

**The Corporation of Norfolk County****DRAFT By-law 2021-XX****Being a By-law to Prohibit or Regulate the Destruction or Injuring of trees in woodlands within Norfolk County.**

**WHEREAS** s.135 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended (hereinafter referred to as “the Act”), permits the enactment of a By-law by the Council of Norfolk County to prohibit or regulate the Destruction or Injuring of Trees;

**AND WHEREAS** s.135(7) of the Act provides that the by-law may require that a Permit be obtained to Injure or Destroy Trees and impose conditions to a Permit, including conditions relating to the manner in which Destruction occurs and the qualifications of persons authorized to Injure or Destroy Trees;

**AND WHEREAS** Council has determined that it is desirable to enact such a By-law in order to promote Good Forestry Practices and to conserve and improve the Woodlands in Norfolk County for the purposes of production of wood and wood products, improving environmental conditions to maintain and enhance forest integrity and wildlife habitat, protection against floods and soil erosion, protection of water supplies, recreation, and improving human health and quality of life through maintenance of Woodland cover.

**NOW THEREFORE THE COUNCIL OF THIS CORPORATION OF NORFOLK COUNTY HEREBY ENACTS AS FOLLOWS:****1 DEFINITIONS**

In this By-law:

- 1.1 “AGS” Acceptable Growing Stock means Trees suitable for retention in the Forest Stand for at least 1 cutting cycle (approximately 10 years). They are Trees of commercial species and of such form and quality as to be saleable as sawlog products at some future date.
- 1.2 “Basal Area” means the cross-sectional area of Tree stems taken at a Point of Measurement 1.37 metres from the highest point of undisturbed ground from the base of the stem or trunk of the tree. In Woodlands, this refers to Trees that measure at least 10 cm DBH and is expressed in cubic meters on a per hectare basis and is assessed using the method described in **Schedule “A”** of this By-law.
- 1.3 “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 or trunk.
- 1.4 “Clerk” means the Clerk of the Corporation of Norfolk County or his/her designate.
- 1.5 “Committee” means the By-Law Appeals Committee which consists of three members appointed by Council for a term concurrent with the term of Council, or, any other

committee appointed by Council for the purpose of overseeing appeals to by-laws of the County.

- 1.6 “Conifer Plantation” means a Forest Stand, at least 2.0 hectares in area, where coniferous Trees have been planted or seeded in a pre-determined pattern. For the purpose of this By-law, a Conifer Plantation is no longer be considered a Conifer Plantation once the planted conifer trees comprise 20% or less of the total Basal Area of the stand
- 1.7 “Coppice Growth” means where more than one tree stem grows from a single tree stump.
- 1.8 “Council” means the Council of the Corporation of Norfolk County.
- 1.9 “County” means the Corporation of Norfolk County, the Council of the Corporation of Norfolk County, or an Officer.
- 1.10 “Diameter” means the width measured outside the bark at a specified point of a Tree stem or trunk.
- 1.11 “DBH” (refers to Diameter at breast height) means the Diameter of the stem or trunk of a Tree measured at a point that is 1.37 metres from the ground.
- 1.12 “Exotic Species” means Trees not indigenous to Norfolk County, as identified in **Schdeule “B”** of this By-law.
- 1.13 “Fencerow” means an isolated, linear formation of Trees that measure twenty (20) metres or less in width, that define a laneway, boundary between fields, or boundary between properties.
- 1.14 “Forest Stand” means that part of a Woodland that is a contiguous group of trees sufficiently uniform in species composition, arrangement of age classes and condition to be a homogeneous and distinguishable unit for forest management purposes.
- 1.15 “Fuelwood” means trees or parts thereof that are sufficient size and quality to yield firewood.
- 1.16 “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.
- 1.17 “Harvest” means to Injure or Destroy a Tree.

- 1.18 “Injure” or “Injury” means any action that causes physical, biological, or chemical damage to a Tree, including any lasting damage which has the effect of inhibiting or terminating its growth.
- 1.19 “Non-woodland Area” means any area that does not meet the definition of Woodland.
- 1.20 “Officer” means a Municipal Law Enforcement Officer or other person appointed by Council for the administration and enforcement of this By-law.
- 1.21 “Order” means an Order to Discontinue Activity.
- 1.22 “Owner” means a person having any right, title, interest or equity in land or any such person’s authorized representative and includes the person for the time being managing or receiving the rent of the land and includes a lessee or occupant of the land.
- 1.23 “Own Use” means any use of Trees Injured or Destroyed by the Owner that does not include a sale, exchange or other disposition of Tree material, and does not exceed the equivalent of 24 cubic metres in volume within any calendar year, as determined through **Schedule “C”**
- 1.24 “Permit” means written authorization for the Injury or Destruction of Trees issued by the County pursuant to this By-law.
- 1.25 “Plantation” means a forest stand where Trees have been planted or seeded in a pre-determined pattern.
- 1.26 “Property” means a parcel of land having specific boundaries, which is capable of legal transfer.
- 1.27 “Qualified Tree Marker” means an individual who is currently certified through the Ontario Ministry of Natural Resources Certified Tree Marker Program a qualified to work within the forest type for which they are Tree marking in.
- 1.28 “Registered Professional Forester” as defined in the Professional Foresters Act, S.O. 2000, c.18. means a member of the Ontario Professional Foresters Association entitled to use the designation “Registered Professional Forester” under the Professional Foresters Act, S.O. 2000, c. 18.
- 1.29 “Regulated Species” means the species of trees listed in **Schedule “D”** of this By-law.
- 1.30 “Significant Woodlands” means lands identified as Significant Woodlands as identified in the Norfolk County Official Plan.
- 1.31 “Silviculture” means the theory and practice of controlling forest establishment, composition, growth and quality of forests to achieve the objectives of forest management.

- 1.32 “Silvicultural Prescription” or “Tree Marking Prescription” means the site specific operational plan prepared by, or under the direction of, a Qualified OPFA Member (unless otherwise exempted under the *Professional Foresters Act*), that describes the existing forest conditions and the forest management objectives for an area, and which prescribes the 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.
- 1.33 “Stump” means the portion of Tree that is left in the ground after a Tree is cut, and is generally comprised of the root flare, or transition zone between the roots and the stem of the Tree, including a portion of the stem.
- 1.34 “Tree” means any species of woody perennial plant, including its root system, which has reached or can reach a height of at least 4.5 meters at physiological maturity, provided where multiple stems grow from the same root system, the number of trees shall be the number of stems that can be counted at a point of measurement that is 1.37 metres above the highest point of undisturbed ground from the base of the stem or trunk of the Tree.
- 1.35 “UGS” Unacceptable Growing Stock means Trees that have a high risk of dying and are expected to decline over the next cutting cycle. This includes trees that of poor form and/or low quality.
- 1.36 “Watercourse” means a natural or man-made water system containing flowing water at least part of the year.
- 1.37 “Woodland”
- a) means an area of land with at least:
    - i. 1000 Trees, of any size, per hectare; or
    - ii. 750 Trees, measuring over five (5) centimetres DBH, per hectare, or
    - iii. 500 Trees, measuring over twelve (12) centimetres DBH, per hectare, or
    - iv. 250 Trees, measuring over twenty (20) centimetres DBH, per hectare
  - b) does not include:
    - i. an active cultivated fruit or nut orchard
    - ii. an active tree nursery
    - iii. a Plantation established and maintained for the purpose of producing Christmas Trees
    - iv. Fencerows

For the purpose of this By-law, the boundary of Woodlands shall be defined by the ecological limit of the Woodlands and not by Property boundaries. Where potential Woodlands are dissected by an opening not wider than 20 metres, such as a road or path, or natural feature such as a creek, wetland, or natural forest opening, the boundary of the Woodlands shall be

deemed to cross the road, path or natural feature, but the area of the Woodlands shall be calculated exclusive of the area of the road, path or natural feature.

## **2 APPLICATION**

2.1 This By-law applies to:

- a) all woodlands that are 1.0 hectare (2.5 acres) or greater in area located within Norfolk County.

## **3 EXEMPTIONS**

3.1 This By-law does not apply to:

- a) activities or matters undertaken or authorized 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 of 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 a 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*;
- 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 the 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) the Injuring or Destruction of Trees located within the boundaries of a Property that is 1.0 hectare or less in size;
- j) the Injuring or Destruction of Trees that are Exotic Species, as identified in **Schedule “B”** of this By-law;
- k) the Injuring or Destruction of Trees by the Owner of the Woodlands, for the Owner’s Own Use of the resulting wood product provided that:
  - i. The amount of wood product from the Injury or Destruction of Trees shall not exceed the equivalent of 24 cubic meters in volume within any calendar year, as determined through **Schedule “C”**; and,
  - ii. The Injury or Destruction of Trees is carried out in accordance with Good Forestry Practices; and,
  - iii. The Stump of any Tree that has been Injured or Destroyed is not lowered below 10cm in height in relation to the undisturbed ground height surrounding the Stump, and the Stump is not destroyed or removed from the ground; and,
  - iv. The Injury or Destruction of Trees does not have the effect of reducing the Basal Area of AGS Trees, which are 26cm DBH or larger, below 16 m<sup>2</sup>/ha, in the Forest Stand in which the Injuring or Destruction of Trees has occurred; and,
  - v. The Injury or Destruction of Trees does not have the effect of reducing the number of Trees per hectare below the minimum number of Trees per hectare to be considered a Woodland under this By-law;
- l) The Injury or Destruction of Trees that are less than 15 years of age and growing along the edge of a Woodland which is adjacent to a Non-woodland Area, such as an agricultural field, roadway or lawn area, and where the intent of the Injury or Destruction of Trees is to maintain the Woodland edge while preventing the progressive encroachment of Trees into the Non-woodland Area;

#### **4 GENERAL PROHIBITION**

- 4.1 No person or corporation through their actions or through any other person or corporation shall Injure or Destroy any Tree located in a Woodland, unless;
  - a) exempted by Section 3 of this By-law; or,
  - b) in accordance with Good Forestry Practices; and,
  - c) in accordance with a valid Permit issued by the County pursuant to Section 5 or 6 of this By-law and in accordance with its terms and conditions.

- 4.2 No person or corporation through their actions or through any other person or corporation shall Injure or Destroy a Tree in a Woodland that has, or has the effect of reducing, the Basal Area of AGS Trees that are 26cm DBH or larger below 16.0 m<sup>2</sup>/ha, including a minimum 3.0 m<sup>2</sup>/ha of AGS Trees that are 50cm DBH or larger, within the Forest Stand in which the Injuring or Destruction of Trees has occurred or will be occurring, unless;
- a) exempted by Section 3 of this By-law; or,
  - b) the Injuring or Destruction of Trees is located within a Conifer Plantation; or,
  - c) in accordance with a valid Permit issued by the County pursuant to Section 5 of this By-law, and in accordance with a Silvicultural Prescription approved by a Registered Professional Forester; or,
  - d) in accordance with a valid Permit issued by the County pursuant to Section 6 of this By-law; or,
  - e) as authorized by an Officer.
- 4.3 No person or corporation through their actions or through any other person or corporation shall Injure or Destroy a Tree in a Conifer Plantation that has, or has the effect of reducing, the Basal Area of AGS Trees below 16m<sup>2</sup>/ha of Trees 10cm DBH or larger, or has the effect of reducing the Basal Area by more than one third (1/3) of the total Basal Area assessed prior to the Injury or Destruction of Trees within the Forest Stand in which the Injuring or Destruction of Trees has occurred or will be occurring; unless:
- a) exempted by Section 3 of this By-law; or,
  - b) in accordance with a valid Permit issued by the County pursuant to Section 5 of this By-law, and in accordance with a Silvicultural Prescription approved by a Registered Professional Forester; or
  - c) in accordance with a valid Permit issued by the County pursuant to Section 6 of this By-law; or,
  - d) as authorized by an Officer.
- 4.4 No person or corporation through their actions or through any other person or corporation shall Injure or Destroy a Tree of a Regulated Species, unless:
- a) in accordance with all Provincial and Federal regulations; and
  - b) upon inspection or verification and approval of an Officer.
- 4.5 No person or corporation through their actions or through any other person or corporation shall Injure or Destroy a Tree in such a manner that has the effect of reducing the number of Trees per hectare, in that portion of the Woodland where the Injuring or Destruction of Trees has occurred, below the minimum number of Trees per hectare required to be considered a Woodland under this by-law, unless;

- a) exempted by Section 3 of this By-law; or,
  - b) in accordance with a valid Permit issued by the County pursuant to Section 6 of this By-law
- 4.6 No person or corporation through their actions or through any other person or corporation shall Injure or Destroy a Tree in such a manner that results in the Stump height being less than 10cm in height in relation to the undisturbed ground height surrounding the Stump, or that results in the Stump being destroyed or removed from the ground;
- 4.7 Except for municipal drainage works, no person or corporation through their actions or through any other person or corporation shall Injure or Destroy a Tree for the purpose of constructing drainage works, including by not limited to open ditch drains and tile drains, unless:
- a) exempted by Section 3 of this By-law; or,
  - b) in accordance with a valid Permit issued by the County pursuant to Section 6 of this By-law
- 4.8 Except for municipal drainage works, no person or corporation through their actions or through any other person or corporation shall construct or cause to be constructed tile drainage works consisting in whole or in part of perforated tile through or within 5 metres of a Woodland.
- 4.9 No person or corporation through their actions or through any other person or corporation shall;
- a) contravene the terms or conditions of a Permit issued under this By-law;
  - b) fail to comply with an Order issued under this By-law; or
  - c) remove or deface an Order that has been posted pursuant to this By-law.

## **5 HARVEST PERMITS**

- 5.1 Upon application by an Owner, or by an agent with written permission of the Owner, the County may issue a Permit to allow the Injuring or Destruction of Trees within woodlands 1.0 hectare or larger, under the following conditions:
- a) the application is accompanied by the applicable fee as prescribed in Norfolk County's User Fee By-law, as amended from time to time;
  - b) the application contains the information as prescribed in **Schedule "E"** of this By-law, in the form approved by the County;
  - c) the application is submitted to the County prior to the commencement of the proposed Injuring or Destruction of Trees with reasonable time to allow an Officer to review the merit of the application;
  - d) the trees to be Injured or Destroyed have been marked with paint visibly 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;

- e) the County may request additional information from the applicant or their agent;
- f) an Officer may undertake a site inspection prior to making a decision on the application for a Permit and prior to, during, and after the Injuring or Destruction of Trees pursuant to a Permit has taken place;
- g) the Permit may be issued with terms and conditions including but not necessarily limited to, expiry date of the Permit and manner and/or restrictions under which the proposed Injuring or Destruction of Trees is to be carried out, and other terms and conditions consistent with Good Forestry Practices.

5.2 When an application for a Permit is denied, the County will give written notice to the Owner or applicant.

5.3 Failure to comply with the Permit's terms and conditions is considered a contravention of the By-law.

## **6 EXEMPTION PERMIT (Woodland Clearing)**

6.1 That upon application by an Owner or an agent with written permission of the Owner, the County may issue an Exemption Permit to allow the Injuring or Destruction of Trees within Woodlands 1.0 hectare or larger, contrary to prohibitions set forth in Section 4 of this By-law, under the following conditions:

- a) the application is accompanied by the applicable fee as prescribed in Norfolk County's User Fee By-law, as amended from time to time;
- b) the application contains the information as prescribed in **Schedule "F"** of this By-law;
- c) the application is submitted to the County at least forty-five (45) days prior to the anticipated commencement of the proposed Injuring or Destruction of Trees;
- d) the application explains the necessity for the proposed Injuring or Destruction of Trees and the rationale for selecting the area for such an activity;
- e) The County may request additional information from the applicant or their agent;
- f) notice of an application for an Exemption Permit shall be circulated by regular mail not less than fourteen (14) days prior to a decision regarding the exemption, to the Owner, the applicant and/or the applicant's authorized agent, and to all assessed owners of land that abut the lands subject to the application;
- g) the application for an Exemption Permit shall be circulated to those agencies that, in the opinion of the Officer, may have an interest in the application, for the purpose of obtaining comments regarding the application;

- h) the Owner or applicant shall post a Public Notice regarding the application for an Exemption Permit, not less than fourteen (14) days prior to a decision regarding the exemption, and such posting shall be located on the subject property in a manner that is clearly visible and legible from a public highway or other place to which the public has access. The Public Notice shall be in a format approved by Norfolk County.
- 6.2 The Exemption Permit may be issued with terms and conditions as determined by the County, including but not necessarily limited to, expiry date of the Exemption Permit, manner and/or restrictions under which the Injuring or Destruction of Trees is to be carried out; and measures such as re-planting of Trees or dedication of an interest in land, including a restrictive covenant registered on title of the property with the County or other qualified organization.
- 6.3 When evaluating a request for an Exemption Permit the County shall consider any written correspondence received regarding the application for an Exemption Permit, if the activity proposed is consistent with the appropriate development or use of the land, and if the request is in agreement with the general purpose and intent of this By-law.
- 6.4 The County delegates to an Officer the power to issue an Exemption Permit.
- 6.5 Where there have been objections filed with the County with respect to an application, or where the Officer or other commenting agency does not support the application, the By-law Appeals Committee will consider the application for an Exemption Permit and shall hear any person who wishes to speak to the application;

## **7 APPEALS TO COMMITTEE**

- 7.1 The owner or applicant for a permit under Section 6 of this By-law may appeal to the Committee:
- a) if the County refuses to grant a Permit, within ten (10) days of the refusal;
  - b) if the County fails to respond to the request within forty-five (45) days after the application is received; or
  - c) if the owner or applicant objects to a condition of a Permit, within ten (10) days of the granting of the Permit.
- 7.2 Where an application for exemption is appealed to the Committee, the Committee may:
- a) issue an Exemption Permit including terms and conditions including but not necessarily limited to, expiry date of the Exemption Permit, manner and/or restrictions under which the Injuring or Destruction of Trees is to be carried out; and measures such as planting of Trees or dedication of an interest in land, including a restrictive covenant registered on title of the property; or
  - b) deny the application for an Exemption Permit.

- 7.3 When the By-law Appeals Committee decides on an Exemption Permit application, the decision is final.

## **8 ORDERS TO DISCONTINUE ACTIVITY**

- 8.1 Where an Officer is satisfied that a contravention of this By-law has occurred or is occurring, the Officer may issue an Order to Discontinue Activity requiring the person or corporation who contravened the By-law or who caused or permitted the Injuring or Destruction of Trees in contravention of the By-law to stop the Injuring or Destruction of Trees. The Order shall set out:
- a) the municipal address or the legal description of the land;
  - b) reasonable particulars of the contravention; and
  - c) the period within which there must be compliance with the order.
- 8.2 An Order issued under this section may be served personally or by registered mail to the last known address of:
- a) the Owner of the Woodland; and/or
  - b) the person identified as Injuring or Destroying Trees
- 8.3 Where service of an Order is made by registered mail, service shall be deemed to have been served on the fifth day after the order is mailed.
- 8.4 Where service of an Order cannot be carried out under subsection 8.2, it is deemed sufficient if the Officer places a placard containing the terms of the Order in a conspicuous place on the affected lands. The placing of the placard shall be deemed to be sufficient service of the Order on the person whom the Order is directed. The placard shall not be removed without the approval of the Officer.

## **9 PENALTY**

- 9.1 Any person who contravenes any provision of this By-law, 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 more than \$10,000 or \$1,000 per tree Injured or Destroyed, whichever is greater; and
  - b) On any subsequent conviction, to a fine of not more than \$25,000 or \$2,500 per Tree Injured or Destroyed, whichever is greater.
- 9.1 Despite section 9.1, where the person convicted is a corporation,
- a) The maximum fines in 9.1 (a) are \$50,000 or \$5,000 per tree Injured or Destroyed; and
  - b) The maximum fines in clause 9.1 (b) are \$100,000 or \$10,000 per Tree Injured or Destroyed

- 9.2 If a person is convicted of an offence for contravening this By-law or an Order issued under this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the person to rehabilitate the land or to plant or replant Trees in such a manner and within such period as the court considers appropriate, including any silvicultural treatment necessary to re-establish the Trees.

## **10 ENFORCEMENT**

- 10.1 This By-law shall be enforced by an Officer appointed by the Corporation of Norfolk County.
- 10.2 An Officer may, at any reasonable time, enter and inspect any land to determine whether this By-law, an Order or a condition of a Permit is being complied with.
- 10.3 An Officer exercising a power may be accompanied by a person or persons under the Officer's directions.
- 10.4 No person shall hinder or obstruct an Officer or attempt to hinder or obstruct an Officer who is performing a duty in accordance with this By-law.
- 10.5 Any person who provides false information to an Officer shall be deemed to have hindered or obstructed the Officer in the discharge of their duties.

## **11 ADMINISTRATION**

- 11.1 Schedules "A" to "D", inclusive, form part of this By-law.
- 11.2 If any Section or Sections of this By-law or parts thereof are found by any Court of competent jurisdiction to be illegal or beyond the power of the Council to enact, such Section or Sections or parts thereof shall be deemed to be separate and independent there from and continue in full force and effect unless and until similarly found illegal.
- 11.3 The short title of this By-law is the "Forest Conservation By-law".
- 11.4 By-law 2006-170 of the Corporation of the County of Norfolk shall be repealed effective on the coming into force and effect of this By-law
- 11.5 Despite subsection 11.4, By-law 2006-170 of the Corporation of the County of Norfolk shall continue to apply to any Harvest Permit applications filed, Permits issued and/or proceedings in respect of offences that occurred before its repeal, proof of which has been provided to the satisfaction of the Officer.

Read a first and second time this \_\_\_\_\_ day of \_\_\_\_\_, 2021

Read a third time and finally passed this \_\_\_\_\_ day of \_\_\_\_\_, 2021

**The Corporation of Norfolk County- DRAFT By-law 2020-XX**

**Schedule “A”**

**Basal Area Calculation and Assessment**

1. Basal Area will be assessed using the Point Sampling technique. The Point Sampling technique is defined as a method of selecting trees for measurement and for estimating stand basal area using tree size rather than frequency as the main parameter that trees are tallied. Trees are tallied at a sample location, or point sample, with the selection probability being proportional to the basal area of the trees. In point sampling, a 360-degree sweep is made with an angle gauge about a fixed point, and the stems whose breast height diameter appear larger than the fixed angle subtended by the angle gauge are included in the sample.
2. Point samples will be taken using a factor 2 prism.
3. The centre of the point sample will be marked, physically or electronically, for future reference.
4. The first point sample will be placed at least 50 metres from the edge of the Forest Stand or the edge of the Woodland in which Injuring or Destruction of Trees is proposed or has taken place.
5. Successive point samples will be placed at least 50 metres from the first point sample, all other successive point samples, and the edge of the Forest Stand or Woodland
6. A minimum of 1 point sample will be taken for every 2 hectare of Woodland in which Injuring or Destruction of Trees is proposed or has taken place. In instances where the Injuring or Destruction of Trees is proposed or has taken place over an area that exceeds 20 hectares, 1 point sample will be taken for every additional 5 hectares that exceed of 20 hectares.
7. Where the width, length or overall configuration of a Forest Stand or Woodland does not allow for the placement of the minimum point samples using the methods described above, the following techniques will be used to establish sample points:
  - sample points will be placed at the edge of the forest stand and be a half point sample, rotating 180 degrees towards the inside of the stand, and/or
  - sample points may be placed within 50 meters of each other or from the edge of the Forest Stand or Woodland, provided the diameter of most trees permit lessening distances without risk of sample points overlapping.
8. The following format will be used in calculating average basal area per hectare;

$\frac{( tt ) \times ( BAF )}{( \eta )} = ( BA ) M2 / Ha$ <p> <i>tt</i> = total trees tallied    <i>η</i> = number of sample plots    BAF= 2                 </p>
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The Corporation of Norfolk County- DRAFT By-law 2020-XX

**Schedule "A" (continued)**  
**Basal Area Calculation and Assessment**

$$\frac{( \quad ) \times ( 2 )}{( \quad )} = \text{_____ M2 / Ha}$$

Stations Tallied

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 Sawlog 26-36 cm DBH		Medium Sawlog 38-48 cm DBH		Large Sawlog 50-60 cm DBH		X-Large Sawlog 62 cm+ DBH		Total Number of Trees		Total Basa Area	
	AGS	UGS	AGS	UGS	AGS	UGS	AGS	UGS	AGS	UGS	AGS	UGS
No. of Trees												
Basal Area												
Total Basal Area												

**The Corporation of Norfolk County- DRAFT By-law 2020-XX****Schedule “B”  
Exotic Species**

Anyone Injuring or Destroying a Tree in a Woodland 1.0 hectare or larger should have regard for the species of Tree which they are Injuring or Destroying.

This By-law will not restrict the removal of the following Tree species:

Exotic Tree Species:

- European Black Alder (*Alnus glutinosa*)
- Common Buckthorn (*Rhamnus cathartica*)
- Glossy Buckthorn (*Frangula alnus*)
- Norway Maple (*Acer platanoides*)
- Manitoba Maple (*Acer negundo*)
- Tree of heaven (*Ailanthus altissima*)
- Siberian Elm (*Ulmus pumila*)
- Empress splendor (*Paulownia tomentosa*)

## The Corporation of Norfolk County- DRAFT By-law 2020-XX

**Schedule “C”**  
**Equivalent Wood Volume**

<i>Tree Diameter (centimetres) at</i>		<i>Broadleaved (cubic metres)</i>	<i>Coniferous (cubic metres)</i>
<i>2cm Above Ground</i>	<i>137cm Above Ground</i>		
11	8	.0252	.0237
14	10	.0383	.0335
16	12	.0607	.0480
19	14	.0952	.0670
22	16	.1324	.0921
24	18	.1656	.1259
27	20	.2116	.1770
30	22	.2731	.2219
32	24	.3457	.2676
35	26	.4244	.3108
38	28	.5036	.3461
41	30	.5827	.4218
43	32	.6532	.4968
46	34	.7319	.5795
49	36	.8300	.6767
51	38	.9965	.7962
54	40	1.1429	.9223
57	42	1.3172	1.0611
59	44	1.4768	1.2024
62	46	1.6319	1.3403
65	48	1.8261	1.4854
68	50	2.0354	1.6247
70	52	2.2555	1.7509
73	54	2.4764	1.8757
76	56	2.6901	2.0143
78	58	2.9534	2.1579
81	60	3.2761	2.3243
84	62	3.6732	2.5165
86	64	4.0389	2.7187
89	66	4.1477	2.8964
92	68	4.6623	3.0743
95	70	5.1809	3.3007
97	72	5.5144	3.5576
100	74	5.6144	3.8283

*Sources:*

*Honer, T.G., M.F. Ker and I.S. Alemdag. 1983. Metric Timber Tables for the Commercial Tree Species of Central and Eastern Canada. Canadian Forestry Service Information Report M-X-140 Staley, R.N., 1991. Wood...Take a Stand and Make it Better. Ontario Ministry of Natural Resources.*



**The Corporation of Norfolk County- DRAFT By-law 2020-XX****Schedule “D”  
Regulated Species**

Anyone Injuring or Destroying a Tree in a Woodland 1.0 hectare or larger should have regard for the species of Tree which they are Injuring or Destroying in order to encourage the protection and conservation of native Tree species that are endangered, threatened, of special concern, uncommon or otherwise significant to the area.

The following Tree species are considered Regulated Tree species for the purpose of this By-law:

- American chestnut (*Castanea dentata*)
- Butternut (*Juglans cinerea*)
- cucumber tree (*Magnolia acuminata*)
- Eastern flowering dogwood (*Cornus florida*)
- Kentucky coffee-tree (*Gymnocladus dioicus*)
- red mulberry (*Morus rubra*)

**The Corporation of Norfolk County- DRAFT By-law 2020-XX****Schedule “E”  
Harvest Permit Application Requirements**

(Section 5 of the By-law)

- Date of submission
- Names, addresses and telephone numbers of all Owners and agents
- Signatures or authorization of all Owners and agents
- Municipal address of subject property
- Legal Description of subject property (former township, lot, concession)
- Assessment roll number of the subject property
- A sketch or air photo of the subject property, including adjacent roads and other relevant features, with the area of proposed Tree Harvest activities clearly shown on the sketch or air photo
- Description of how the Harvest of Trees is to be carried out, including equipment to be used
- Estimated start and end dates for such activities
- Species list of Trees to be Harvested and the number of Trees per species
- Estimated total volume of timber to be Harvested
- Contractor information for the contractor responsible for the Harvest of Trees (if applicable)
- Tree marker information (if applicable)
- A tree marking prescription approved by a Registered Professional Forester (if applicable)
- Application fee (for all Harvest Permit Applications without a Silvicultural Prescription prepared by a Registered Professional Forester)

**The Corporation of Norfolk County- DRAFT By-law 2020-XX****Schedule “F”  
Exemption Permit Application Requirements**

(Section 6 of the By-law)

- Date of submission
- Names, addresses and telephone numbers of all Owners and agents
- Signatures or authorization of all Owners and agents
- Municipal address of subject property
- Legal Description of subject property (former township, lot, concession)
- Assessment roll number of the subject property
- Air photo of the subject property with the area of proposed Destruction or Injuring of Tree activities clearly shown on the air photo
- Details of past Destruction or Injuring of Trees on subject property within past 10 years
- Reason for the proposed Destruction or Injuring of Trees, including the planned use for the land after Trees are cleared
- Description of area and Trees to be Destroyed or Injured (species, forest type)
- Estimated start and end dates for such activities
- Contractor information for the contractor responsible for the Destruction or Injuring of Trees (if applicable)
- Further information may be requested by an Officer including but not limited to an Environmental Impact Study if there is reason to believe the area to be cleared is of some significance (ex. The area is identified in the Norfolk County Official Plan as a Natural Heritage Feature)
- Application Fee