



The Corporation of Norfolk County

By-Law 2022-98

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 purposes including: improving environmental conditions to maintain and enhance forest integrity and wildlife habitat; the production of wood and wood products; protection against floods and soil erosion; protection of water supplies; providing recreational opportunities; and improving human health and quality of life.

NOW THEREFORE the Council of The Corporation of Norfolk County hereby enacts as follows:

1. DEFINITIONS

In this By-law:

- 1.1 **"Agricultural Operation"** means agricultural, aquacultural, horticultural or silvicultural operation that is carried on in the expectation of gain or reward.
- 1.2 **"AGS" or "Acceptable Growing Stock"** means Trees suitable for retention in the Forest Stand and are Trees of such form and quality as to be expected to maintain or improve in quality or value over a 15 year time period. The classification and designation of a Tree as AGS or UGS will follow principles and guidelines established in Section 5.3 of the technical guide "A Silvicultural Guide to Managing Southern Ontario Forests" (Ministry of Natural Resources, 2000).
- 1.3 **"Basal Area"** means the cross-sectional area of Tree stems taken at 1.37 metres from the highest point of undisturbed ground from the base of the stem or trunk of the Tree. For the purpose of this By-law, this refers to Trees within a Woodland that measure at least 10 cm DBH and is expressed in square meters on a per hectare basis (m²/ha).

- 1.4 **“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.
- 1.5 **“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 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 considered a Conifer Plantation once the planted conifer trees comprise 20% or less of the total assessed Basal Area of the Forest Stand.
- 1.7 **“Coppice Growth”** means a Tree with more than one stem growing from the same root system and connect to the root system through a common trunk. Each stem that is separate from the other stems at a point of measurement that is 1.37 meters above the highest point of undisturbed ground from the base of the Tree will be counted separately for the purpose of assessing Basal Area.
- 1.8 **“Cord”** means a pile of wood that measures 3.6 cubic metres (128 cubic feet) of stacked wood volume. A cord of firewood is commonly stacked 1.2m x 1.2m x 2.4m (4ft x 4ft x 8ft).
- 1.9 **“Council”** means the Council of the Corporation of Norfolk County.
- 1.10 **“County”** means the Corporation of Norfolk County, the Council of the Corporation of Norfolk County, or an Officer.
- 1.11 **“Destroy”** means to remove, cut down or in any other way damage a Tree to such an extent that the tree cannot recover, which may result by accident or by design.
- 1.12 **“DBH” or “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.
- 1.13 **“Diameter”** means the width of the stem or trunk of a Tree measured outside the bark of the stem or trunk at a specified point of a Tree stem or trunk.
- 1.14 **“Exotic Species”** means Trees identified in **Schedule “A”** of this By-law.
- 1.15 **“Forest Stand”** means 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.

- 1.16 **“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, as defined in the *Forestry Act, 1990*.
- 1.17 **“Harvest”** means to 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, which may result by accident or design.
- 1.19 **“Normal Farm Practice”** means a practice that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar Agricultural Operations under similar circumstances; or, makes use of innovative technology in a manner consistent with proper advanced farm management practices, as defined in the *Farming and Food Productions Protection Act, 1998* A practice is not a Normal Farm Practice if it is inconsistent with a regulation made under the *Nutrient Management Act, 2002*.
- 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 **“OPFA”** means the Ontario Professional Foresters Association.
- 1.22 **“Order”** means any Order issued pursuant to this By-law
- 1.23 **“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.
- 1.24 **“Own Use”** means any use of Trees Injured or Destroyed by the Owner that does not include a sale, exchange, disposal, or gifting of Tree material, and does not exceed the equivalent of 26.4 cubic metres in wood volume (11 Cords), or 20 Trees, whichever is greater, within any calendar year. Where wood volume cannot be measured, **Schedule “B”** will be used to determine wood volume harvested based on stump diameter.
- 1.25 **“Permit”** means written authorization, in a form approved by the County, for the Injury or Destruction of Trees issued by the County pursuant to this By-law.
- 1.26 **“Person”** means and includes an individual, an association, a chartered organization, a firm, a partnership, or a corporation, and their respective heirs, executors, administrators, or duly appointed representatives.

- 1.27 **"Prescription"** means a silviculture prescription or forest operations prescription that is the site specific operational plan 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.
- 1.28 **"Property"** means a parcel of land having specific boundaries, which is capable of legal transfer. Property size is determined by the area listed on the property assessment, or confirmed by a valid survey plan prepared by an Ontario Land Surveyor.
- 1.29 **"Qualified Member"** means a member in good standing with the Ontario Professional Foresters Association providing services within their scope of practice.
- 1.30 **"Registered Professional Forester"** as defined in the Professional Foresters Act, S.O. 2000, c.18. means a member of the Ontario Professional Foresters Association authorized to provide services in relation to the development, management, conservation and sustainability of forests and urban forests where those services require knowledge, training and experience equivalent to that required to become a member under the *Professional Foresters Act* and is authorized through the *Professional Foresters Act* to use the designation "Registered Professional Forester" and "Professional Forester".
- 1.31 **"Salvage Harvest"** means the Harvest of Trees that have been damaged by disease, insects, wind, fire, ice, or other natural causes to an extent that the health of the tree will rapidly decline without a doubt, and does not include the Harvest of any other healthy Tree.
- 1.32 **"Significant Woodlands"** means lands designated as Significant Woodlands in the Norfolk County Official Plan.
- 1.33 **"Silviculture"** means the theory and practice of controlling forest establishment, composition, growth and quality of forests to achieve the objectives of forest management.
- 1.34 **"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
- 1.35 **"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.
- 1.36 **"Treed 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. The measurement for the width of the formation of Trees will be taken two (2) metres from the outside of the trunk of perimeter Trees.

- 1.37 **“Undersized Tree”** means a Tree that has a Circumference below the minimum Circumference limit for the species, at the specified point of measurement, as designated in **Schedule “F”** of this By-law, and does not apply to Conifer Trees located within a Conifer Plantation.
- 1.38 **“Watercourse”** means a natural or man-made water system containing flowing water at least part of the year.
- 1.39 **“Woodland”** means an area of land, at least 1.0 hectare in area, containing the equivalent of 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;

but does not include:

- a) an active cultivated fruit or nut orchard; or
- b) an active tree nursery; or,
- c) a Plantation established and maintained for the purpose of producing Christmas Trees; or,
- d) Treed Fencerows; or,
- e) any Exotic Species identified in Schedule “A” of this By-law

2. APPLICATION

- 2.1 This By-law applies to all Woodlands that are one (1.0) hectare in area or larger, 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 on a Property that is one (1.0) hectare or less in size.
- j) The Injuring or Destruction of Trees that are deceased.
- k) The Injuring or Destruction of Trees that are Exotic Species, as identified in **Schedule “A”** of this By-law;
- l) The Injuring or Destruction of Trees by the Owner of the Woodlands, for the Owner's Own Use provided that:
 - i. The Injury or Destruction of Trees does not have the effect of clearing, removing, or reducing any Woodland area; 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.
- m) The Injury or Destruction of Trees that are less than 15 years of age and growing within 5 metres from the boundary of a Woodland, in order to allow the maintenance the Woodland edge and control encroachment of Trees into areas that are not Woodland.
- n) The Injury or Destruction of Trees that is part of a Normal Farm Practice and carried out as part of an Agricultural Operation.
- o) The Injury or Destruction of Trees that is required in order to erect a building or structure in respect of which a building permit is issued, including the Injury or Destruction of Trees that is required for the installation of an access lane, utilities, and services, including a primary septic bed, for the proposed building or structure, provided that:
- i. The Trees Injured or Destroyed are located within twenty (20) metres of the outer edge of the proposed building or structure; and,
 - ii. The Trees Injured or Destroyed are located within twenty (20) metres of the outer edge of the proposed primary septic bed; and,
 - iii. The access lane is limited to six (6) metres in width and has been approved and permitted by the County where the access connects to a municipal road; and,
 - iv. An Officer has been notified of the intent to Injure or Destroy Trees pursuant to exemption 3.1 o) of this By-law, in the form approved by the County.

4. GENERAL PROHIBITION

4.1 No Person, through their actions or through any other Person, shall Injure or Destroy a Tree located in a Woodland unless:

- i) exempted by Section 3 (Exemptions) of this By-law; or,
- ii) in accordance with a valid Permit issued by the County pursuant to Section 5 (Harvest Permits) or Section 6 (Exemption Permits) of this By-law, and in accordance with its terms and conditions.

- 4.2 No Person, through their actions or through any other Person, shall Injure or Destroy a Tree located in a Woodland that has the effect of:
- a) reducing the Basal Area of AGS Trees that are 26cm DBH or larger below 16.0 m²/ha, within the Forest Stand; or,
 - b) reducing the Basal Area of AGS Trees that are 50cm DBH or larger below 3.0 m²/ha within the Forest Stand; or,
 - c) clearing, removing, or reducing any Woodland area;

Unless:

- i) exempted by Section 3 (Exemptions) of this By-law; or
 - ii) in accordance with a valid Permit issued by the County pursuant to Section 5 (Harvest Permits) of this By-law, and in accordance with a Prescription approved by a Qualified Member of the OPFA; or,
 - iii) in accordance with a valid Permit issued by the County pursuant to Section 5 (Harvest Permits) of this By-law, and where the Injuring or Destruction of Trees is in accordance with a Salvage Harvest; or,
 - iv) in accordance with a valid Permit issued by the County pursuant to Section 6 (Exemption Permit) of this By-law; or
 - v) the Injuring or Destruction of Trees is located within a Conifer Plantation and is carried out in accordance with Section 4.4 of this By-law.
- 4.3 No Person, through their actions or through any other Person, shall injure or Destroy an Undersized Tree located in a Woodland unless:
- i) exempted by Section 3 (Exemptions) of this By-law; or,
 - ii) in accordance with a valid Permit issued by the County pursuant to Section 5 (Harvest Permits) or Section 6 (Exemption Permits) of this By-law and in accordance with its terms and conditions.

- 4.4 No Person, through their actions or through any other Person shall Injure or Destroy a Tree in a Conifer Plantation that has the effect of:
- a) reducing the Basal Area of AGS Trees that are 10cm DBH or larger below 18.0 m²/ha, within the Forest Stand; or,
 - b) clearing, removing, or reducing any Woodland area;

Unless:

- i) exempted by Section 3 (Exemptions) of this By-law; or,

- ii) in accordance with a valid Permit issued by the County pursuant to Section 5 (Harvest Permits) of this By-law, and in accordance with a Prescription approved by a Qualified Member of the OPFA; or,
 - iii) in accordance with a valid Permit issued by the County pursuant to Section 6 (Exemption Permits) of this By-law.
- 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 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, unless:
 - i) exempted by Section 3 (Exemptions) of this By-law; or,
 - ii) in accordance with a valid Permit issued by the County pursuant to Section 5 (Harvest Permits) or Section 6 (Exemption Permits) of this By-law and in accordance with its terms and conditions.
- 4.6 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 but not limited to open ditch drains and tile drains, unless:
 - i) exempted by Section 3 (Exemptions) of this By-law; or,
 - ii) in accordance with a valid Permit issued by the County pursuant to Section 6 (Exemption Permits) of this By-law.
- 4.7 No Person shall contravene the terms or conditions of a Permit issued under this By-law.
- 4.8 No Person shall fail to comply with an Order issued under this By-law.
- 4.9 No Person shall remove or deface an Order that has been posted pursuant to this By-law.
- 4.10 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.

5. HARVEST PERMITS

- 5.1 Upon application by an Owner, the County may issue a Permit to allow the Injuring or Destruction of Trees within a Woodland under the following conditions:
 - i) the application contains the information as prescribed in **Schedule “C”** of this By-law, in the form approved by the County; and,

- ii) 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; and,
 - iii) the County may request additional information from the applicant; and,
 - iv) an Officer may undertake a site inspection prior to making a decision on the application for a Permit; and,
 - v) an Officer may undertake a site inspection prior to, during, and after the Injuring or Destruction of Trees pursuant to a Permit has taken place; and,
 - vi) Norfolk County will respond to an application made under Section 5 of this By-law no more than 14 (fourteen) days commencing after the day the application was received by the County.
- 5.2 A Harvest Permit may be issued with terms and conditions including, but not necessarily limited to, an expiry date of the Permit, the 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, but will not include any terms or conditions that restrict the time of year that the Harvest of Trees may take place.
- 5.3 When an application for a permit is denied, the County will give written notice to the applicant.

6. EXEMPTION PERMITS

- 6.1 Upon application by an Owner, the County may issue an Exemption Permit to allow the Injuring or Destruction of Trees within a Woodland contrary to prohibitions set forth in Section 4 of this By-law, under the following conditions:
- i) the application is accompanied by the applicable fee as prescribed in Norfolk County's User Fee By-law, as amended from time to time; and,
 - ii) the application contains the information as prescribed in **Schedule "D"** of this By-law; and,
 - iii) the application explains the necessity for the proposed Injuring or Destruction of Trees, the rationale for selecting the area for such an activity, and why the Injuring or Destruction of Trees cannot conform to the By-law; and,
 - iv) the County may request additional information from the applicant; and,
 - v) if the application for an Exemption Permit is for the purpose of clearing or removing Woodland, notification to adjacent landowners is required; and,

- vi) if notification to adjacent landowners is required, the County shall send the notice, by regular mail, to the Owner, the applicant, and to all assessed owners of land within 100 meters of the subject Property, no less than fourteen (14) days prior to a decision regarding the application; and,
 - vii) the application for an Exemption Permit shall be circulated to other County departments and other agencies that, in the opinion of the Officer, may have an interest in the application, for the purpose of obtaining comments regarding the application; and,
 - viii) if the application for an Exemption Permit is for the purpose of clearing or removing Woodland, the County 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.
- 6.2 When evaluating an application for an Exemption Permit the County shall consider any written correspondence received regarding the application, 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.
- 6.3 An Exemption Permit may be issued with terms and conditions as determined by the County including, but not necessarily limited to, an expiry date of the Permit, the manner and/or restrictions under which the Injuring or Destruction of Trees is to be carried out, and other conditions consistent with Good Forestry Practices including requirements to plant Trees, or make a payment-in-lieu of planting trees.
- 6.4 The County delegates to an Officer the authority to deny an application for an Exemption Permit or to issue an Exemption Permit, except for any application for an Exemption Permit that is for the purpose of clearing or removing Woodland, where the authority to deny the application or issue an Exemption Permit is delegated to the General Manager of Operations.
- 7. APPEALS TO THE COMMITTEE**
- 7.1 The Owner or applicant for a Harvest Permit or Exemption Permit pursuant to this By-law may appeal to the Committee if:
- i) the County refuses to grant a Permit, within ten (10) days of the refusal; or,
 - ii) the County fails to respond to an application for a Harvest Permit after fourteen (14) days commencing after the day the application was received by the County; or,

- iii) the County fails to respond to an application for an Exemption Permit within forty-five (45) days after receipt of a completed application; or,
 - iv) the Owner or applicant objects to the terms or conditions of a Permit, within ten (10) days of the granting of the Permit.
- 7.2 Where an application for a Harvest Permit or Exemption Permit is appealed to the Committee, the Committee may:
 - i) issue a Permit with terms and conditions including, but not necessarily limited to, an expiry date of the Permit, the manner and/or restrictions under which the Injuring or Destruction of Trees is to be carried out, and other conditions consistent with Good Forestry Practices including requirements to plant Trees, or make a payment-in-lieu of planting trees; or,
 - ii) deny the application for a Permit.
- 7.3 When the Committee makes a decision on an appeal 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:
 - i) the municipal address or the legal description of the land; and,
 - ii) reasonable particulars of the contravention; and,
 - iii) 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 the Owner of the Woodland and 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 (5th) day after the Order is mailed.
- 8.4 Where service of an Order cannot be carried out under Section 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.
- 8.5 If the person or corporation to whom the Order to Discontinue Activity is directed is not satisfied with the terms of the Order that is issued for a time period longer

than fourteen (14) days, the person may appeal to the Committee by filing a By-law Appeal Application Form with the County Clerk.

- 8.6 An Order to Discontinue Activity cannot be appealed if the Order will expire within fourteen (14) days or less of the Order being issued, or the Order is no longer active.
- 8.7 Where an appeal has been made, the Committee shall hear the appeal and have all the powers and functions of the By-law Officer in confirming, amending or revoking the Order.
- 8.8 Before hearing the appeal, the County shall give notice to such persons that the County considers should receive notice and in the manner decided by the County.
- 8.9 After hearing an appeal, the Committee may confirm or revoke an Order to Discontinue Activity. The decision of the Committee when hearing an appeal for an Order to Discontinue Activity is final.

9. PENALTY

- 9.1 The County designates that the Injury or Destruction of each Tree is one offence in a series of multiple offences.
- 9.2 Any Person who contravenes any provision of this By-law or an Order issued under this By-law, is guilty of an offence, is liable for each occurrence of the contravention, and upon conviction is liable to a fine:
 - i) on first conviction, to a fine not more than \$50,000 or \$1,000 per tree Injured or Destroyed, whichever is greater; and,
 - ii) on any subsequent conviction, to a fine of not more than \$100,000 or \$2,000 per Tree Injured or Destroyed, whichever is greater.
- 9.3 If a person is convicted of an offence for contravening this By-law or an Order issued under this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the person to rehabilitate the land or to plant or plant Trees in such a manner and within such period of time as the court considers appropriate, including any silvicultural treatment necessary to establish the planted Trees.
- 9.4 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 make an order prohibiting such conduct.


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 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 "F", 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.

ENACTED AND PASSED this 1st day of November, 2022.



Deputy Mayor



County Clerk

Schedule “A” Exotic Species

Anyone Injuring or Destroying a Tree in a Woodland must have regard for the species of Tree which they are Injuring or Destroying.

This By-law will not restrict the Injuring or Destruction 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*)
- European white poplar (*Populus alba*)

Schedule "B" 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.

**Schedule “C”
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
- Species list of Undersized Trees to be Harvested and the number of Undersized Trees per species (unless in accordance with a Silvicultural Prescription prepared by a qualified Registered Professional Forester)
- Estimated total volume of timber to be Harvested
- Contractor information for the contractor responsible for the Harvest of Trees
- Tree marker information
- A Silvicultural Prescription approved by a Registered Professional Forester (if applicable)

**Schedule “D”
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 20 years
- Reason for the proposed Destruction or Injuring of Trees, including the planned use for the land after Destruction or Injuring of Trees
- 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 (ex. If the area is identified in the Norfolk County Official Plan as a Natural Heritage Feature, and EIS will be requested.)
- Application Fee

Schedule “E”

Criteria for Determination of Woodland and Woodland Boundary

For the purpose and interpretation of this By-law, an area shall be determined to be a Woodland if it meets the definition of Woodland as set out in Section 1.39 of this By-law.

- a) The boundary of a Woodland is established 2 metres from the outside edge of the Trees growing along the outer perimeter of the Woodland, measured from the edge of the tree facing the outer perimeter of the woodland, at ground level.
- b) Property boundaries shall have no influence in determining the boundary of a Woodland, including the boundaries of Properties that may be exempt from the By-law pursuant to Section 3 of this By-law (properties 1.0 hectare or less in size).
- c) Land use designations such as municipal zoning shall have no influence in determining the boundary of a Woodland. An area may be considered Woodland and carry with it another land designation or classification including any municipal zoning designation or provincial designation such as Provincially Significant Wetland.

Schedule “F”
Minimum Circumference Limits for Trees by Species

Species (Common Name)	Latin Name	Point of Measurement 10 cm..... 137 cm
Cherry, pin.....	<i>Prunus pensylvanica</i>	70 cm 57 cm
Cedar, white	<i>Thuja occidentalis</i>	70 cm 57 cm
Cedar, red	<i>Juniperus virginiana</i>	70 cm 57 cm
Aspen, largetooth	<i>Populus grandidentata</i> ...	95 cm 72 cm
Aspen, trembling.....	<i>Populus tremuloides</i>	95 cm 72 cm
Birch, white.....	<i>Betula papyrifera</i>	95 cm 72 cm
Ironwood	<i>Ostrya virginiana</i>	95 cm 72 cm
Poplar, balsam	<i>Populus balsamifera</i>	95 cm 72 cm
Willow sp.	<i>Salix sp.</i>	95 cm 72 cm
Beech, American	<i>Fagus americana</i>	180 cm 112 cm
Birch, yellow	<i>Betula alleghaniensis</i>	180 cm 112 cm
Cottonwood, eastern	<i>Populus deltoides</i>	180 cm 112 cm
Sassafras	<i>Sassafras albidum</i>	180 cm 112 cm
Ash, black.....	<i>Fraxinus nigra</i>	210 cm 142 cm
Ash, green.....	<i>Fraxinus pennsylvanica</i> .	210 cm 142 cm
Ash, white.....	<i>Fraxinus americana</i>	210 cm 142 cm
Ash, pumpkin.....	<i>Fraxinus profunda</i>	210 cm 142 cm
Basswood.....	<i>Tilia americana</i>	210 cm 142 cm
Cherry, black	<i>Prunus serotina</i>	210 cm 142 cm
Hemlock	<i>Tsuga canadensis</i>	210 cm 142 cm
Hickory, bitternut.....	<i>Carya cordiformis</i>	210 cm 142 cm
Hickory, shagbark.....	<i>Carya ovata</i>	210 cm 142 cm
Walnut, black.....	<i>Juglans nigra</i>	210 cm 142 cm
Pine, white (non-plantation)	<i>Pinus strobus</i>	210 cm 142 cm
Spruce, white (non-plantation).....	<i>Picea glauca</i>	210 cm 142 cm
Oak, black	<i>Quercus velutina</i>	220 cm 140 cm
Oak, burr	<i>Quercus macrocarpa</i>	220 cm 140 cm

Schedule “F” (cont’d)
Minimum Circumference Limits for Trees by Species

Species (Common Name)	Latin Name	Point of Measurement	
		10 cm.....	137 cm
Oak, Chinquapin.....	<i>Quercus muehlenbergii</i> ..	220 cm	140 cm
Oak, Hill's	<i>Quercus ellipsoidalis</i>	220 cm	140 cm
Oak, red	<i>Quercus rubra</i>	220 cm	140 cm
Oak, swamp white	<i>Quercus bicolor</i>	220 cm	140 cm
Oak, white	<i>Quercus alba</i>	220 cm	140 cm
Maple, sugar.....	<i>Acer saccharum</i>	220 cm	140 cm
Maple, black	<i>Acer nigrum</i>	220 cm	140 cm
Maple, red	<i>Acer rubrum</i>	220 cm	140 cm
Maple, silver	<i>Acer saccharinum</i>	220 cm	140 cm
Elm, American	<i>Ulmus americana</i>	220 cm	140 cm
Elm, rock	<i>Ulmus thomasii</i>	220 cm	140 cm
Elm, red.....	<i>Ulmus rubra</i>	220 cm	140 cm
Gum, black	<i>Nyssa sylvatica</i>	240 cm	161 cm
Hackberry, common	<i>Celtis occidentalis</i>	240 cm	161 cm
Hickory, big shellbark.....	<i>Carya laciniata</i>	240 cm	161 cm
Hickory, pignut.....	<i>Carya glabra</i>	240 cm	161 cm
Locust, honey	<i>Gleditsia triacanthos</i>	240 cm	161 cm
Sycamore, American	<i>Platanus occidentalis</i>	240 cm	161 cm
Tulip tree	<i>Liriodendron tulipifera</i>	240 cm	161 cm

Minimum Circumference limits to not apply to Conifer Trees located within a Conifer Plantation.
 Minimum Circumference limits also do not apply to the following species, whether located within
 a Conifer Plantation or other Forest Stand.

Species (Common Name)	Latin Name
Larch, European/Tammarack	<i>Larix deciduas/ Larix laricina</i>
Pine, jack.....	<i>Pinus banksiana</i>
Pine, red.....	<i>Pinus resinosa</i>
Pine, Scots	<i>Pinus sylvestris</i>
Spruce, Norway	<i>Picea abies</i>

Schedule “F” (cont’d)
Minimum Circumference Limits for Trees by Species

The following species are encouraged to be retained where they occur in a Woodland setting in order to promote their conservation. Many of these species are regulated through the Ontario Endangered *Species Act* (ESA) or Canada *Species at Risk Act* (SAR).

Species (Common Name) (2022)	Latin Name	Provincial/Federal Designation
American Chestnut	(<i>Castanea dentata</i>)	Endangered (ESA/SAR)
Blue Ash	(<i>Fraxinus quadrangulate</i>)	Threatened (ESA) Special Concern (SAR)
Butternut	(<i>Juglans cinerea</i>)	Endangered (ESA/SAR)
Cherry Birch	(<i>Betula lenta</i>)	Endangered (ESA/SAR)
Common Hoptree	(<i>Ptelea trifoliata</i>)	Special Concern (ESA/SAR)
Cucumber Tree	(<i>Magnolia acuminata</i>)	Endangered (ESA/SAR)
Dwarf Hackberry	(<i>Celtis tenuifolia</i>)	Threatened (ESA/SAR)
Eastern Flowering Dogwood	(<i>Cornus florida</i>)	Endangered (ESA/SAR)
Kentucky Coffee-tree	(<i>Gymnocladus dioicus</i>)	Threatened (ESA/SAR)
Red Mulberry	(<i>Morus rubra</i>)	Endangered (ESA/SAR)
Shumard Oak	(<i>Quercus shumardii</i>)	Special Concern (ESA)