subsection 5 above shall also erect and display a sign in the form as outlined in Schedule "K" hereto at the entrance at the adjoining roadway to the lands where the harvest, destruction, or injury of trees is to occur, which signs to be clear and visible to all persons, erected prior to the commencement of such operations and remain erected in such place until five (5) days after the completion of such operations.
- d) Any person who has submitted an application to harvest, destroy, or injure trees pursuant to Subsection 5(a) above shall notify the Officer at least twenty-four (24) hours prior to the start of such harvest, destruction, or injury of trees.
- e) For purposes of this Section, the application to harvest, destroy, or injure trees may be delivered to the Clerk by First Class Mail, hand delivery, or facsimile transmission to the County of Elgin at its administration offices, 450 Sunset Drive, St. Thomas, Ontario, during normal business hours.
- f) For purposes of this Section, a single application may be submitted for multiple properties owned by the same person, provided that, in all circumstances, all requisite information is provided within such application, including but not necessarily limited to through submission of additional information forms.

5.1 Regulations for Harvest, Destruction, or Injury to Trees on Slopes – Slope Permit

- a) Without limiting the generality of the procedure and requirements set forth in section 5 above, where the harvest, destruction or injury of any tree or trees is proposed and/or intended for lands located with a Woodlands Slope area identified on mapping attached as Schedule "L" (L1 to L7 inclusive) hereto, the owner of such lands or any person acting on behalf of the owner shall

also apply for and obtain a Slope Permit authorizing such harvest, destruction, or injury of tree or trees.

- b) The following rules apply to the harvest, destruction, or injury of any tree or trees from slopes as identified in Schedule "L" hereto:
- (i) The owner of any woodlands or any person acting on behalf of such owner shall consult with the Officer prior to submission of the Application for Slope Permit to, among other things, confirm the requirement to apply for and obtain such Permit and otherwise received preliminary direction as to documentation required to be delivered in support of such application.
 - (ii) Concurrent with submission of the Application to harvest, destroy or injure trees as set forth in section 5 (a) above, the owner of any woodlands or any person acting on behalf of such owner shall also apply for and obtain a Slope Permit as prescribed in Schedule "N" hereto and in that regard shall submit the following additional documentation to the Clerk:
 - (1) An Application for Slope Permit as prescribed in Schedule "M" hereto (hereinafter referred to as the "Application");
 - (2) The fee, if any, as prescribed in Schedule "G" hereto;
 - (3) Written confirmation of pre-consultation with the Officer, including preliminary direction as to documentation required to support the Application for Slope Permit;
 - (4) If required at the preliminary direction of the Officer, an Arborist Report identifying the tree or trees to be harvested, destroyed, or injured, a description of the health of such tree or trees, and, if included, recommendations as to operations for the harvest, destruction, or injury of such tree or trees;
 - (5) If required at the preliminary direction of the Officer, a report prepared by a qualified geotechnical engineer that certifies that the proposed harvest, destruction, or injury of tree or trees will not create increased erosion or land slip to the subject slope area and identified remedial works to be undertaken to control erosion and land slip upon the subject slope area;
 - (6) If required at the preliminary direction of the Officer, a statement signed by the Applicant ensuring that the Applicant will be responsible for undertaking and completing all recommendations made by the arborist in accordance with the report described in item (4) above and all works required by the geotechnical engineer in accordance with the report described in item (5) above;
 - (7) If required at the preliminary direction of the Officer, a statement detailing the proposed method of disposal of any wood waste / clearing debris;
 - (8) If required at the preliminary direction of the Officer, a statement detailing the proposed method for adequate control of drainage and erosion impacts from the tree removal site;
 - (9) The written consent of any adjacent property owner if the base of any tree or trees to be harvested, destroyed, or injured straddles a property line with that adjacent owner; and,
 - (10) If the Application is not made by the owner of the lands from which the tree or trees is to be removed, the written consent of the

owner of such lands from which any tree or trees is or are to be harvested, destroyed, or injured.

- (iii) The Clerk, on the advice of the Officer, shall advise the person submitting the Application as referred to in section 5.1 (b) (ii) (I) that the Application is complete or incomplete and, if incomplete, the Clerk shall specify why the Application is considered incomplete.
- (iv) If the Application as referred to above is withdrawn in writing by the Applicant or if the Application is incomplete for in excess of one (1) year from the date of original submission, it shall be deemed as withdrawn and no refund of fees shall be made. The Clerk shall close the Application file when any Application is withdrawn or deemed to be withdrawn.
- (v) When an Application is complete, the Clerk shall forward the Application, along with all supporting documentation as referred to in section 5.1 (b) (ii) to the Officer for review and processing. Concurrently, the Clerk shall also forward a photocopy of such Application and supporting documentation to the Clerk of the lower tier municipality in which the tree or trees to be harvested, destroyed or injured is or are located for review and comment within fifteen (15) days of delivery to such Clerk of the lower tier municipality.
- (vi) The Officer shall be responsible for reviewing the Application and all supporting documentation and thereafter, shall decide if a Slope Permit authorizing the harvest, destruction and injury of any tree or trees thereunder shall issue and terms and conditions applicable to such Slope Permit, providing at all times that the Officer shall not make any determination or issue such Permit without receipt and taking into account the review comments to be received from the Clerk of the lower tier municipality as referred to in section 5.1 (b) (v) above.
- (vii) If the Officer decides to issue a Slope Permit as contemplated in section 5.1 (b) (vi) above, he shall do so in the form prescribed in Schedule "N" hereto and the owner of the lands upon which the tree or trees so authorized to be harvested, destroyed, or injured and any person acting on behalf of the owner shall comply with all terms and conditions thereof.
- (viii) With necessary changes, the requirements of sections 5 (c), (d), and (e) apply to the processing and administration of an Application for and Slope Permit issued pursuant to this section.
- (ix) A Slope Permit issued pursuant to this section shall be valid for a maximum of one (1) calendar year from the date of issuance.
- (x) The owner of the lands for which a Slope Permit has been denied or the person authorized on his behalf or, as it relates to conditions only, the lower tier municipality within which such lands are located, may appeal the decision of the Officer to Council and Council may consider and reconsider, as the case may be, the Application, the denial of a Slope Permit and/or the terms and conditions thereof and thereafter make a decision as to the granting of a Slope Permit and the terms and conditions thereof.
- (xi) The interested party or parties to the appeal process referred to in section 5.1 (b) (x) shall be notified in writing of the date of hearing by Council and furthermore, shall be provided with a copy of all relevant documentation in relation thereto.
- (xii) During the course of the appeal hearing contemplated by section 5.1 (b) (xi) above, Council shall hear any person, corporation or body interested therein who wishes to speak to such appeal and who has

previously sought permission to do so in writing. Upon conclusion of the hearing, Council shall make a decision regarding the appeal of the decision of the Officer and grant or dismiss the appeal. If the appeal is dismissed then the decision of the Officer is confirmed while if the appeal is granted, then the decision of the Officer is reversed or otherwise revised as Council directs.

- (xiii) When an Application for Slope Permit is denied after an appeal hearing to Council, Council, by its Clerk, shall in writing notify the Applicant of such denial, the date of which notification shall be sent to the Applicant by regular mail posted no later than fifteen (15) days after the date of decision.

6. Application for Council Exemption for Woodlands Clearing

- a) Applications for Permits pursuant to Section 4 above will not be reviewed or processed or a permit issued in respect thereof unless:
 - i) applications have been completed and submitted in full;
 - ii) applications are in keeping and consistent with and maintain the general purpose and intent of this By-Law; and
 - iii) any prescribed application fee, as set forth in Schedule "G" hereto, has been paid in full.
- b) Any permit contemplated by this By-Law may be:
 - i) issued to the applicant for a term of one (1) year; and
 - ii) renewed by the Clerk for one term of one (1) year provided that such request for renewal is received prior to the expiry date of the original permit and any additional prescribed application/renewal fee is set forth in Schedule "G" hereto.
- c) In the event that a permit application or renewal thereof is denied, the Clerk, Officer, or his or her agent shall notify the applicant of such denial within ten (10) days of the decision thereof.

"7. Deleted – By-Law 21-22 - May 11, 2021"

8. Orders to Discontinue Activity

- a) Where the Officer is satisfied that a contravention of this By-Law has occurred, the Officer may make an order requiring the person who contravened the By-Law or who caused or permitted the harvest, destruction, or injury of trees in contravention of this By-Law to discontinue such activity, which order shall be issued in the format set forth in Schedule "J" hereto.
- b) An order issued pursuant to this Section may be served personally or served by sending it by mail to the last known address of:
 - i) the owner of the woodlands; or
 - ii) the person identified as harvesting, destroying, or injuring a tree or trees.
- c) Where service of an order is made by mail, service shall be deemed to have been effected on the fifth (5th) day after the order is mailed.
- d) Where service cannot be completed pursuant to Subsection 8(b) above, it is deemed sufficient if the Officer places a placard containing the terms of the order in a conspicuous place on the effected lands and the placing of the placard shall be deemed to be sufficient service of the order on the person to whom the order is directed.

- e) If the person to whom the order is directed is not satisfied with the terms of such Order, the person may appeal to Council by filing a notice of appeal by personal service or registered mail to the Clerk and the Officer within thirty (30) days of the date of the order.
- f) Where an appeal has been filed, Council shall hear and consider the appeal and, in respect of such appeal, Council shall have all the powers and functions of the Officer.
- g) Before conducting a hearing under this Section, the Clerk shall give notice to such persons or direct that notice be given to such persons as the Clerk considers should receive notice and in the manner directed by the Clerk.
- h) After hearing an appeal, Council may confirm or revoke any order issued pursuant to this Section.
- i) The proceedings at the hearing held by Council pursuant to this Section shall be in accordance with the provisions of the Statutory Powers Procedures Act, R. S.O. 1990, c. 22. The decision of Council in respect of any such matter under this Subsection shall be final.

9. Penalty

- a) Any person who contravenes any provisions of this By-Law or an order issued pursuant to Section 8 is guilty of an offence and is liable
 - i) on first conviction, to a fine of not more than \$50,000.00 or \$1,000.00 per tree harvested, destroyed, or injured by such contravention, whichever is greater; and
 - ii) on any subsequent conviction, to a fine of not more than \$100,000.00 or \$2,500.00 per tree harvested, destroyed, or injured by such contravention, whichever is greater.
- b) If a person is convicted of an offence for contravening this By-Law or an order issued under Section 8, the Court in which the conviction has been entered or any other 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 period as the Court considers appropriate, including any silvicultural treatment necessary to re-establish trees.

10. Enforcement

- a) This By-Law shall be enforced by an Officer appointed by the Corporation of the County of Elgin, including but not necessarily limited to those persons identified in Schedule "H" hereto.
- b) An Officer may at any reasonable time enter and inspect any lands to determine whether this By-Law, an order hereunder, or condition to a permit issued hereunder is being complied with.
- c) Any person who obstructs or interferes with an Officer in the discharge of his or her duties under this By-Law shall be considered in violation of this By-Law.

11. Administration

- a) Schedules "A" to "N" hereto shall form part of this By-Law.
- b) 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 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 therefrom and continue in full force and effect unless and until similarly found illegal.

- c) The short title of this By-Law is the "Woodlands Conservation By-Law".
- d) By-Law No. 87-6 for the Corporation of the County of Elgin, as amended by By-Law No. 93-30, shall be repealed upon enactment of and the coming into force and effect of this By-Law.
- e) Despite Subsection 11(d) above, By-Law 87-6 for the Corporation of the County of Elgin is amended, shall continue to apply to proceedings in respect of offences that occurred before its repeal.
- f) For purposes of this By-Law,
 - (i) Unless otherwise indicated, any reference to a statute, regulation, or other enactment shall mean the statute, regulation, or other enactment made, passed, enacted, or filed by or on behalf of the Province of Ontario and is deemed to include its proper citation and shall be considered as the version thereof, as amended, and in effect on that relevant date;
 - (ii) Unless otherwise indicated, delivery or submission of any application, notice, decision, communication, or other document may be effected personally at the intended recipient's last known address according to any municipal record, registered or prepaid mail addressed to the intended recipient's last known address according to any municipal record, or by facsimile transmission or electronic mail in accordance with contact information provided by the intended recipient or as set forth in any municipal record; provided that the date of receipt shall be the date of actual delivery save and except for registered or prepaid mail, which shall be deemed to be delivered on the fifth day following posting; and,
 - (iii) Unless otherwise indicated, any reference to a number of days in any section hereof shall be deemed to mean "business days".

READ a first and second time this 15th day of February 2005.

Original Signed

Original Signed

Mark G. McDonald,
Chief Administrative Officer.

James A. McIntyre,
Warden.

READ a third time and finally passed, as amended, this 13th day of September 2005.

Original Signed

Original Signed

Mark G. McDonald,
Chief Administrative Officer.

James A. McIntyre,
Warden.

Schedule "A"

to the By-Law No. 18-39 amending By-Law No. 05-03
(Woodlands Conservation By-Law)

CIRCUMFERENCE LIMITS BY TREE SPECIES

Note: Any permission to harvest, destroy, or injure tree or trees as provided for or contemplated by this By-Law, including pursuant to this Schedule "A", whether express or implied, is at all times subject to any prohibition or prohibitions as provided for in federal or provincial statute or regulation, including but not limited to as relating to rare, threatened, or endangered trees and furthermore as provided pursuant or in relation to the Species at Risk Act, S.C. 2002, c. 29, as amended, and/or the Endangered Species Act, 2007, S.O. 2007, c. 6, as amended. To this end, consultation to the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) and the Committee on the Status of Species at Risk in Ontario (COSSARO) as well as review of the Species at Risk Public Registry and the Species at Risk in Ontario List is and will be required in respect of any Application to Harvest, Destroy, or Injure Trees as contemplated by this By-Law

<u>Conifer Plantations</u>			
White Pine	Pinus strobes	Norway Spruce	Picea abies
Red Pine	Pinus resinosa	White Spruce	Picea glauca
Jack Pine	Pinus banksiana	Larch	Larix deciduas
Scots Pine	Pinus sylvestris	Tamarack	Larix laricina

Current Size

<u>Group "A" Species</u>	10 cm Point of Measurement Minimum circumference	20 cm Point of Measurement Minimum circumference	30 cm Point of Measurement Minimum circumference	45 cm Point of Measurement Minimum circumference
Kentucky Coffee Tree (Gymnocladus dioicus)	240	215	200	190
Tulip Tree (Liriodendron tulipifera L.)	240	215	200	190
Honey Locust (Gleditsia triacanthos)	240	215	200	190
Sycamore (Platanus occidentalis L.)	240	215	200	190
Hackberry (Celtis occidentalis L.)	240	215	200	190
Black Gum (Nyssa sylvatica)	240	215	200	190
Pignut Hickory (Carya glabra)	240	215	200	190
Big Shellbark Hickory (Carya laciniosa)	240	215	200	190
Cucumber Tree (Magnolia acuminata L.)	240	215	200	190
Butternut (Juglans cinerea L.)	240	215	200	190
American Chestnut (Castanea dentate)	240	215	200	190
Red Mulberry (Morus rubra L.)	240	215	200	190
Eastern Flowering Dogwood (Cornus florida L.)	240	215	200	190
Blue Ash (Fraxinus quadrangulata Michx.)	240	215	200	190

<u>Group "B" Species</u>	10 cm Point of measurement Minimum circumference	20 cm Point of measurement Minimum circumference	30 cm Point of measurement Minimum circumference	45 cm Point of measurement Minimum circumference
Oak				
- Red (Quercus rubra)	196	176	164	150
- Black (Quercus velutina)	196	176	164	150
- White (Quercus alba)	196	176	164	150
- Swamp White (Quercus bicolor)	196	176	164	150

Schedule "A" Continued				
to the By-Law No. 18-39 amending By-Law No. 05-03 (Woodlands Conservation By-Law)				
- Bur (<i>Quercus macrocarpa</i>)	196	176	164	150
- Hills (<i>Quercus ellipsoidalis</i>)	196	176	164	150
- Chinquapin (<i>Quercus muehlenbergii</i>)	196	176	164	150
Maple	196	176	164	150
- Sugar (<i>Acer saccharum</i>)	196	176	164	150
- Black (<i>Acer nigrum</i>)	196	176	164	150
- Red (<i>Acer rubrum</i>)	196	176	164	150
- Silver (<i>Acer saccharinum</i>)	196	176	164	150

<u>Group "B" Species</u>	10 cm Point of measurement Minimum circumference	20 cm Point of measurement Minimum circumference	30 cm Point of measurement Minimum circumference	45 cm Point of measurement Minimum circumference
Cottonwood (<i>Populus deltoides</i>)	196	176	164	150
Elm				
- White (<i>Ulmus americana</i> L.)	196	176	164	150
- Red (<i>Ulmus rubra</i>)	196	176	164	150
- Rock (<i>Ulmus thomasii</i>)	196	176	164	150

<u>Group "C" Species</u>	10 cm Point of measurement Minimum circumference	20 cm Point of measurement Minimum circumference	30 cm Point of measurement Minimum circumference	45 cm Point of measurement Minimum circumference
Ash				
- White (<i>Fraxinus americana</i> L.)	212	183	164	150
- Red (Green) (<i>Fraxinus pennsylvanica</i>)	212	183	164	150
- Pumpkin (<i>Fraxinus profunda</i>)	212	183	164	150
Black Walnut (<i>Juglans nigra</i> L.)	212	183	164	150
Black Cherry (<i>Prunus serotina</i>)	212	183	164	150
Basswood (<i>Tilia americana</i>)	212	183	164	150
Hemlock (<i>Tsuga canadensis</i>)	212	183	164	150
Excluding plantations				
White Pine (<i>Pinus strobus</i>)	212	183	164	150
Larch (<i>Larix decidua</i>)	212	183	164	150
Spruce				
- Norway (<i>Picea abies</i>)	212	183	164	150
- White (<i>Picea glauca</i>)	212	183	164	150

<u>Group "D" Species</u>	10 cm Point of measurement Minimum circumference	20 cm Point of measurement Minimum circumference	30 cm Point of measurement Minimum circumference	45 cm Point of measurement Minimum circumference
Hickory				
- Shagbark (<i>Carya ovata</i>)	164	142	128	117
- Bitternut (<i>Carya cordiformis</i>)				
- Black Ash (<i>Fraxinus nigra</i>)	164	142	128	117
Yellow Birch (<i>Betula alleghaniensis</i>)	164	142	128	117

Schedule "A" Continued				
to the By-Law No. 18-39 amending By-Law No. 05-03 (Woodlands Conservation By-Law)				
American Beech (<i>Fagus americana</i>)	164	142	128	117
Excluding plantations				
Pine				
- Red (<i>Pinus resinosa</i>)	164	142	128	117
- Jack (<i>Pinus banksiana</i>)	164	142	128	117
- Scots (<i>Pinus sylvestris</i>)	164	142	128	117
Tamarack (<i>Larix laricina</i>)	164	142	128	117

<u>Group "E" Species</u>	10 cm Point of measurement Minimum circumference	20 cm Point of measurement Minimum circumference	30 cm Point of measurement Minimum circumference	45 cm Point of measurement Minimum circumference
Poplar				
- Balsam (<i>Populus balsamifera</i> L.)	97	83	75	69
- Trembling Aspen (<i>Populus tremuloides</i>)	97	83	75	69
- Largetooth Aspen (<i>Populus grandidentata</i>)	97	83	75	69
White Birch (<i>Betula papyrifera</i>)	97	83	75	69
Ironwood (<i>Ostrya virginiana</i>)	97	83	75	69
Willow sp. (<i>Salix</i> sp.)	97	83	75	69

<u>Group "F" Species</u>	10 cm Point of measurement Minimum circumference	20 cm Point of measurement Minimum circumference	30 cm Point of measurement Minimum circumference	45 cm Point of measurement Minimum circumference
Pin Cherry (<i>Prunus pensylvanica</i>)	80	78	75	69
Cedar				
- White (<i>Thuja occidentalis</i> L.)	80	78	75	69
- Red (<i>Juniperus virginiana</i> L.)	80	78	75	69

<u>Conifer Plantations</u>				
Pine	Good	Good	Good	Good
- White (<i>Pinus strobus</i> L.)	Forestry	Forestry	Forestry	Forestry
- Red (<i>Pinus resinosa</i> Ait.)	Practice	Practice	Practice	Practice
- Jack (<i>Pinus banksiana</i> Lamb.)	ONLY	ONLY	ONLY	ONLY
- Scots (<i>Pinus sylvestris</i> L.)				
Spruce	Good	Good	Good	Good
- Norway (<i>Picea abies</i>)	Forestry	Forestry	Forestry	Forestry
- White (<i>Picea glauca</i>)	Practice	Practice	Practice	Practice
	ONLY	ONLY	ONLY	ONLY

Circumference measurements will be taken 10, 20, 30 and 45 centimetres above the highest point of the ground and shall be outside of bark measurement.

Point of measurement must be left on the stump (i.e. if measured at 45 cm stump must be left at 45 or greater.)

Schedule "B"

to the By-Law No. 18-39 amending By-Law No. 05-03
(Woodlands Conservation By-Law)

Council Exemption for Woodlands Clearing Application

APPLICATION NUMBER

[]

I/We wish to apply for an exemption from the provisions of the County of Elgin By-Law No. 05-03 which prohibits or regulates the destruction or injury of trees. In order to be allowed to remove trees as outlined in this application.

1. Name(s) of Owner(s): _____

Telephone: _____

Mailing Address:

2. Location of Woodland Clearing:
Municipality (Town, Village, Municipality) _____

Lot _____ Concession _____

GPS Coordinates Latitude _____ and Longitude _____

Civic Address (911#) _____

Tax Roll No. _____

3. Reason for wishing to destroy or injure trees:

4. Describe species of trees and size of trees to be removed.

5. Area to be cleared (in metric)

Length _____ metres Width _____ metres

Area _____ (in square metres or hectares)

6. Has the owner previously applied for and been granted permission to destroy or injure trees? Yes () No ()

If yes, please indicate the purpose to which they were removed approximate size of area cleared and date.

7. Other information deemed pertinent to this application.

Schedule "B" continued

to the By-Law No. 18-39 amending By-Law No. 05-03
(Woodlands Conservation By-Law)

8. Names, mailing address and phone number of all owners of property which abut the land of the owner of the woodlands in respect to which this application is made as per Section 4 of this By-Law. (If insufficient space, please attach another sheet of paper.)

Name	Mailing Address	Phone Number

9. Each application must be accompanied by a sketch, no smaller than 20 centimetres by 35 centimetres, showing: a scale drawing clearly indicating the area proposing to be cleared and the area or trees that will remain, all buildings on the owner's property and on the abutting property, and the land use of abutting lands (e.g. residential, agricultural, woodlands, commercial, etc.)
10. An on site inspection will be made. Please mark perimeter trees, which will remain if this application is granted, by spraying, or some other means, to clearly indicate during the site visit what is being proposed for clearing.

Date

Signature of Applicant or Authorized Agent

Note: If this application is signed by any person other than the owner, written authorization of the owner(s) must accompany the application. If the applicant is a corporation, the application must be signed by an Officer (and the position must be indicated) and the corporate seal shall be affixed.

Please return completed application form to: Elgin County Tree Commissioner c/o Kettle Creek Conservation Authority, 44015 Ferguson Line, RR #8, St. Thomas, Ontario, N5P 3T3.

COUNCIL EXEMPTION REQUIREMENTS/ INFORMATION

- I. An Application to Council for Exemption to Clear Woodlands must be completed in full in order to be processed. An application for an area greater than 1.0 hectares must be approved by Council and may require an Environmental Impact Study.
- II. It shall be normal practice that when an owner or his authorized agent makes an inquiry with regard to **Woodlands Conservation By-Law No. 05-03**, that the Officer will make an inspection of the property to determine whether or not an Application to Council for Exemption for Woodland Clearing is required.
- III. The County has a "No Net Loss Policy" stating that for every hectare of land cleared a hectare has to be replanted based on 1750 trees per hectare and replanted in the same municipality.
- IV. Notice of this permit application shall be sent by regular mail to all landowners whose lands abut the land the applicant has outlined. Landowners separated by a public road allowance shall also be considered to be abutting landowners. Further circulation of this application may be made to the appropriate government agencies for review and comments (i.e. Conservation Authorities, Ministry of Natural Resources, Ministry of Agriculture Food and Rural Affairs, and local Municipalities).
- V. Once an Application to Council for Exemption for Woodland Clearing is received the Officer will erect and display a public notice sign at the entrance from the adjoining roadway to the land where the Permit is being sought in a position that is clear and visible to all persons, and such a sign will be in the format of Schedule "E".
- VI. The application will not be considered by Council unless forty (40) business days have passed from the date of receipt.

Schedule "C"
to the By-Law No. 18-39 amending By-Law No. 05-03
(Woodlands Conservation By-Law)

WOODLANDS CLEARING PERMIT

Council Exemption for Woodlands Clearing Permit

Permission is hereby granted by the Council of the County of Elgin to destroy trees under **BY-LAW NO. 05-03**

REFERENCE APPLICATION # _____

ISSUED TO: _____

LOT _____

CONCESSION _____

MUNICIPALITY _____

Tax Roll Number _____

Description of area and trees to be destroyed:

Conditions of the permit:

DATE OF ISSUE _____

DATE OF EXPIRY _____

BY: ELGIN COUNTY COUNCIL

PER _____
Clerk or Designate

Schedule "D"
to the By-Law No. 18-39 amending By-Law No. 05-03
(Woodlands Conservation By-Law)

Notification Letter

Date

Landowner
Address
, Ontario
Postal Code

Dear Sir or Madam:

RE: Proposed Woodlands Clearing on Lot _____, Concession _____,
Municipality of _____

Under Section 135 (2) of the Municipal Act all abutting landowners shall be notified of impending woodland clearings.

This letter hereby notifies you of the proposed woodland clearing by *(insert Landowner's name and address)*. The proposed clearing will take place on Lot ____, Concession _____, in the Municipality of _____ for the purpose of _____.

If you have objections to this proposed clearing please reply in writing to the Elgin County Tree Commissioner, C/o Kettle Creek Conservation Authority, RR #8, 44015 Ferguson Line, St Thomas, Ontario, N5P 3T3, by the ___ day of _____, 20__.

If you have any questions regarding this notice, please contact the undersigned at (519) 631-1270 ext. 231

Yours truly,

Elgin County Tree Commissioner

Schedule "E"
to the By-Law No. 18-39 amending By-Law No. 05-03
(Woodlands Conservation By-Law)

Public Notice
Woodland Conservation By-Law
Council Exemption for Woodlands Clearing

This posted notice does not imply unrestricted access.
Interested parties must receive permission to enter these lands from
the landowner.

APPLICATION has been received affecting these woodlands.

Lot: _____ Concession: _____ Township: _____

Landowner: _____

An Application for Exemption to the County By-Law No. 05-03 has
been submitted to clear _____ hectares of woodland.

Type of Exemption: Agricultural Exemption
 Other Exemption

Deadline for written comments:

This notice is posted under the authority of the Elgin County
Woodlands Conservation By-Law No. 05-03

This Notice is to remain posted no less than 21 business days prior to
consideration of this application.

Further information or written notice is available from the Elgin County Tree
Commissioner at 519-631-1270 ext. 231.

**Note: This sign shall be no less than 60 cm high by 45 cm wide and the
lettering will be no less than 1.5 cm in height.**

SCHEDULE "F"

to the By-Law No. 18-39 amending By-Law No. 05-03
(Woodlands Conservation By-Law)

APPLICATION NUMBER

**APPLICATION TO HARVEST, DESTROY OR INJURE TREES
for the
COUNTY OF ELGIN WOODLANDS CONSERVATION BY-LAW NO. 05-03**

This application must be completed at least thirty (30) business days prior to the proposed commencement of the Harvest. This permit is good for one year after being signed by the Officer.

This application after being signed by the Officer will be returned to the Property Owner and Purchaser.

Property Owner's Name: _____

Address: _____

Telephone No.: _____ Email: _____

Roll # of Woodland: _____

Location of Woodland Lot: _____ Concession: _____

Township: _____ Woodland Size: _____

Board Foot Removed: _____

911 of Woodlot: _____

Expected Starting Date: _____

Person in Charge of Cutting: _____

Contractor's Name: _____

Address: _____

Phone #: _____ Fax #: _____

Reason for removal: (A prescription must accompany Good Forestry Practices Cuts.)

Good Forestry _____ Fuelwood Removal _____

Circumference _____ Other _____

Company and contact person who marked the woodlands: _____

Registered Professional Forester: _____

Registered Professional Forester Registration Number: _____

Tree Marker: _____

Tree Marker's Number: _____

Species	Number of trees	Please provide a sketch of the woodlot. Including roads and landing locations indicating North.
Totals		

I agree that operations will be in accordance with the provisions of Woodland Conservation By-Law No. 05-03, of the County of Elgin and that I am familiar with the contents and requirements of this By-Law and acknowledge having received a copy thereof.

Further, I agree to notify the Officer of the intention to commence harvest, destruction, or injury of trees as contemplated by this Application at least twenty-four (24) hours prior to the commencement of such works and by any one of the following methods:

Telephone: (519)631-1270 ext. 231
 Email: treebylaw@elgin.ca
 Writing: Delivered or mailed to,
 Elgin County Tree Commissioner
 c/o Kettle Creek Conservation Authority
 R. R. # 8
 44015 Ferguson Line
 St. Thomas, Ontario N5P 3T3

DATED AT _____ this _____ day of _____, 20____

 Signature of Owner

 Signature of Contractor

Mailing Address: Elgin County Tree Commissioner,
 c/o Kettle Creek Conservation Authority,
 RR #8, 44015 Ferguson Line,
 St Thomas, Ontario,
 N5P 3T3
 Phone: (519) 631-1270 ext. 231
 Fax: (519) 631-5026

Personal Information on this form is collected under the authority of the Municipal Freedom of Information and Protection of Privacy Act, Section 32, C and D, and may be used to enforce the By-Law.

Application Received by the Officer: _____, Date: _____

Conditions: _____

Schedule "G"

to the By-Law No. 18-39 amending By-Law No. 05-03
(Woodlands Conservation By-Law)

Fee Schedule

The following fees will apply for the purpose of this By-Law:

<u>Description</u>	<u>Fee</u>
Public Notice Sign	Actual cost of the Sign
Notice to Harvest, Destroy or Injure Sign This Sign shall be in the form of Schedule "K"	Actual cost of the Sign
Application for Exemption to Clear Woodlands	\$200.00
Permit Renewal or Extension for Woodland Clearing (If applied for prior to expiry of original)	\$35.00

Schedule "H"

to the By-Law No. 18-39 amending By-Law No. 05-03
(Woodlands Conservation By-Law)

Appointment of Officers

The following people are appointed as Officers to enforce Elgin County's Woodlands Conservation By-Law No. 05-03

Chief Administrative Officer of the County of Elgin or designate

As Elgin County Tree Commissioner, Forest and Soils Conservation Supervisor of Kettle Creek Conservation Authority or designate

Schedule "I"
to the By-Law No. 18-39 amending By-Law No. 05-03
(Woodlands Conservation By-Law)

Basal Area Calculation Assessment

1. Basal Area Calculation

- (i) Point Sampling is defined as a method of selecting measurements and for estimating basal area using tree size rather than the frequency as the main parameter. Trees are tallied at a sample location or a point sample, the selection probability being proportional to the basal area of the tree. In point sampling, a 360-degree sweep is made with an angle gauge about a fixed point, and stems whose breast height diameters appear larger than the fixed angle subtended by the angle gauge are included in the sample. Point samples will be taken using a factor 2 prism.
- (ii) Basal area will be assessed every 60 metres along a fixed compass bearing through the woodland in which harvesting, destruction or injuring has occurred the officer will mark the centre point. The first sample will be placed 60 metres from the dripline of the woodland. No less than 3 sample points will be taken along a compass bearing through the woodland. If the average basal area/hectare is found to be below the requirements of the By-Law, then a second compass bearing line will be established 60 metres from the first line and reversing the compass bearing. This process will be completed for the entire woodland if the basal area/hectare is found to be below the By-Law.
- (iii) Where the width of the woodland is less than 130 metres, one line will be established along a fixed compass bearing down the centre of the woodland where harvesting has occurred. Sample points will then be taken every 60 metres along the established line.

See sample illustration outline sample plot lay out.

60 metres from dripline from both edges	60 metres from first sample plot	60 metres from last sample plot	60 metres from last sample plot	60 metres from last sample plot
Second line if necessary will be 60 metres away from the first line	60 metres from first sample plot	60 metres from last sample plot	60 metres from last sample plot	60 metres from last sample plot
Third line will be same as second				

The following format will be used in calculating average basal area per hectare.

Stations Tallied										Basal Area Factor: 2									
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
Plot #		Small 26-40 cm			Medium 42-48 cm			Large 50-60 cm			X-Large 62+ cm			Total All Sizes			Total **		
# of trees																			

** Total trees (_____) x Basal Area Factor (2) = (_____) Actual Basal per Hectare
of Stations(_____)

Schedule "J"
to the By-Law No. 18-39 amending By-Law No. 05-03
(Woodlands Conservation By-Law)

**STOP WORK ORDER
for the
COUNTY OF ELGIN**

TO: (contractor) _____

AND TO: (owner) _____

FROM: _____, Elgin County Tree Commissioner

STOP WORK ORDER

YOU ARE HEREBY DIRECTED AND ORDERED TO forthwith stop, halt, cease, and desist from any and all works associated with the destruction of trees or removal thereof from those lands comprising: Lot: _____, Concession: _____, Municipality of _____, County of Elgin.

The following contravention(s) have occurred on the above noted property: _____

Please provide written details to the above noted contravention(s) within _____ days of receipt of this Order.

DATED at _____, this _____ day of _____, 20__.

Elgin County Tree Commissioner

Pursuant to By-Law No. 05-03, Section 8, subsection (e) where the person to whom the order is directed has been served in accordance with this By-Law is not satisfied with the terms of the order, the person may appeal to Council by filing Notice of Appeal by person or certified mail to the Officer within 30 days after the date of the Order.

Elgin County Tree Commissioner
c/o Kettle Creek Conservation Authority
44015 Ferguson Line,
RR #8,
St Thomas, Ontario
N5R 3T3

Schedule "K"
to the By-Law No. 18-39 amending By-Law No. 05-03
(Woodlands Conservation By-Law)

Notice of Timber Harvest

DO NOT ENTER during Harvest activities for your own safety

This posted notice **does not** imply unrestricted access.

Interested parties must receive permission to enter these lands from the landowner.

Contractor: _____

Phone Number: _____

Owner: _____

Harvest Date: _____

Woodlands Marked by: _____

Phone Number of Marker: _____

This Notice is posted under the authority of the Woodlands Conservation By-Law No. 05-03.

This Notice is to be posted at the commencement of harvest and no less than five (5) days after completion of harvest. Removal prior to this period is a chargeable offence.

If you should have any questions or concerns regarding this timber destruction please contact the Elgin County Tree Commissioner at 519-631-1270 ext. 231.

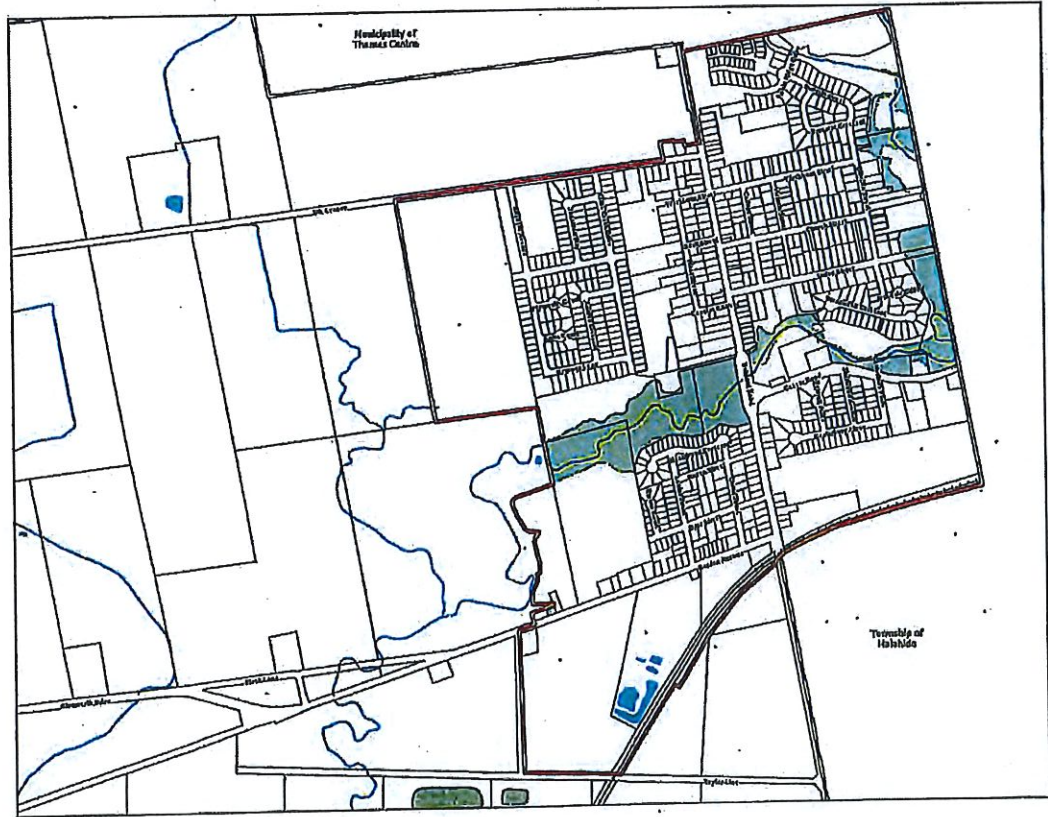
Note: This sign shall be no less than 60 cm high by 45 cm wide and the lettering will be no less than 1.5 cm in height.

SCHEDULE "L"

Slopes Subject to Regulation
(s. 5.1)

Maps L1 to L7 attached

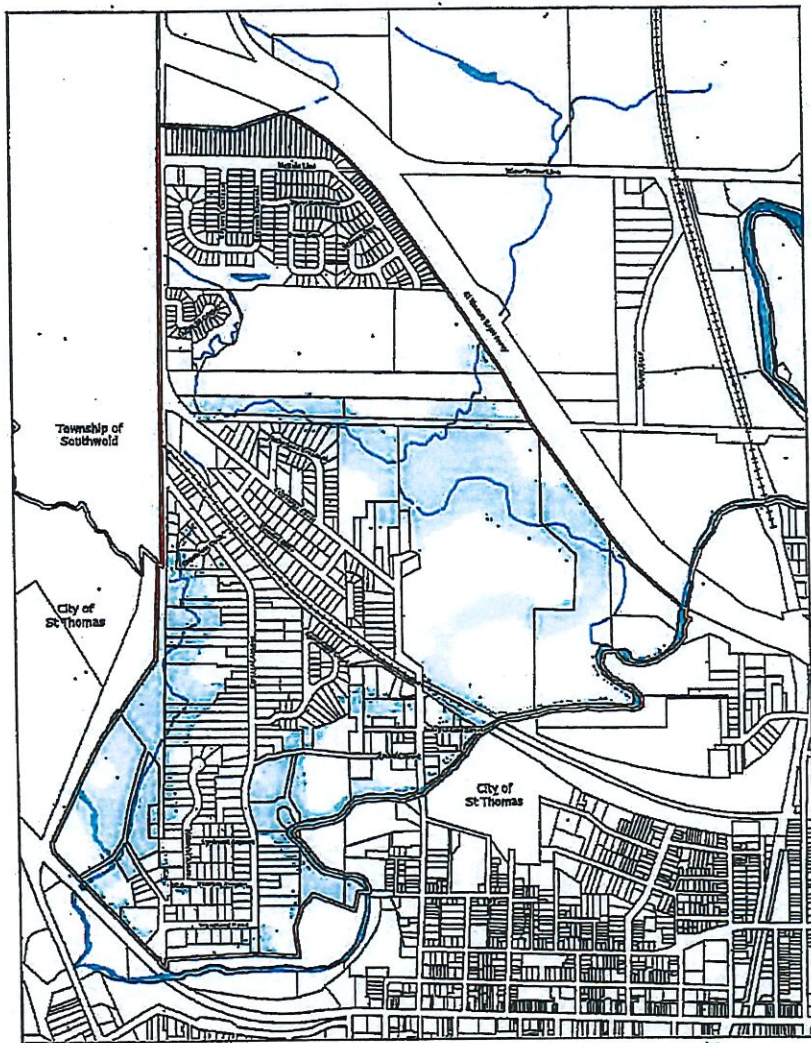




The Municipality of
Central Elgin
Community
of Belmont
Schedule L1

- Map Legend**
- Urban Settlement Area
 - Municipal Boundary
 - Railway
 - Wetlands
 - Wetlands
 - Woodlands Slopes

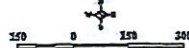




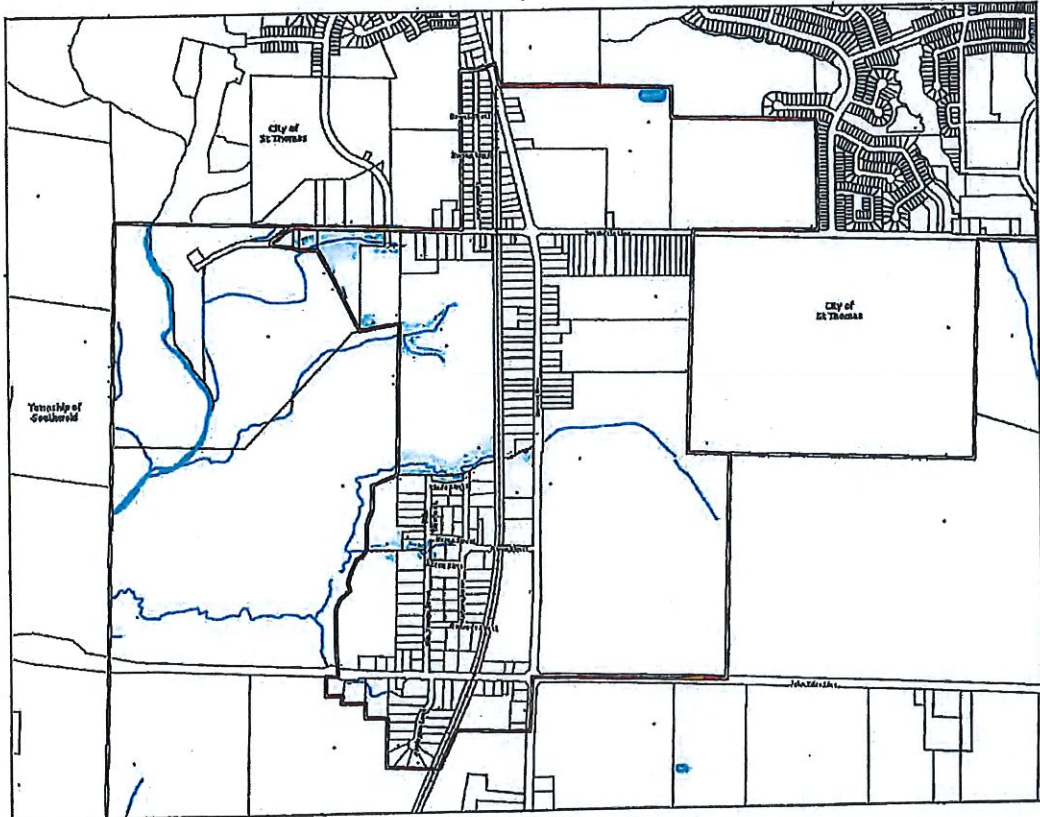
The Municipality of
Central Elgin
Community
of Lynhurst
Schedule L2

Map Legend

	Urban Settlement Area
	Municipal Boundary
	Railway
	Watercourse
	Waterbody
	Wooded slopes



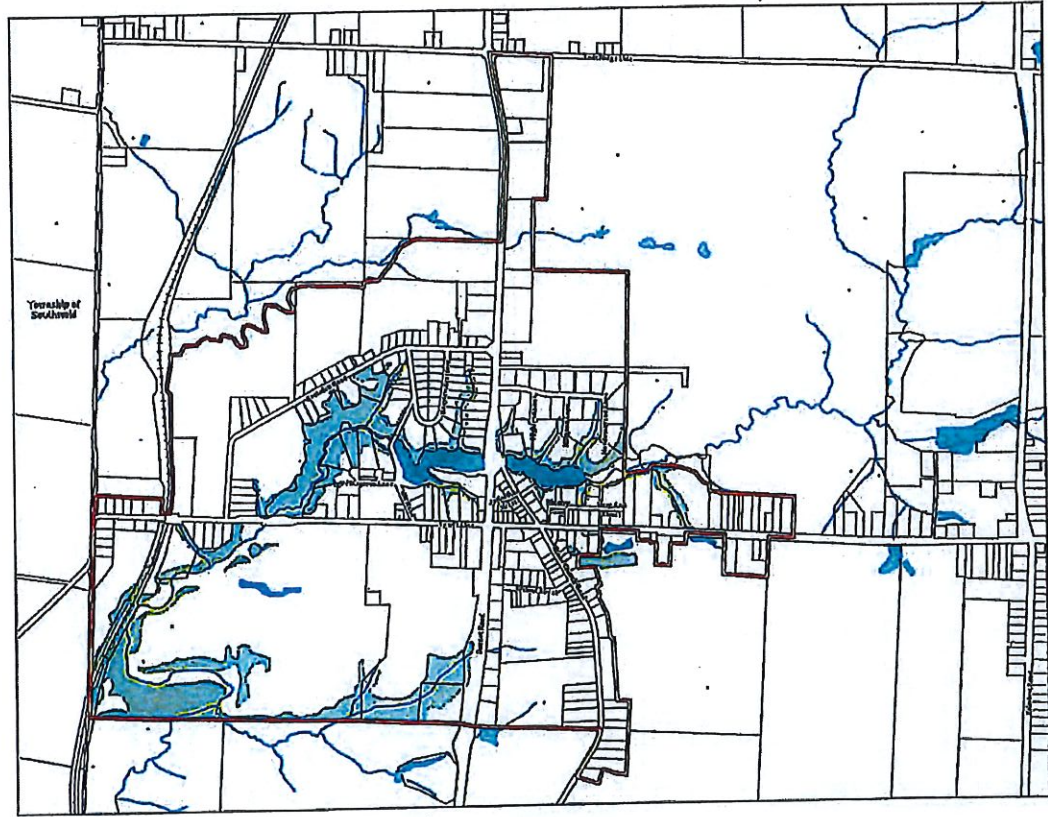
January 2016



The Municipality of
 Central Elgin
 Community of
 Norman Lyndale
 Schedule L3

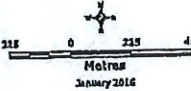
- Map Legend**
-  Urban Settlement Area
 -  Municipal Boundary
 -  Railway
 -  Watercourses
 -  Water bodies
 -  Wooded Areas





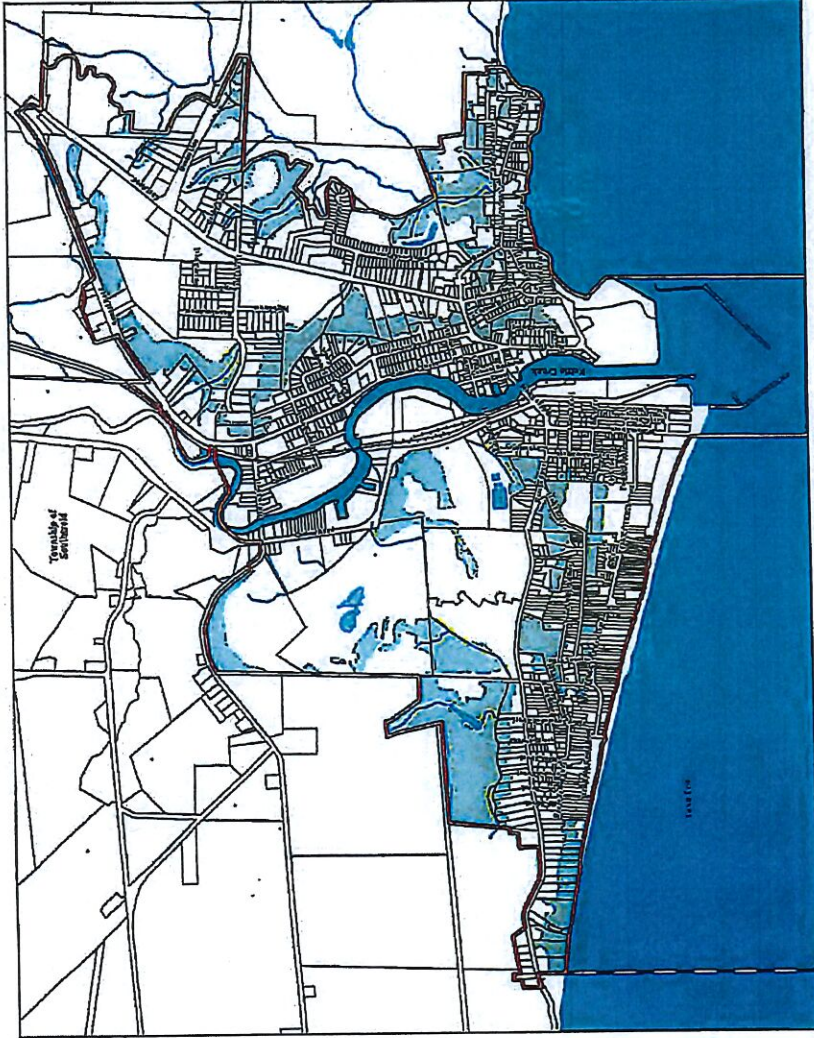
The Municipality of
Central Elgin
Community of
Union
Schedule L4

- Map Legend**
-  Urban Settlement Area
 -  Municipal Boundary
 -  Railway
 -  Watercourses
 -  Waterbodies
 -  Wooded Slopes

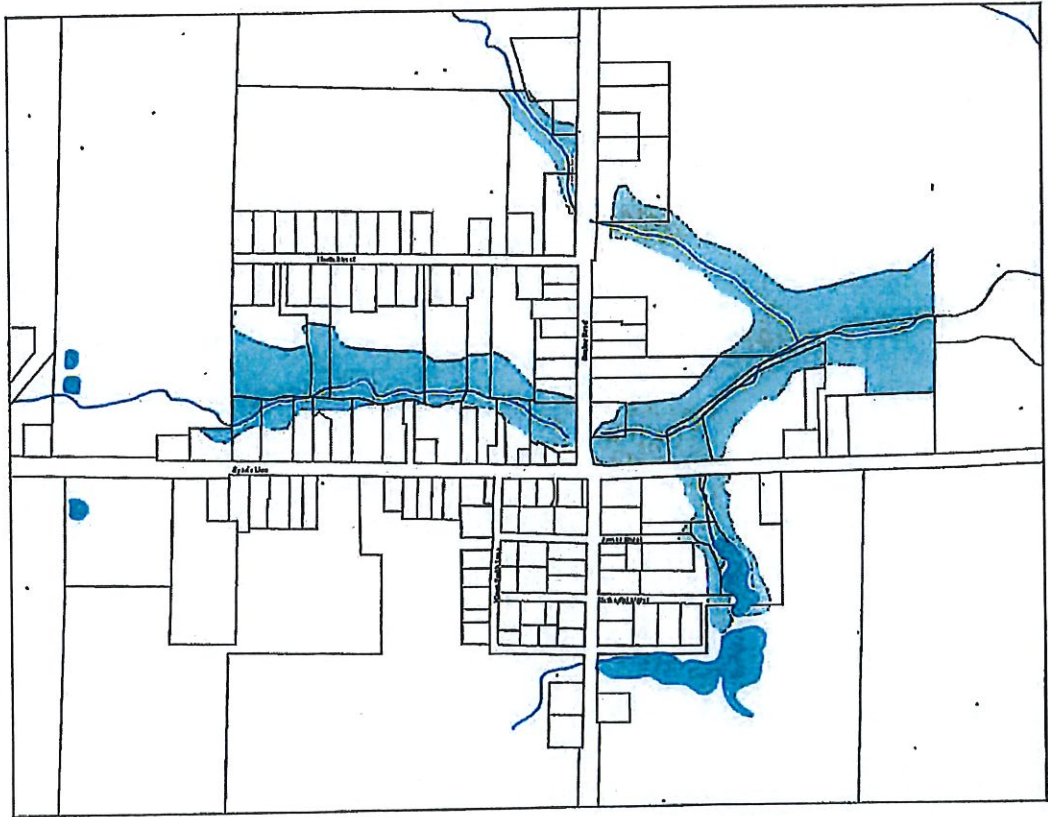


The Municipality of
Central Egin
Community of
Port Stanley
Schedule L5

- Map Legend
- Urban Settlement Area
 - Municipal Boundary
 - Railway
 - Watercourse
 - Waterbodies
 - Watershed Areas



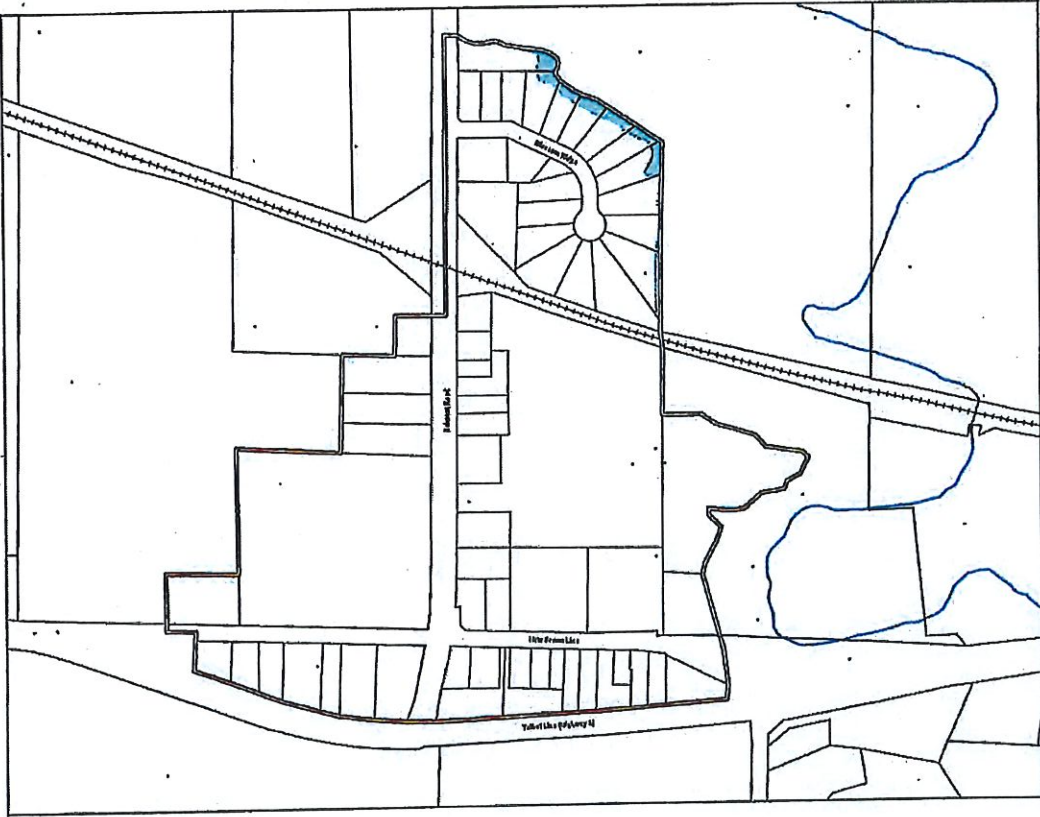
250 0 250 500
Meters
January 2016



The Municipality of
Central Elgin
Community of
Sparta
Schedule L6

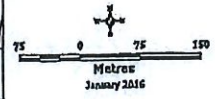
- Map Legend**
-  Parcel Settlement Area
 -  Municipal Boundary
 -  Railway
 -  Watercourses
 -  Watersheds
 -  Wetlands Storage





The Municipality of
 Central Elgin
 Community of
 New Sarum
 Schedule L7

- Map Legend**
- Parcel Subdivision Area
 - Municipal Boundary
 - Railway
 - Watercourse
 - Woodlands
 - Woodland Slope



SCHEDULE "M"
to the By-Law No. 18-39 amending By-Law No. 05-03
(Woodlands Conservation By-Law)

SLOPE APPLICATION NUMBER

**APPLICATION TO HARVEST, DESTROY OR INJURE TREES ON SLOPES
for the
COUNTY OF ELGIN WOODLANDS CONSERVATION BY-LAW NO. 05-03**

This completed application must be submitted at least twenty (20) working days prior to the proposed commencement of the Harvest.

APPLICANT INFORMATION

Property Owner's Name: _____

Address: _____

Phone: _____

E-mail: _____

PROPERTY INFORMATION

Roll # of woodland: _____

Lot: _____ Concession: _____

Township: _____ Woodland Size: _____

911 Address of Woodlot: _____

DETAILS OF PROPOSED WORK

Expected Starting Date: _____

Person in Charge of Cutting:

Contractor's Name:

Address:

Phone #: _____ Fax #: _____ E-mail: _____

Tree Species and Number to be removed

Species	Number	Species	Number	Species	Number

Attach a sketch/map of property outlining property lines, roads, buildings & structures, north, top & bottom of slope, approximate location of trees to be removed, base of harvest operations, equipment access location, etc.

Attach a written description outlining your proposed method(s) for removing wood waste, clearing debris and equipment to be used. Add detail to sketch where appropriate.

Attach a written description outlining your proposed method(s) for controlling drainage and erosion impacts from the tree removal site. Add detail to sketch where appropriate.

SUPPORTING DOCUMENTATION

Attach the following reports to your application.

Arborist Report

Name of Arborist/Company:

Date of Report: _____ Report Number: _____

Geotechnical Report

Name of Geotechnical Engineer/Company:

Date of Report: _____ Report Number: _____

I agree that operations will be in accordance with the provisions of Woodland Conservation By-Law No. 05-03, of the County of Elgin and that I am familiar with the contents and requirements of this By-Law and acknowledge having received a copy thereof.

I agree that operations will be in accordance with the recommendations contained within my Arborist report completed by _____, dated _____.

I agree that operations will be in accordance with the recommendations contained within my Geotechnical report completed by _____, dated _____.

Further, I agree to notify the Officer of the intention to commence harvest, destruction, or injury of trees as contemplated by this Application at least twenty-four (24) hours prior to the commencement of such works and by any one of the following methods:

Telephone: (519)631-1270 ext. 231
Email: treebylaw@elgin.ca
Writing: Delivered or mailed to,
Elgin County Tree Commissioner
c/o Kettle Creek Conservation Authority
R. R. # 8
44015 Ferguson Line
St. Thomas, Ontario N5P 3T3

DATED AT _____ this _____ day of _____, 20____

Signature of Owner

Signature of Contractor

Mailing Address: Elgin County Tree Commissioner,
c/o Kettle Creek Conservation Authority,
RR # 8, 44015 Ferguson Line,
St Thomas, Ontario,
N5P 3T3
Phone: (519) 631-1270 ext. 231
Fax: (519) 631-5026

Personal Information on this form is collected under the authority of the Municipal Freedom of Information and Protection of Privacy Act, Section 32, C and D, and may be used to enforce the By-Law.

Application Received by the Officer: _____, Date: _____

Schedule "N"
to the By-Law No. 18-39 amending By-Law No. 05-03
(Woodlands Conservation By-Law)

SLOPE PERMIT

Permit for the Harvest, Destruction or Injury of Trees on Slopes

Permission is hereby granted by the Corporation of the County of Elgin to destroy trees under **BY-LAW NO. 05-03**

REFERENCE APPLICATION #: _____

ISSUED TO: _____

911 ADDRESS:

LOT: _____

CONCESSION: _____

MUNICIPALITY: _____

Tax Roll Number: _____

Description of area and trees to be destroyed:

Conditions of the permit:

DATE OF ISSUE: _____

DATE OF EXPIRY: _____

PER _____
Clerk or Designate