

THE CORPORATION OF THE CITY OF STONEY CREEK

BY-LAW NO. 4401-96

TO PROHIBIT OR REGULATE THE INJURY OR DESTRUCTION OF TREES
IN AREAS OF THE CITY OF STONEY CREEK

WHEREAS the Council of The Corporation of the City of Stoney Creek is empowered under section 223.2 of the Municipal Act, R.S.O. 1990 c.M 45 to pass by-laws for prohibiting or regulating the injury or destruction of trees or any class of trees specified in the by-law in any defined area or on any class of land, and

for requiring that a permit be obtained for injury or destruction of trees specified in the by-law and prescribing fees for the permit, and

for prescribing circumstances under which a permit may be issued, and

WHEREAS the injury or destruction of trees upon highways or public right of ways is, regulated by the City in By-law No. 4156-95, and

WHEREAS the Council through resolution believes it necessary to prohibit or regulate by permit, the injury or destruction of trees in areas other than those located upon public properties, and

WHEREAS the Hamilton Region Conservation Authority through resolution passed a motion "That all member municipalities be encouraged to implement by-laws to protect trees," and

WHEREAS the Council of the Corporation of the City of Stoney Creek considers it advisable of enacting such a by-law.

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF STONEY CREEK ENACTS AS FOLLOWS:

DEFINITIONS

1. For the purpose of this by-law:

- (a) **"Applicant"** means the owner of lands named in the permit application form.
- (b) **"Application"** means the Permit Application Form to injure or destroy trees attached hereto as Schedule "C";
- (c) **"Bonafide Farmer"** means a person who operates, resides on and owns a viable farm operation and whose principal activity is the production of food and/or agricultural goods;
- (d) **"City"** means the City of Stoney Creek;
- (e) **"City Clerk"** means the Clerk of the City of Stoney Creek;
- (f) **"Committee"** means the Executive Committee of the City;
- (g) **"DBH"** means the diameter of the stem of a tree measured at a specified point that is 4.5 feet (1.37m) above ground level.
- (h) **"Designated Private Lands"** means privately owned lands within the Development Control Area as established by the Niagara Escarpment Planning and Development Act, R.S.O; 1990, c.N 2; attached hereto as Schedule "G";
- (i) **"Destroy"** means the removal, harm or ruin of trees by cutting, burning, uprooting, chemical application or other means including irreversible injury which may result from neglect, accident, or design;
- (j) **"Disease"** means any disease or injury of a tree that is caused by an insect, virus, fungus, bacterium, or other organism;
- (k) **"Farm Operation"** means an agricultural, aquacultural, horticultural, permacultural, or silvicultural operation that is carried on in the expectation of gain or reward;

- (l) **“Good Forestry Practice”** means the proper implementation of harvest, renewal and maintenance activities such as the clearing and thinning of trees for the purposes of stimulating tree growth and improving the quality of the woodlot without permanently breaking the canopy and includes the cutting and removal of hazardous, severely damaged, diseased and insect infested trees which must be removed in order to prevent injury, damage or contamination or infestation of other trees;
- (m) **“Harvesting”** means the injury or destruction of trees and may be either a single cut or a series of cuts and logging is the means of harvesting trees;
- (n) **“Infestation”** means an actual or potential infestation or infection by tree pests defined under the Forest Tree Pest Control Act R.S.O. 1990, c.F. 25;
- (o) **“Injury”** includes any action or treatment which causes irreversible harm or damage to a tree and includes the injury of trees by changing grades around trees, compacting soil over root areas and the removal of bark;
- (p) **“Normal Farm Practices”** means a practice that is conducted in a manner consistent with proper and accepted customs and standards as established and followed by similar agricultural operations under similar circumstances and includes the use of innovative technology used with advanced management practices;
- (q) **“Officer”** means a By-law Enforcement Officer of the City designated in Schedule “B” to this by-law;
- (r) **“Owner”** means the person identified in the municipal assessment roll as the property owner pursuant to subsection 14 (1), paragraph 4 of the Assessment Act, R.S.O. 1990, c.A. 31;
- (s) **“Permit”** means the written authorization from the City Clerk to injure or destroy trees as provided in Schedule “F”;
- (t) **“Person”** includes an individual, a corporation and the heirs, executors, administrators, or other legal representatives of a person to whom the context can apply according to law;
- (u) **“Professional Forester”** means a professional forester as defined under the Crown Forest Sustainability Act, S.O. 1994, c.C. 25;
- (v) **“Silviculture”** means a tree management process which implements good forestry practices to control the establishment, composition and growth of trees for the purpose of maximizing timber yields and timber quality upon harvesting;
- (w) **“Tree”** means any species of woody plant which has reached or can reach a height of at least 15 feet (5 metres) at physiological maturity;
- (x) **“Tree Commissioner”** means every By-law Enforcement Officer employed by the City of Stoney Creek and designated in Schedule “B” to this by-law;
- (y) **“Woodlot”** means an area measuring 0.5 hectares or more that consists of the following or any combination thereof:
 - i 500 trees of any size;
 - ii 375 trees measuring between 5 cm and 11 cm at dbh inclusive.
 - iii 250 trees measuring between 12 cm and 19 cm at dbh inclusive.
 - iv 125 trees measuring more than 20 centimetres at dbh.

APPLICATION OF BY-LAW

- 2. The provisions of this by-law shall apply to all woodlots and designated private lands within the boundaries of the City subject to section 24 of this by-law.

SHORT TITLE

3. This by-law may be referred to as the "Tree By-law".

SCOPE OF BY-LAW

4. In the event of any conflict between the provisions of this by-law and the provision of a by-law passed under the Trees Act, R.S.O. 1990, c.T. 20 or any other statute or by-law, the provision that is the most restrictive of the injury or destruction of trees prevails.
5. In this by-law, unless the context otherwise requires, words imparting the singular number shall include the plural and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the content so requires.

GENERAL DUTIES, OBLIGATIONS AND PROHIBITIONS

6. No person shall injure or destroy any tree on lands within the boundaries of the City without the consent of the owner of the lands.
7. No owner shall cause or permit within the boundaries of the land of the owner, the injury or destruction of any tree without a permit issued under this by-law.
8. No owner exempt from the permit provisions of this by-law shall cause or permit the unnecessary injury or destruction of trees during harvesting or while conducting renewal or maintenance activities required under good forestry practices.
9. No person shall contravene the terms of a permit or the conditions attached thereto issued under this by-law.
10. No person shall fail to comply with an order issued under this by-law.
11. No person shall remove, pull down, or deface any order in the form set out in Schedule "E" to this by-law after the Officer has caused it to be placed in a prominent position on lands except with the consent of the Officer.
12. No person shall obstruct or attempt to obstruct an Officer or a person acting under the Officer's instructions in the exercise of a power under this by-law.

ADMINISTRATION

13. The City Clerk is responsible for the administration of this by-law and is hereby delegated the authority to issue permits and to attach conditions thereto in accordance with this by-law.

PERMIT APPLICATION/INSPECTIONS/PERMITS/CONDITIONS

14. Every owner who intends on injuring or destroying a tree where a permit to do so is required shall first complete an application form set out on Schedule "C" to this by-law.
15. Any permit issued pursuant to this by-law shall be issued in the name of the owner and shall expire thirty (30) days after issuance unless a written request for an extension is received by the City Clerk on or before the permit expiration date.
16. Any request for a permit extension which is received after the permit expiration date will require the submission of a new application for a permit.
17. All applicants for a permit under this by-law shall pay the prescribed fees as set out in Schedule "A" hereto upon submitting the application and where the person injuring or destroying the trees is not the owner shall provide proof of public and general liability insurance to the satisfaction of the City Clerk.
18. Following receipt of an application referred to in paragraph 14; an Officer may inspect the lands and shall make his recommendations whether or not a permit should be issued having regard to the criteria set out in sections 19 and 20, and if so, under what conditions if any, the injury or destruction of any tree may be carried out under the permit.

19. Before a decision to issue a permit, the City Clerk shall take the following matters into account: age, type, location, health, species, purpose and condition of the tree and any other information relevant to the permit to be issued.
20. The issuance of a permit shall not be authorized for the injury or destruction of a tree where:
 - (a) the application form has not been fully completed.
 - (b) applications for subdivisions or site plans related to lands on which the tree is located have been submitted to the City and have not received final approval;
 - (c) the tree is an endangered species as defined in the Endangered Species Act, R.S.O. 1990, c.E.15.
 - (d) significant vistas or views will not be adequately protected and preserved.
 - (e) an environmentally sensitive area will not be adequately protected and preserved.
 - (f) an ecological system including natural areas will not be adequately protected and preserved.
 - (g) flood or erosion control will be negatively impacted as determined by the Niagara Escarpment Commission, the Hamilton Region Conservation Authority or Niagara Region Conservation Authority.
 - (h) the tree is healthy, unless the City Clerk is satisfied that the applicant has undertaken to implement approved replanting plans.
 - (i) the tree is healthy, unless the City Clerk is satisfied that the applicant has undertaken a woodlot management plan, approved by a Professional Forester, which is consistent with the principles of good forestry practices.
21. Conditions may be attached by the City Clerk to the permit to be issued and may include the following considerations: whether replacement tree or trees should be planted by the applicant, the period of time for which the permit or the conditions thereto are to be valid.

APPEAL TO THE ONTARIO MUNICIPAL BOARD

22. An applicant for a permit under this by-law may appeal to the Ontario Municipal Board.
 - (a) where the City Clerk refuses to issue a permit within thirty (30) days after the refusal, or
 - (b) where the City Clerk fails to make a decision on application, within forty-five (45) days after the application is received by the Clerk, or
 - (c) where the applicant objects to a condition in the permit, within thirty (30) days after the issuance of the permit.
23. The Ontario Municipal Board may make any decision that the Clerk who received the application for a permit could have made.

NON-APPLICATION

24. This by-law does not apply:
 - (a) to activities or matters undertaken by the provincial or federal government or their agents or Ontario Hydro;
 - (b) to activities or matters authorized under the Crown Forestry Sustainability Act, R.S.O. 1994 c.25;
 - (c) to activities or matters prescribed by regulation by the Lieutenant Governor in Council;

24. (d) to activities of any municipality or local board as defined in the Municipal Affairs Act, R.S.O. 1990 c. C51;
- (e) to waste disposal sites defined or exempted from Part V of the Environmental Protection Act, R.S.O. 1990 c.E.19;
- (f) to works carried out under Section 26 of the Public Transportation and Highway Improvement Act, R.S.O.1990 c.P.50;
- (g) to drainage works under the Drainage Act, R.S.O. 1990 c.D17 or the Tile Drainage Act, R.S.O c.T. 8;
- (h) to activities carried out under the Aggregate Resources Act, R.S.O. 1990 c.A8;
- (i) to works authorized under subdivision or site plan approval by the City;
- (j) to works authorized under a development permit issued under Section 24 of the Niagara Escarpment Planning and Development Act, R.S.O. 1990 c.N 2;
- (k) where a Certificate has been issued under the Abandoned Orchard Act, R.S.O. 1990 c. A 1;
- (l) to activities or matters under the Forest Tree Pest Control Act, R.S.O. 1990, c.F25.
- (m) to the injury or destruction of trees within a building envelope by works authorized by a City building permit.

PERMIT EXEMPTIONS

25. (a) A permit is not required for those trees injured or destroyed in woodlots or on designated private lands where good forestry practices, by-laws or statutes require the cutting and removal of hazardous, severely damaged, diseased, and insect infested trees or trees otherwise posing a safety threat.
- (b) A permit is not required for those trees injured or destroyed in woodlots or on designated private lands where the owner is a bonafide farmer engaging in normal farm practices relating to farm operations established prior to June 15, 1994.
- (c) A permit is not required for those trees injured or destroyed in woodlots or on designated private lands where the diameter measurement at DBH is less than:
- (i) twelve inches (12") or thirty (30) cm for deciduous
- (ii) six inches (6") or fifteen (15) cm for coniferous

ENFORCEMENT

26. (a) Persons designated in Schedule "B" of this by-law are responsible for the enforcement of this by-law.
- (b) The Clerk shall ensure that each Officer is properly trained to perform her or his duties and, where the Officer is not an employee of the City, the Clerk shall ensure the Officer is supervised by the Chief Municipal Law Enforcement Officer.
- (c) The City shall issue a certificate of designation to every Officer in the form prescribed in Schedule "D".

INSPECTION REPORT

27. The Officer may require the owner to be responsible for submitting an inspection report respecting the health or condition of the tree to be removed which may be prepared by an arborist or forester who is qualified in the pertinent field and licensed by the Province of Ontario.

ENTRY

28. For the purposes of conducting an inspection to determine compliance with this by-law, designated Officers and any person acting under the Officer's instructions, may during daylight hours and upon producing the certificate of designation, enter and inspect any lands but not buildings to which this by-law applies.

ORDER

29. Where an Officer is satisfied that a contravention of this by-law including the contravention of the conditions of a permit issued under this by-law has occurred, the Officer may make an Order containing:
- (a) the name of the person to whom the Order is directed.
 - (b) the municipal address or legal description of the land.
 - (c) a statement that the lands have been inspected on a certain date.
 - (d) reasonable particulars of the contravention of this by-law or a permit issued under this by-law including conditions attached thereto.
 - (e) a statement that the injury and destruction of trees is Ordered stopped forthwith.
 - (f) a statement that there must be compliance with the by-law or conditions of the permit issued under this by-law.
 - (g) set out the time period within which there must be compliance with the terms of the Order.
 - (h) notification to the person to whom the Order is directed that they have the right of appeal to the Executive Committee in accordance with section 33 of this by-law and advise as to the last date for such appeal to be made.
 - (i) a statement that in the event that no appeal is taken, the Order shall be deemed to have been confirmed.

SERVICE

30. An Order issued under section 29 may be served personally or caused to be served by sending it by regular mail to the last known address of the owner of the land.
31. Where service of an Order is made by regular mail, service shall be deemed to be made on the third day after the mailing unless the person on whom service is being made establishes that they did not, acting in good faith, through absence, accident, illness, or other cause beyond their control, receive the Order until a later date.
32. Where service cannot be effected under section 30 or 31, it is deemed sufficient if the Officer places a placard containing the terms of the Order in a conspicuous place on the affected lands and the placing of the placard shall be deemed to be sufficient service of the Order on the person to whom the Order is directed.

APPEALS BEFORE THE COMMITTEE

33. (a) Where the person to whom the Order is directed has been served in accordance with this by-law is not satisfied with the terms of the Order, the person may appeal to the Committee by filing notice of appeal by personal service or certified mail to the City Clerk within 30 days after the date of the Order.
- (b) Where an appeal has been filed and in accordance with the City of Stoney Creek Procedural By-law No. 4343-96, the Committee shall hear the appeal and, have all the powers and the functions of the Officer.
- (c) Before conducting a hearing under section 33 (b), the Clerk shall give notice to such persons or direct that notice be given to such persons as the Clerk considers should receive notice and in the manner directed by the Clerk.

- (d) After hearing an appeal, the Committee may confirm, modify or revoke any Order issued under this by-law or may extend the time for complying with the Order, provided in the opinion of the Committee, the general intent and purpose of this by-law and of the official plan have been maintained.
- (e) The proceedings at the hearing held by the Committee shall be in accordance with the provisions of the Statutory Powers Procedures Act, R.S.O.1990 c.S22. The decision of the Committee under this section is final.

EFFECT OF FINAL ORDER

34. The Order issued under section 29 shall be final and binding:
- (a) Upon the time expiring for appeal to the Committee and there being no appeal.
 - (b) In the event there is an appeal to the Committee and upon the Committee confirming or modifying the Order, the owner upon the Order being final and binding, shall comply with the terms or conditions of the Order within the time and in the manner specified in the Order.

SCHEDULES

35. Schedules "A", "B", "C", "D", "E", "F", "G" attached hereto are made part of this by-law.

FEES

36. This By-law prescribes fees for the issuance of a permit as set out in Schedule "A" to this by-law.

PENALTY

37. Every person who contravenes any provision of this By-law or an Order issued pursuant to this by-law is guilty of an offence and on conviction pursuant to the provisions of subsection 223.2 (15) of the Municipal Act, R.S.O. 1990, c.M. 45 is liable;
- (a) on a first conviction, to a fine of not more than \$10,000.00, and
 - (b) on any subsequent conviction, to a fine of not more than \$20,000.00

PROHIBITION ORDER

38. Pursuant to the provisions of section 327 of the Municipal Act R.S.O. 1990 c.M 45 where a person is convicted of an offence under this by-law, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an Order prohibiting the continuation or repetition of the offence by the person convicted.

RESTRAINING ORDER

39. Pursuant to the provisions of section 328 of the Municipal Act R.S.O. 1990 c.M. 45 where a person is convicted of contravening any provision of this by-law, in addition to any other remedy and to any penalty imposed by the by-law, any such further contraventions may be restrained by action by the City or a ratepayer thereof.

RESTITUTION

40. Where a person is convicted of contravening any provision of court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may Order the person to replant or have replanted such trees in such manner and within such a period of time as the court considers appropriate, including any silvicultural treatment necessary to re-establish the trees or have the trees re-established.

PROCEEDS OF FINES

41. Pursuant to the provisions of section 324 of the Municipal Act R.S.O. 1990 c.M 45 where a person has been convicted of an offence under this by-law, every fine imposed for contravention of this by-law belongs to the city.

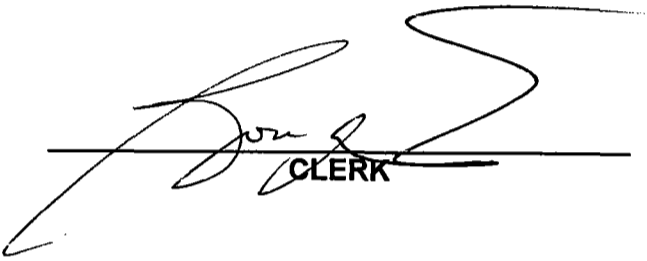
SEVERABILITY

- 42. Where a court of competent jurisdiction declares any section or part of a section of this by-law invalid, the remainder of this by-law shall continue in force unless the court makes an Order to the contrary.

NOTICE OF PASSAGE

- 43. The City Clerk shall publish Notice of this by-law, following its passing and enactment once in the Stoney Creek News.
- 44. This by-law shall come into force and take effect on the date of its passing and enactment.

ENACTED AND PASSED this 11th day of June 1996


CLERK


MAYOR

SCHEDULE "A" TO BY-LAW NO. 4401-96

APPLICATION AND PERMIT FEES

1. One Tree (in calendar year):	NO CHARGE
2. Two to Ten Trees	\$25.00
3. Eleven to Twenty Trees:	\$50.00
4. Over Twenty Trees:	\$100.00

SCHEDULE "B" TO BY-LAW NO. 4401-96

The following By-law Enforcement Officers are appointed as Tree Commissioners for the purposes of enforcing this By-law:

Susan McGrath

Randy Chariton

Geoff Stephenson

SCHEDULE "C" TO BY-LAW NO. 4401-96

PERMIT APPLICATION TO INJURE OR DESTROY TREES

pursuant to

THE CITY OF STONEY CREEK TREE BY-LAW NO. 4401-96

An application to injure or destroy trees is to be completed and delivered personally or forwarded by prepaid first class mail to the City Clerk at least thirty (30) days prior to any injury or destruction of any trees by cutting, burning or other means.

Under no circumstances shall the injury or destruction of trees commence until the permit application has been approved and a permit issued. Failure to comply with the provisions of this by-law may result in legal action.

Every owner who intends on injuring or destroying a tree where a permit to do so is required shall first complete an Application Form as described in Schedule "C" and file the same form with the City Clerk and shall pay the required fees as set out in Schedule "A" of this by-law.

Section 7 of this by-law states "No owner shall cause or permit within the boundaries of the land of the owner, the injury or destruction of any tree without a permit issued under this by-law."

Section 22 states "Every person who contravenes any provision of this by-law or an order issued pursuant to this by-law is guilty of an offence and on conviction pursuant to the provisions of subsection 223.2 (15) of the Municipal Act R.S.O. 1990, c.M.45 is liable;

- (a) on a first conviction, to a fine of not more than \$10,000.00, and
- (b) on any subsequent conviction, to a fine of not more than \$20, 000.00.

1. Land Owner

Name: _____
Address: _____
Postal Code: _____
Telephone No.: _____

2. Land Description

Lot: _____ Concession: _____
Area _____
Municipality: _____

3. Permit Effective Period

Expected Starting Date: _____
Expected Completion Date: _____

4. Tree Cutting Contractor (if different from Land Owner above):

5. Contact Person for Contractor/Owner

Name: _____

Address: _____

Postal Code: _____

Telephone No: _____

Name of Public and General Liability Insurance Carrier _____

Insurance Minimum \$ _____

6. Sketch of Tree/Woodlot

(Attach sketch and survey showing limits of land owner's property, fence lines, buildings and structures, rail lines, internal roads, adjacent roads, location and distance to nearest road intersection and portion of woodlot where trees are to be destroyed. Describe the trees to be destroyed, number/type/size (dbh, hectares) extent of woodlot.)

7. Type of Tree/ Woodlot (check)

_____ Upland Forest (Maple, White Pine, Beech , Oak, etc.)

_____ Bottomland Forest (Silver Maple, Poplar, Birch, etc.)

_____ Conifer Plantation (Red Pine, etc.)

_____ Other (Describe) _____

8. Has the Ministry of Natural Resources or a recognized forestry expert, marked this tree/woodlot for cutting? (Circle one only)

NO YES Name: _____

9. Is the tree/woodlot within an area controlled and/or regulated by the Niagara Escarpment Commission. (Circle one)

NO YES

10. Describe the purpose or reason for the tree destruction and the method of removal i.e. (cutting, burning etc.)

I agree that the tree cutting operations will be conducted in accordance with The City of Stoney Creek Tree By-law No. 4401-96 and that I am familiar with the contents and requirements of that By-law and acknowledge having received a copy thereof, and in signing this application, I am acting with the full authority and permission of the land owner and on his/her behalf.

DATED AT _____ THIS _____

DAY OF _____ 1996

Signature of Owner _____

Deliver personally or forward by first class mail to:

The Clerk of the _____ of _____

Address for Delivery: _____

Address for Mailing: _____



SCHEDULE "D" TO BY-LAW NO. 4401-96

THE CORPORATION OF THE CITY OF STONEY CREEK

CERTIFICATE OF DESIGNATION

(Issued pursuant to Section 223.2 (8)
The Municipal Act R.S.O. 1990, c.M45)

THIS CERTIFIES THAT: _____

IS DESIGNATED AN OFFICER UNDER THE CITY OF STONEY CREEK TREE BY-LAW NO. 4401-96 TO INSPECT ANY LAND IN THE CITY OF STONEY CREEK TO ENFORCE THE AFORESAID BY-LAW AND ITS REGULATIONS RESPECTING THE INJURY OR DESTRUCTION OF TREES IN THE CITY.

CERTIFICATE ISSUED THIS 11TH DAY OF JUNE 1996

City Clerk

SCHEDULE "E" TO BY-LAW NO. 4401-96
CITY OF STONEY CREEK - BY-LAW DEPARTMENT
777 HIGHWAY NO. 8, BOX 9940, STONEY CREEK ON L8G 4N9 - TEL. 643-1261

ORDER

PURSUANT TO SECTION 29 OF THE CITY OF STONEY CREEK TREE BY-LAW NO. 4401-96

Issued to:	Permit No:
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Address:

Location of Lands:

An inspection of the lands named herein on day/month/year has disclosed that the conditions of a permit issued on day/month/year by the City Clerk have not been complied with and/or Section _____ of By-law No. 4401-96 has been violated.

THEREFORE TAKE NOTICE THAT, the injury and destruction of trees on these lands is hereby Ordered Stopped Forthwith.

AND FURTHER TAKE NOTICE that the injury or destruction of trees shall not resume without the approval of the Chief Municipal Law Enforcement Officer and unless the provisions of this by-law or the conditions attached to permit no. _____ are complied with on or before day/month/year.

AND FURTHER TAKE NOTICE that if you are not satisfied with the terms of this Order, you may appeal to the Executive Committee by sending notice of appeal by personal service or by certified mail to the City Clerk within 30 days of the date on this Order.

AND FURTHER TAKE NOTICE that in the event that no appeal is taken, the Order shall deemed to have been confirmed.

Section 11 of By-law No. 4401-96 states "

No person shall remove, pull down, or deface any order in the form set out in Schedule "E" to this by-law after the Officer has caused it to be placed in a prominent position or any lands except with the consent of the Officer".

Every person who contravenes any provision of this by-law or an Order issued pursuant to this by-law is guilty of an offence and on conviction pursuant to the provisions of subsection 223.2 (15) of the Municipal Act R.S.O. 1990, c.M. 45 is liable;

- (a) on a first conviction, to a fine of not more than \$10,000.00, and
- (b) on any subsequent conviction, to a fine of not more than \$20,000.00.

Date

Chief Municipal Law Enforcement Officer

SCHEDULE "F" TO BY-LAW NO. 4401-96
CITY OF STONEY CREEK - BY-LAW DEPARTMENT
777 HIGHWAY NO. 8, BOX 9940, STONEY CREEK ON L8G 4N9 - TEL. 643-1261

PERMIT NO. _____

1. Land Owner

Name: _____
Address: _____
Postal Code: _____
Telephone No.: _____

2. Land Description

Lot: _____ Concession: _____
Area Municipality _____

3. Expected Starting Date _____

Permit Expiration Date _____

4. Tree Cutting Contractor: _____

(if different from Land Owner above):

5. Contact Person for Operation/Owner

Name: _____
Address: _____
Postal Code: _____
Telephone No: _____

CONDITIONS

- The unnecessary injury or destruction of any tree not authorized by this permit during removal and/or harvesting or while conducting harvesting renewal and maintenance activities is hereby prohibited.
- Upon completion of the removal and/or harvesting of destroyed trees, specified trees shall be replanted in accordance with replanting plans approved by the City Clerk.
- Upon completion of removal and/or harvesting of destroyed trees, all crowns, branches, and other woody debris shall be removed leaving the site in a clear and clean condition.
- All requirements of a woodlot management plan, approved by a Registered Professional Forester, and as approved by the City Clerk shall be complied with.
- The injury or destruction of trees and any required clean up or re-planting plans authorized or required by this permit shall be complied with on or before the expiration of this permit.

SCHEDULE "G" TO BY-LAW NO. 4401-96

CITY OF STONEY CREEK TREE BY-LAW

DEVELOPMENT CONTROL AREA DESIGNATED PRIVATE LANDS

Niagara Escarpment Planning and Development Act R.S.O. 1990, c.N 2

MEETS AND BOUNDS DESCRIPTION

PARAGRAPH 28 ONTARIO REGULATION 230/87 AND MAP

In the City of Stoney Creek in The Regional Municipality of Hamilton-Wentworth, the Development Control Area is described as follows:

Beginning at the intersection of the easterly boundary of the City of Stoney Creek and the northerly limit or Regional Road Number 425;

Thence westerly along the said northerly limit to the easterly limit of Lot 9 in Concession III of the former Township of Saltfleet;

Thence southerly to and along the easterly limit of Lot 9 in Concession IV of the said former Township to the centre line of the said Concession;

Thence westerly along the said centre line to the easterly limit of Lot 22 in the said Concession;

Thence southerly along the easterly limit to the southeasterly angle of that Lot;

Thence westerly along the southerly limit of the said Concession to the westerly limit of Regional Road Number 430;

Thence southerly along the said westerly limit to the easterly limit of the King's Highway No. 20;

Thence northwesterly along the said easterly limit to the southerly limit of the lands of Ontario Hydro in Lot 25 in Concession V of the said former township;

Thence westerly along the said southerly limit to the westerly limit of Lot 26 in the said Concession;

Thence northerly along that westerly limit to a line parallel with and distance 91.4 metres measured southeasterly at right angle from the boundary between the City of Stoney Creek and the City of Hamilton;

Thence southwestwardly and parallel with the said boundary to the southerly limit of a plan deposited in the Land Registry Office for the Land Titles Division of Wentworth (No. 62) as Number 62R-3427 in Lot 32 in Concession VI;

Thence westerly along the southerly limit of the said plan 94.16 metres to the westerly limit of the City of Stoney Creek;

Thence northerly along the said westerly boundary 85.34 metres to an angle;

Thence northeasterly along the northerly boundary of the said City to the northerly limit of the right-of-way of the Toronto, Hamilton and Buffalo Railway;

Thence easterly along the said northerly limit to the easterly limit of the road allowance between Lots 14 and 15 in Concession III of the said former Township;

Thence northerly along the said easterly limit to the northerly limit of the said Concession;

Thence easterly along the said northerly limit to the northwesterly angle of Lot 3 in the said Concession;

Thence northerly to and along the westerly limit of Lot 3 in Concession II of the said former Township to the southerly limit of the King's Highway No. 8;

Thence easterly along the said southerly limit to the easterly boundary of the City of Stoney Creek;

Thence southerly along the said easterly boundary to the place of beginning.

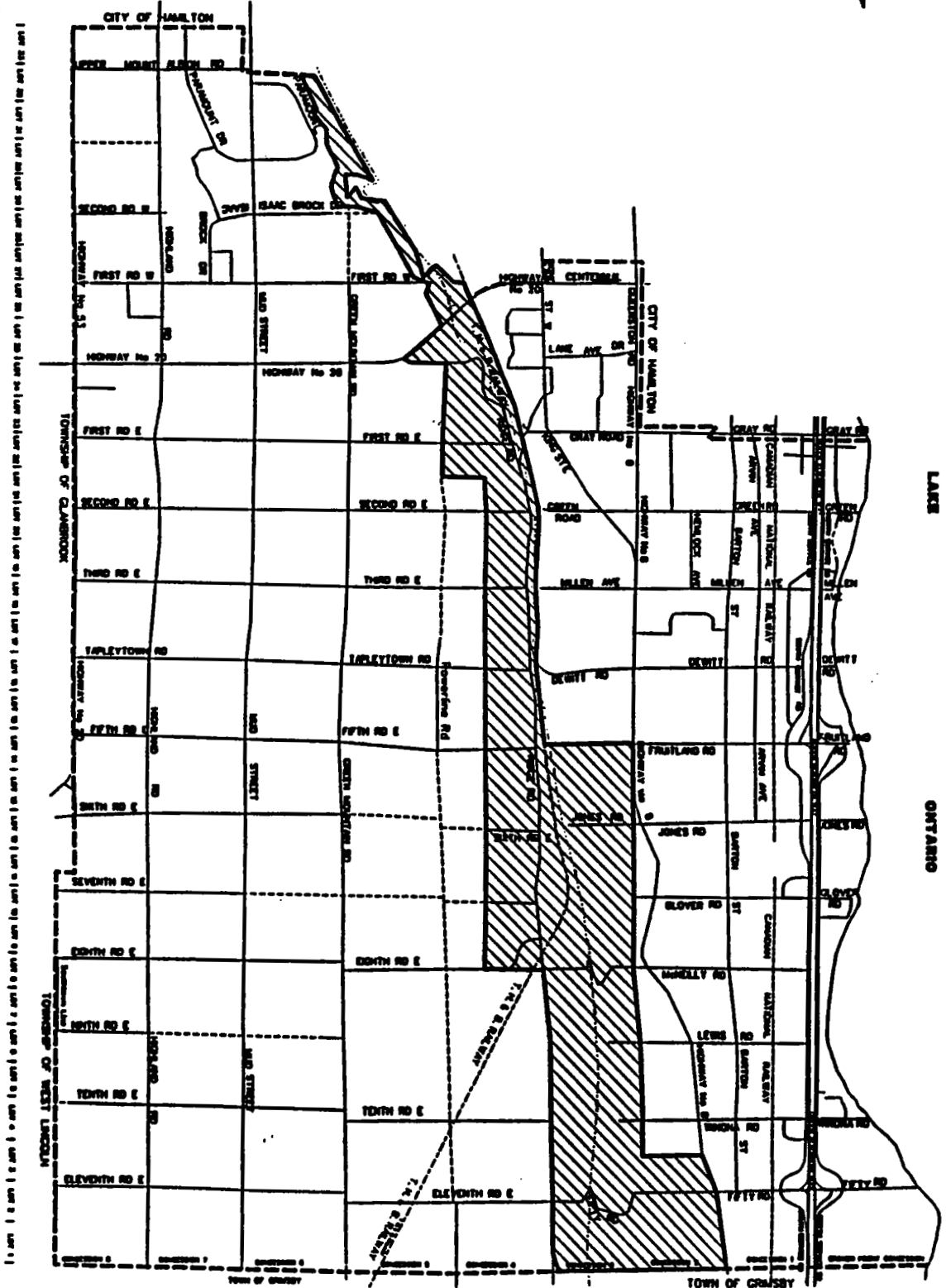


DEVELOPMENT CONTROL AREA
Ontario Government Regulation 230/87 as Amended

THE CITY OF STONEY CREEK

Schedule "G"

forming part of By-law No. 4401-96



THE CORPORATION OF THE CITY OF STONEY CREEK

BY-LAW No. 5075-00

**To Amend By-law No. 4401-96 Known As The
" Tree By-law"**

WHEREAS Council on June 11, 1996 enacted By-law No. 4401-96 known as the "Tree By-law",
and

WHEREAS it is necessary to amend By-law No. 4401-96 in order to effect the following
changes:

**NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF STONEY
CREEK ENACTS AS FOLLOWS:**

1. That the following be deleted from By-law No. 4401-96:
Section 1(f)
Section 26(b)
Schedule "E"
2. That the following be added to By-law No. 4401-96:
Section 1(f)
(f) "Committee" means the Community Services Committee of the City;
Section 26(b)
(b) The Clerk shall ensure that each Officer is properly trained to perform his
or her duties.
3. That Schedule "B" to By-law No. 4401-96 be amended to remove the name
Susan McGrath and to add thereto the name Ron Arnold.
4. That the attached Appendix "1" replace Schedule "E" to By-law No. 4401-96

ENACTED AND PASSED this 8th day of February , 2000.


CLERK


MAYOR

Appendix 1 To By-law No. 5075-00

Schedule "E"

CITY OF STONEY CREEK - BY-LAW SECTION
777 HIGHWAY NO. 8, BOX 9940, STONEY CREEK ON L8G 4N9 - TEL. 643-1261

ORDER

PURSUANT TO SECTION 29 OF THE CITY OF STONEY CREEK TREE BY-LAW NO. 4401-96

Issued to: _____ Permit No: _____

Address: _____

Location of Lands: _____

An inspection of the lands named herein on day/month/year has disclosed that the conditions of a permit issued on day/month/year by the City Clerk have not been complied with and/or Section _____ of By-law No. 4401-96 has been violated.

THEREFORE TAKE NOTICE THAT, the injury and destruction of trees on these lands is hereby Ordered Stopped Forthwith.

AND FURTHER TAKE NOTICE that the injury or destruction of trees shall not resume without the approval of the City Clerk or designate and unless the provisions of this by-law or the conditions attached to permit no. _____ are complied with on or before day/month/year.

AND FURTHER TAKE NOTICE that if you are not satisfied with the terms of this Order, you may appeal to the Corporate Services Committee by sending notice of appeal by personal service or by certified mail to the City Clerk within 30 days of the date on this Order.

AND FURTHER TAKE NOTICE that in the event that no appeal is taken, the Order shall deemed to have been confirmed.

Section 11 of By-law No. 4401-96 states “

No person shall remove, pull down, or deface any order in the form set out in Schedule “E” to this by-law after the Officer has caused it to be placed in a prominent position or any lands except with the consent of the Officer”.

Every person who contravenes any provision of this by-law or an Order issued pursuant to this by-law is guilty of an offence and on conviction pursuant to the provisions of subsection 223.2 (15) of the Municipal Act R.S.O. 1990, c.M. 45 is liable;

- (a) on a first conviction, to a fine of not more than \$10,000.00, and
- (b) on any subsequent conviction, to a fine of not more than \$20,000.00.

Date

City Clerk or Designate

Authority: Item 15, Economic Development
and Planning Committee
Report 010-001 (PDO02229(d))
CM: January 27, 2010

Bill No. 013.

CITY OF HAMILTON

BY-LAW NO. 10-013

To Amend: By-law No. 2000-118, the Town of Ancaster Tree Protection By-law; By-law No. 4513-99, the Town of Dundas Tree Protection By-law; By-law 4401-96, the City of Stoney Creek Tree By-law; By-law No. R00-054, the Regional Municipality of Hamilton-Wentworth

WHEREAS Council wishes to amend the appeal processes provided for in: By-law No. 2000-118, the Town of Ancaster Tree Protection By-law; By-law No. 4513-99, the Town of Dundas Tree Protection By-law; By-law No. 4401-96, the City of Stoney Creek Tree By-law; By-law No. R00-054, the Regional Municipality of Hamilton-Wentworth Woodland Conservation By-law;

AND WHEREAS the *City of Hamilton Act, 1999* did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is successor to the following former area municipalities: The Corporation of the Town of Ancaster, The Corporation of the Town of Dundas, The Corporation of the Town of Flamborough, The Corporation of the Township of Glanbrook, The Corporation of the City of Hamilton, and The Corporation of the City of Stoney Creek; and the successor the former Regional Municipality of Hamilton Wentworth;

AND WHEREAS the *City of Hamilton Act, 1999* provides that the by-laws of the former area municipalities and the former Regional Municipality of Hamilton Wentworth remain in force, in respect of the part of the municipal area to which they applied on

December 31, 2000, until they expire or are repealed or amended to provide otherwise;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

By-law No. 2000-118, the Town of Ancaster Tree Protection By-law

1. Subsection 9.1 of By-law No. 2000-118 of the Town of Ancaster is deleted and replaced with following new subsection 9.1:

9.1 APPEALS REGARDING PERMITS

- 9.1.1 An appeal of the conditions imposed on a Permit or of a Permit refusal shall be conducted as set out in the Appeal Schedule attached to and forming part of this By-law.
2. By-law No. 2000-118 of the Town of Ancaster is amended by adding the Appeal Schedule, attached to this By-law as Schedule A.
3. Subsections 8.2 and 9.2 of By-law No. 2000-118 of the Town of Ancaster are deleted.
4. Sections 3 and 4 of Schedule "G" or By-law No. 2000-118 of the Town of Ancaster referring to an appeal are deleted.

By-law No. 4513-99, the Town of Dundas Tree Protection By-law

5. By-law No. 4513-99 of the Town of Dundas is amended by adding following new section 5a after section 5:

5a. APPEALS

An appeal of the conditions imposed on a permit or of a permit refusal shall be

conducted as set out in the Appeal Schedule attached to and forming part of this By-law.

6. By-law No. 4513-99 of the Town of Dundas is amended by adding the Appeal Schedule attached to this By-law as Schedule A.

By-law No. 4401-96, the City of Stoney Creek Tree By-law

7. Sections 22 and 23 of By-law No. 4401-96 of the City of Stoney Creek are deleted and replaced by the following new section:

APPEAL TO THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE

22. An appeal of the conditions imposed on a Permit or of a Permit refusal shall be conducted as set out in the Appeal Schedule attached to and forming part of this By-law.
8. By-law No. 4401-96 of the City of Stoney Creek is amended by adding the Appeal Schedule attached to this By-law as Schedule A.
9. Subsections 29(h) and (i) and section 33 and 34 of By-law No. 4401-96 of the City of Stoney Creek are deleted.
10. The third and fourth recitals of Schedule “E” of By-law No. 4401-96 of the City of Stoney Creek referring to an appeal are deleted.

By-law No. R00-054, the Regional Municipality of Hamilton-Wentworth

11. Subsections 5(h) to (m) inclusive of By-law No. R00-054 of the Regional Municipality of Hamilton-Wentworth are deleted and replaced with the following new subsection:

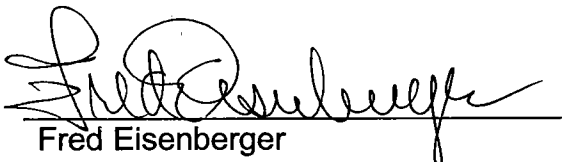
5(h) An appeal of a permit refusal shall be conducted as set out in the Appeal Schedule attached to and forming part of this By-law.

12. By-law No. R00-054 of the Regional Municipality of Hamilton-Wentworth is amended by adding the Appeal Schedule attached to this By-law as Schedule A.

General

13. This By-law comes into force on the day it is passed.

PASSED this 27th day of January, 2010


Fred Eisenberger
Mayor


Kevin C. Christenson
City Clerk

Schedule A

APPEAL SCHEDULE

1. For the purposes of this Schedule:
“**applicant**” means an applicant for a permit under this By-law;
“**City**” means the City of Hamilton incorporated as of January 1, 2001 under the *City of Hamilton Act, 1999*;
“**Economic Development and Planning Committee**” means the City of Hamilton’s Economic Development and Planning Committee or any successor committee; and
“**permit**” means a permit under this By-law.

2. An applicant for a permit who does not agree with the conditions imposed in a permit or with the refusal of a permit may appeal by requesting a hearing before the Economic Development and Planning Committee which, in the place of City Council, shall hear the appeal.

3. A request for a hearing by an applicant under section 2 shall be in writing, accompanied by the applicable fee and delivered to the Clerk of Economic Development and Planning Committee within 20 days of the date the permit is refused. The applicant shall also include the grounds for their appeal.

4. Where a request for a hearing meeting the requirements of section 3 has been delivered to the Clerk of the Economic Development and Planning Committee, the hearing shall be scheduled before the Economic Development and Planning Committee and notice of the hearing date shall be given to the applicant who requested the hearing. The notice of hearing shall include:
 - (a) a statement of the time, date and purpose of the hearing; and
 - (b) a statement that if the applicant does not attend the hearing, the

Economic Development and Planning Committee may proceed in their absence without notice to them.

5. The notice of hearing under section 4 may be given by delivering it personally or by sending it by prepaid registered mail to the last known address of the applicant on file with the City. Service by registered mail shall be deemed to have taken place 5 business days after the date of mailing unless the person to whom it is being given establishes that they, acting in good faith, through absence, accident, illness or other cause beyond their control did not receive the notice of appeal until a later date.
6. The Economic Development and Planning Committee shall hold a hearing pursuant to the *Statutory Powers Procedure Act* at the time, date and place set out in the notice of hearing and the Economic Development and Planning Committee may recommend to Council that a permit be refused or issued or that a condition be confirmed, rescinded, varied or imposed on a permit.
7. The Economic Development and Planning Committee shall have regard to the following matters, where relevant, as may be raised at a hearing:
 - (a) this By-law and other applicable law;
 - (b) circumstances and facts raised by the evidence of the parties; and
 - (c) whether strict application of the provisions of the By-law in the context of the circumstances and facts raised by the evidence of the parties would result in unusual hardship for the applicant or be inconsistent with the general intent and purpose of this By-law.
8. The Economic Development and Planning Committee shall forward a report to City Council on its final decision arising from each hearing or opportunity for a hearing.
9. City Council, after considering a report of the Economic Development and Planning Committee, may refuse or issue a permit or confirm, rescind, vary or

impose a condition on a permit, all without a hearing, having regard to the matters considered by the Economic Development and Planning Committee,

this By-law and other applicable law.

10. After City Council has made a decision in respect of a report of the Economic Development and Planning Committee, notice of that decision shall be sent to the applicant by personal delivery or by registered mail to the last known address of the applicant on file with the City.