

THE CORPORATION OF THE COUNTY OF GREY

BY-LAW NUMBER _____

**BEING THE GOOD FORESTRY PRACTICES BY-LAW TO PROHIBIT OR
REGULATE THE DESTRUCTION OR INJURY OF TREES IN CERTAIN
WOODLANDS WITHIN THE COUNTY OF GREY**

WHEREAS section 135(2) of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended (the “Municipal Act”), permits the enactment of a by-law by County Council to prohibit or regulate the destruction or injuring of trees in woodlands designated in the by-law;

AND WHEREAS section 135(5) of the *Municipal Act* states that in passing a by-law regulating or prohibiting the injury or destruction of trees in woodlands, a municipality shall have regard to good forestry practices as defined in the *Forestry Act*, R.S.O. 1990, c. F.26;

AND WHEREAS section 135(7) of the *Municipal Act* provides that the by-law may require that a permit be obtained to injury or destroy trees in woodlands as designated in the by-law and impose conditions on a permit, including conditions relating to the manner in which destruction occurs and the qualification of persons authorized to injury or destroy trees;

NOW THEREFORE the Council of the Corporation of the County of Grey enacts as follows:

1.0 Interpretation

1.1 In this by-law:

- a. “Agricultural Operation” means an agricultural, aquacultural, horticultural, or silvicultural operation that is carried on for gain or reward;
- b. “Building” has the meaning given to it in the *Building Code Act*, 1992, S.O. 1992 c. 23;
- c. “Building Permit” means a building permit issued pursuant to the *Building Code Act*, 1992, S.O. 1992 c. 23;
- d. “County of Grey” means the Corporation of the County of Grey, or its geographic area, as the context requires;
- e. “County Council” means the Council of the County of Grey;
- f. “Director” means the Director of Planning and Development for the County of Grey.
- g. “Environmental Impact Study” means a study prepared, at the applicant’s expense, by a qualified professional and will consist of:

- i. a statement of the purpose and rationale for the development,
 - ii. maps and site plans showing the location of the lands affected by the development proposal in relation (where applicable) to the Hazard Lands, Provincially Significant Wetlands and Significant Coastal Wetlands, Other Wetlands, Significant Woodlands, Significant Areas of Natural and Scientific Interest, generalized locations (element occurrences) of endangered and threatened species and the Georgian Bay Shoreline as well as existing land uses, trees, surface water and landscape context, ownership patterns, existing and proposed land use types and alternative development concepts,
 - iii. analysis of the impacts of the proposal on the natural features and ecological functions of the site and development influence area and proposed measures to mitigate these impacts if appropriate/feasible,
 - iv. the local municipality, based on the provisions of a local official plan and/or secondary plan, may develop an environmental impact study format to address Environmental Constraint issues of a local nature provided all matters contained in the County format are incorporated, and
 - v. in some cases, an environmental impact study may be required prior to tree removal where the County does not currently map any significant environmental features;
- h. "Fees and Services By-law" means the by-laws currently in force and effect regarding the fees and service charges for the County of Grey;
- i. "Good Forestry Practices" has the meaning given to it in the *Forestry Act*, R.S.O. 1990, c. F.26;
- j. "Municipal Act" means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;
- k. "Natural Sensitive Area" means lands that are in a Woodland and:
 - i. provincially or regionally identified Significant Wetlands,
 - ii. any portion of woodlands located within 30.5 metres (100 feet) of the water's edge of a lake, river, stream, or provincially or regionally identified Significant Wetland, or
 - iii. provincially designated Life Science Areas of Natural and Scientific Interest;
- l. "Officer" means an individual appointed by County Council or delegated authority for the administration and enforcement of this by-law;
- m. "Order" means an order issued under Section 7 of this by-law;

- n. "Owner" means a Person having any right, title, interest, or equity in land 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;
- o. "Permit" means a permit to destroy or injure trees issued under Sections 5 and 6 of this by-law;
- p. "Person" means an individual, a corporation, and their respective heirs, executors, administrators, or other duly appointed representatives;
- q. "Qualified OPFA Member" means a Registered Professional Forester or Associate Member of the Ontario Professional Foresters Association under the *Professional Foresters Act*, 2000, S.O. 2000, c. 18, as amended, certified 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;
- r. "Silviculture" or "Silvicultural" means the theory and practice of controlling forest establishment, and the composition, growth, and quality of forests to achieve the objectives of forest management;
- s. "Silvicultural Prescription" means a site specific operational plan, signed and sealed by a Qualified OPFA Member, that describes the existing forest conditions and the forest management objectives for an area, and which prescribes the methods 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;
- t. "Woodlands" means any land with at least,
 - i. 1,000 trees, of any size, per hectare,
 - ii. 750 trees measuring over five (5) centimetres in diameter, per hectare,
 - iii. 500 trees, measuring over twelve (12) centimetres in diameter, per hectare, or
 - iv. 250 trees, measuring over twenty (20) centimetres in diameter, per hectare,but does not include a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees which are being actively managed and harvested for the purposes for which it was planted.

1.2 For the purpose of the definition of "Woodlands", all measurements of the trees are to be taken at one metre and thirty-seven centimetres (1.37 metres) from the ground.

2.0 Application

- 2.1 This by-law applies to all trees in Woodlands of one (1) hectare or more within in the County of Grey.

3.0 General Prohibitions

- 3.1 No Person through their own actions or through any other Person shall cause or permit to be destroyed or injured any tree located in Woodlands or Sensitive Natural Area, unless:
- a) exempted under Section 4 of this by-law;
 - b) in accordance with the terms and conditions of a valid Special Permit issued under Section 5 of this by-law; or
 - c) in accordance with the terms and conditions of a valid Good Forestry Permit issued under Section 6 this by-law.
- 3.2 No Person through their own actions or through any other Person shall contravene, cause, or permit the contravention of the provisions of:
- a) this by-law;
 - b) the terms or conditions of a Permit issued under this by-law; or
 - c) an Order issued under this by-law.
- 3.3 No Person through their own actions or through any other Person shall remove, deface, or alter any Order or cause or permit the removal, defacing, or altering of an Order that has been posted pursuant to this by-law.
- 3.4 No Person through their own actions or through any other Person shall cause or permit the operation of a vehicle, machinery, or equipment in such a manner or at such a time that results in:
- a) excessive damage to the soil, wetlands, or other portions of the Woodlands or a Sensitive Natural Area;
 - b) leaving any part of a tree in a watercourse unless such operation is part of an approved watercourse restoration project.
- 3.5 No Person, who is authorized to injury or destroy trees through a Permit issued under this by-law, through their own actions or through any other Person shall fail to notify the County of Grey in writing no more than seven business days and no less than two business days prior to the commencement of the injury or destruction of trees.
- 3.6 An Owner is deemed to have knowledge of, to have permitted, and to be liable for actions that violate this by-law that occur on the portion of land over which the Owner has control.

- 3.7 A Person is not liable under section 3.6 of this by-law if such Person establishes, on a balance of probabilities, that the actions that contravene this by-law occurred before or after such Person was an Owner.

4.0 Exemptions

- 4.1 Notwithstanding Section 3 of this by-law, this by-law does not apply to:
- a) activities or matters undertaken by a municipality or a local board of a municipality;
 - b) activities or matters undertaken under a licence issued under the *Crown Forest Sustainability Act*, 1994;
 - c) the injuring or destruction of trees by a person licensed under the *Surveyors Act* to engage in the practice of cadastral surveying or his or her agent, while making a survey;
 - d) the injuring or destruction of trees imposed after December 31, 2002 as a condition to 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;
 - e) the injuring or destruction 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;
 - 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 constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
 - g) the injuring or destruction of trees undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*; or
 - 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 a permitted land use under a by-law passed under section 34 of the *Planning Act*;
 - i) any activity or matter undertaken by the Crown in right of Ontario or the Crown in right of Canada;
 - j) the injuring or destruction of trees within 15 metres of a Building or structure that:
 - i. has been lawfully constructed, or

- ii. has not been constructed, but for which a Building Permit has been issued and is valid;
- k) the injuring or destruction of trees that is reasonably required in order to install, and provide utilities to the construction or use of a Building or structure in respect of which a Building Permit has been issued and is valid, including but not limited to a primary septic bed or well;
- l) the injuring or destruction of trees that is reasonably required in order to install, and provide utilities to, a driveway for vehicle access to a Building or structure for which a Building Permit has been issued and is valid;
- m) the injuring or destruction of trees for the construction of drainage works under the *Drainage Act*, R.S.O. 1990, c. D. 17, as amended;
- n) the injuring or destruction of trees on lands used for the purpose of a licensed waste disposal site that has been approved, where applicable under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended, the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended, the *Environmental Assessment Act*, R.S.O. 1990, c. E. 18, as amended, the *Planning Act*, and/or the *Niagara Escarpment Planning and Development Act*, R.S.O. 1990, c. N.2;
- o) the injuring or destruction of trees along a property boundary to a maximum width of 2.5 meters for the purpose of installing or maintain a property boundary fence;
- p) the injuring or destruction of trees that is part of “normal farm practice” as defined by the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c. 1, and carried out as part of an Agricultural Operation;
- q) the injuring or destruction of trees located on an “access road” within the meaning of that term in the *Road Access Act*, R.S.O. 1990, c. R. 34;
- r) the injuring or destruction of trees by the Owner of Woodlands for the Owner’s own use, provided that the injuring or destruction:
 - i. does not reduce the density of trees below that which is defined as Woodlands,
 - ii. is carried out in accordance with Good Forestry Practices, and
 - iii. does not include a sale, exchange, or other disposition of trees;
- s) the injuring or destruction of trees that are a “noxious weed” within the meaning of that term in the *Weed Control Act*, R.S.O. 1990, c. W. 5;
- t) the injuring or destruction of trees that are an “invasive species” within the meaning of that term in the *Invasive Species Act*, 2015, S.O. 2015, c. 22;

- u) the injuring or destruction of trees that are deceased, diseased, or hazardous as determined by a Qualified OPFA Member.

5.0 Special Permits

- 5.1 Upon application by an Owner or designate, County Council or delegated authority may issue Special Permits under this by-law to allow for the injury or destruction of certain trees in one or more specified areas of land.
- 5.2 An Owner or designate requesting a Special Permit under this by-law shall submit to the Clerk or delegated authority a complete Special Permit application at least three (3) months prior to the anticipated commencement of the injuring or destruction of trees.
- 5.3 An application for a Special Permit must:
 - a) be in the form required by the County of Grey;
 - b) be signed by the Owner or designate;
 - c) be accompanied by the applicable fee as set out in the Fees and Services By-law;
 - d) adequately describe the property and the proposed activity;
 - e) be accompanied by an Environmental Impact Study;
 - f) be accompanied by any further information, documentation, or studies required by the County of Grey in its sole discretion; and
 - g) fulfill the general purpose and intent of this by-law.
- 5.4 A Special Permit application will not be considered complete until such time as all requirements under Section 5.3 of this by-law have been fulfilled by the applicant.
- 5.5 A Special Permit application which is not complete within thirty (30) calendar days of submission will be returned to the applicant and will not be considered received by the County of Grey.
- 5.6 Upon receipt by County of Grey of an application for a Special Permit, the Owner shall permit the County of Grey or designate to enter upon their property, at any reasonable time, without a warrant and without prior authorization, and undertake such site inspections as may be required to consider the application. The County of Grey or designate may undertake a site inspection prior to, during, and after the proposed activity.
- 5.7 Circulation
 - a) Within fifteen (15) business days after the receipt of a complete Special Permit application, the Clerk shall send, by regular mail, written notice of the application to the applicant, all assessed owners of land that abuts the land subject to the Special Permit application, and to such other persons or agencies as prescribed by County Council.

- b) Anyone notified by mail regarding the Special Permit application shall have twenty (20) calendar days from the date which the Clerk circulates the notice to provide written comments regarding the application the Clerk.
- c) County Council or delegated authority shall give anyone the opportunity to be heard at the meeting in which the Special Permit application is being discussed.

5.8 Decision

- a) County Council or the delegated authority may:
 - i. Defer a Special Permit application;
 - ii. grant a Special Permit application, in whole or in part;
 - iii. grant a Special Permit application, in whole or in part, with any terms and conditions County Council deems appropriate; or
 - iv. refuse a Special Permit application, in whole or in part.
- b) In deciding whether to grant a Special Permit, County Council or the delegated authority shall consider comments received and any other matters as County Council or the delegated authority determines appropriate.
- c) The Clerk shall notify the applicant in writing of the decision.

5.9 Further to Section 5.8 (a)(ii) above, the County Council or the delegated authority shall have the power to grant a Special Permit including imposing any terms or conditions to such Special Permit County Council or the delegated authority determines appropriate. Such terms and conditions may include, but are not limited to, one or more of the following:

- a) the manner and timing in which the injuring or destruction of trees is to be carried out;
- b) the qualifications of persons authorized to injury or destroy trees;
- c) the species, size, number, and location of replacement trees to be planted; and
- d) measures to mitigate the direct and indirect effects of the injury or destruction of trees on the natural environment.

5.10 Every Special Permit shall be subject to the following conditions:

- a) the Special Permit shall expire one (1) year after the date of issuance;
- b) the Special Permit is non-transferable and cannot be assigned;
- c) the trees to be injured or destroyed shall be marked with paint visible on at least two opposite sides of the tree as well as the base of the tree, or in another appropriate method as approved by an Officer, prior to the submission of the application to the County of Grey;
- d) any other conditions as set out in the Special Permit issued by the County of Grey.

- 5.11 Any Person who injures or destroys trees in accordance with a Special Permit shall report it to the County of Grey in accordance with the terms of the Special Permit authorizing it unless the Special Permit exempts the person from the requirement to report it.
- 5.12 Any Person granted a Special Permit shall erect and display a sign at the entrance of property where the injuring or destruction of trees is to occur, which shall be clear and visible to all persons from the adjoining public highway. The sign shall be erected prior to the commencement of such injury or destruction of trees and remain erected until ten (10) calendar days after the completion of such injury or destruction of trees.
- 5.13 Pursuant to section 5.10 (a) above, a Special Permit shall not be issued for a term longer than one year but may be renewed prior to the expiry date upon a request to the County of Grey by the applicant, approval of such renewal shall be at the County of Grey's sole discretion.

6.0 Good Forestry Permits

- 6.1 Upon application by an Owner or designate, an Officer may issue Good Forestry Permits under this by-law to allow the injury or destruction of certain trees in one or more specified areas of land.
- 6.2 An Owner or designate requesting a Good Forestry Permit under this by-law shall submit to the Clerk or delegated authority a complete Permit application at least five (5) days prior to the anticipated commencement of the injuring or destruction of trees.
- 6.3 An application for a Good Forestry Permit must:
- a) be in the form required by County of Grey;
 - b) be signed by the Owner or designate;
 - c) be accompanied by the applicable fee as set out in the Fees and Services By-law;
 - d) adequately describe the property and the proposed activity;
 - e) be accompanied by a Silvicultural Prescription for the subject Woodlands or Sensitive Natural Area;
 - f) be accompanied by a copy of the approved forest management plan prepared for the purpose of the Managed Forest Tax Incentive Program (if applicable);
 - g) ;
 - h) be accompanied by any further information, documents, or studies required by the Officer or the County of Grey in their sole discretion; and
 - i) fulfill the general purpose and intent of this by-law.

- 6.4 A Good Forestry Permit application will not be considered complete until such time as all requirements under Section 6.3 of this by-law have been fulfilled by the applicant.
- 6.5 A Good Forestry Permit application which is not complete within thirty (30) calendar days of submission will be returned to the applicant and will not be considered received by the County of Grey.
- 6.6 Upon receipt by County of Grey of an application for a Good Forestry Permit, the Owner shall permit the County of Grey to enter upon their property, at any reasonable time, without a warrant and without prior authorization, and undertake such site inspections as may be required to consider the application. The County of Grey may undertake a site inspection prior to, during, and after the proposed activity.
- 6.7 Decision
- a) The Officer may:
 - i. grant a Good Forestry Permit application, in whole or in part;
 - ii. grant a Good Forestry Permit application, in whole or in part, with any terms and conditions the Officer deems appropriate, including but not limited to as set out in section 6.8 below; or
 - iii. refuse a Good Forestry Permit application, in whole or in part.
 - b) In deciding whether to grant a Good Forestry Permit, the Officer shall consider whether the injury or destruction of trees will be in compliance with Good Forestry Practices, any other matters as the Officer determines appropriate.
 - c) The Officer shall notify the applicant in writing of the decision.
- 6.8 Further to Section 6.7 (a)(iii) above, the Officer shall have the power to grant a Good Forestry Permit including imposing any terms or conditions to such Good Forestry Permit the Officer deems appropriate in accordance with Good Forestry Practices. Such terms and conditions may include, but are not limited to, one or more of the following:
- a) The manner and timing in which the injuring or destruction of trees is to be carried out;
 - b) The qualifications of persons authorized to injury or destroy trees;
 - c) The species, size, number, and location of replacement trees to be planted; and
 - d) measures to mitigate the direct and indirect effects of the injury or destruction of trees on the natural environment.
- 6.9 Every Good Forestry Permit shall be subject to the following conditions:
- a) the Permit shall expire one (1) year after the date of issuance;
 - b) the Permit is non-transferable and cannot be assigned;

- c) any injury or destruction of trees shall be carried out in accordance with Good Forestry Practices, and as described in a Silvicultural Prescription sealed by a Qualified OPFA Member;
 - d) prior to the submission of the application to the County of Grey, the trees to be injured or destroyed shall be marked with paint visible on at least two opposite sides of the tree as well as the base of the tree, or in another appropriate method as approved by an Officer;
 - e) any other conditions as set out in the Permit issued by the Officer.
- 6.10 Any person who injures or destroys trees in accordance with a Good Forestry Permit shall report it to the County of Grey in accordance with the terms of the Good Forestry Permit authorizing it unless the Good Forestry Permit exempts the person from the requirement to report it.
- 6.11 Any Person granted a Good Forestry Permit shall erect and display a sign at the entrance of property where the injuring or destruction of trees is to occur, which shall be clear and visible to all persons from the adjoining public highway. The sign shall be erected prior to the commencement of such injury or destruction of trees and remain erected until ten (10) calendar days after the completion of such injury or destruction of trees.
- 6.12 Pursuant to section 6.9 (a) above, a Good Forestry Permit shall not be issued for a term longer than one year but may be renewed prior to the expiry date upon a request to the County of Grey by the applicant, approval of such renewal shall be at the County's sole discretion.

7.0 Order to Discontinue Activity and Work Order

- 7.1 Where an Officer is satisfied that a contravention of this by-law has occurred, the Officer may make an Order requiring the Owner or the Person who contravened the by-law or who caused or permitted the injuring or destruction of trees in contravention of this by-law to do one or more of the following:
- a) stop the injuring or destruction of trees;
 - b) rehabilitate the land, Woodlands, or Natural Sensitive Area; or
 - c) plant or replant trees.
- 7.2 The Order shall set out:
- a) the name of the Owner and the municipal address or the legal description of the land;
 - b) reasonable particulars of the contravention;
 - c) the work to be done; and
 - d) the date by which the work must be complete.
- 7.3 An Order issued under this by-law may be served personally or by registered mail to the last known address of:

- a) the Owner of the Woodlands or Natural Sensitive Area, or
 - b) the Person identified as contravening or causing or permitting the contravention of this by-law.
- 7.4 Where service of an Order is made by registered mail, service shall be deemed to have been served on the fifth (5th) calendar day after the date the Order is mailed.
- 7.5 Where service cannot be carried out under Section 7.3 above, the Officer shall place a placard containing the terms of the Order in a conspicuous place on the property where the trees are being injured or destroyed, and the placing of the placard shall be deemed to be sufficient service of the Order on the Person.
- 7.6 A Person who has received an Order shall abide by and comply with the Order.
- 7.7 If a Person fails to comply with an Order issued pursuant to this by-law, the County of Grey may enter the lands at any reasonable time for the purposes of doing the work described in the Order at the Owner's expense.
- 7.8 If the County of Grey enters onto the lands and complete the work pursuant to Section 7.7 above, the County of Grey may recover its costs to complete the work in the Order by action or by adding the costs to the Owner's tax roll and collecting them in the same manner as property taxes.

8.0 Appeal

- 8.1 An applicant may appeal a decision of the Officer or County Council or delegated authority relating to the issuance, refusal, or the terms and conditions of a Good Forestry Permit or Special Permit by serving written notice of the appeal on the Clerk personally or through registered mail, which must provide the reason for the appeal and must be accompanied by the applicable fees as prescribed by the Fees & Services By-law:
- a) within 14 calendar days of the written notification of the refusal of a Good Forestry Permit or Special Permit application; or
 - b) within 14 calendar days of written notification of the terms and conditions of a Good Forestry Permit or Special Permit.
- 8.2 The hearing of an appeal shall be arranged by the Clerk as soon as is practicable following receipt of a complete notice of appeal in a process administered to the satisfaction of the Clerk.
- 8.3 County Council or its designated body for hearing appeals may decide at an appeal hearing to:

- a) uphold the decision of the Officer or County Council or delegated authority;
 - b) vary any term or condition of a Good Forestry Permit or Special Permit;
 - c) issue a Good Forestry Permit or Special Permit with any terms or conditions it considers appropriate; or
 - d) refuse to issue a Good Forestry Permit or Special Permit.
- 8.4 The Clerk shall notify the appellant in writing of the decision by County Council or its designated body for hearing appeals.
- 8.5 The decision of County Council or its designated body for hearing appeals shall be final and binding.

9.0 Enforcement

- 9.1 The provisions of this by-law may be enforced by an Officer.
- 9.2 An Officer may, at any reasonable time, 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 Special Permit, determining compliance with terms and conditions of a Good Forestry Permit, determining compliance with an Order issued under this by-law, or laying charges under this by-law.
- 9.3 For the purposes of an inspection under this by-law, an Officer may:
- a) require the production of documents for inspection or things relevant to the inspection;
 - b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - c) require information from any Person concerning a matter related to the inspection including name and address; and
 - d) make examinations or take tests, samples, or photographs necessary for the purposes of the inspection, alone or in conjunction with a person possessing special or expert knowledge.
- 9.4 If a sample is taken under Section 9.3(d) above, the sample shall be divided into two parts, and one part shall be delivered to the person from whom the sample is taken, if the person so requests at the time the sample is taken and provides the necessary facilities.
- 9.5 Copies of or extracts from documents and things removed under this section and certified as being true copies of or extracts from the person who made them are admissible as evidence to the same extent as the originals and have the same evidentiary value as the originals.
- 9.6 An Officer exercising a power may be accompanied by a Person under his or her direction.

- 9.7 Any Person who obstructs or interferes with an Officer in the execution of their duties under this by-law, shall be considered in violation of this by-law.
- 9.8 Any Person who is alleged to have contravened this by-law shall identify themselves to the Officer upon request, failure to do so shall be deemed to have obstructed or interfered with the Officer in the execution of their duties.
- 9.9 Any Person who provides false information to an Officer shall be deemed to have obstructed or interfered with the Officer in the execution of their duties.

10.0 Offence and Penalty

- 10.1 Any Person who contravenes any provision of this by-law, the terms or conditions of a Special Permit, the terms or conditions of a Good Forestry Permit, or an Order issued under this by-law, is guilty of an offence and is liable:
 - a) On first conviction, to a fine of not less than \$100 and not more than \$50,000 or \$5,000 per tree, whichever is greater;
 - b) On a second or subsequent conviction for the same offence, to a fine of not less than \$400 and not more than \$100,000 or \$10,000 per tree, whichever is greater; and,
 - c) On conviction for a continuing offence, to a fine of not less than \$100 and not more than \$50,000 for each day or part of a day that the offence continues. The total daily fines may exceed \$100,000;
- 10.2 If a Person is convicted of an offence for contravening this by-law, the terms or conditions of a Special Permit, the terms or conditions of a Good Forestry Permit, or an Order is issued under this by-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may, in addition to any other remedy and to any penalty imposed, 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 the trees.
- 10.3 If a Person is convicted of an offence for contravening this by-law, the terms or conditions of a Special Permit, the terms or conditions of a Good Forestry Permit, or an Order is issued under this by-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the Person convicted.

- 10.4 If an order has been issued under this by-law or by the court, and the order has not been complied with, the contravention of the order shall be deemed to be a continuing offence for each day or part of the day that the order is not complied with.
- 10.5 Upon conviction any penalty imposed under this by-law may be collected under the authority of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.

11.0 General

- 11.1 County Council or the delegated authority may establish, amend, revise, and rescind policies and procedures from time to time regarding the granting of Special Permits and Good Forestry Permits, which may include but is not limited to provisions relating to the following:
- a) the process and timing for applying for Special Permits or Good Forestry Permits, including application forms and required information that must be supplied by an applicant;
 - b) the fees required to be paid upon application;
 - c) the requirements necessary for an application to be determined complete;
 - d) the considerations related to the issuance or refusal of an application;
 - e) the process and requirements for posted notice;
 - f) the method of notice;
 - g) the process for renewal of Special Permits or Good Forestry Permits;
 - h) the process for appealing decisions; or
 - i) any other matter related to this by-law.
- 11.2 If any section or part of this by-law is found by any court of competent jurisdiction to be illegal or beyond the power of County Council to enact, such section or part 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 to be enacted as such.
- 11.3 All headings are for convenience only and shall not be used in the interpretation of this by-law.
- 11.4 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.

12.0 Transition

- 12.1 This by-law shall come into force and effect on XXX.

- 12.2 By-law XXX and all amendments thereto, are hereby repealed effective XXX.
- 12.3 Despite section 12.2 above, By-law XX, as amended, shall continue to apply to:
- a) proceedings in respect of offences that occurred before its repeal; and
 - b) permits in compliance with By-law XXX, which were approved prior to its repeal.

13.0 Title

- 13.1 The short title of this By-law is the "XXX".

DRAFT