

THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE

BY-LAW NUMBER 2023-060-RE

BEING A BY-LAW to protect Private, Heritage, and Mature Trees and to require for compensation, relocation and/or removal/cutting of Mature Trees on Private Property in the Secondary Plan Areas of the Town of Whitchurch-Stouffville implemented through site plan agreements, subdivision agreements, or conditions of consent under Sections 41, 51, or 53, respectively of the *Planning Act*, 1990, as amended.

WHEREAS the Council of The Corporation of the Town of Whitchurch-Stouffville resolves that Trees provide numerous ecosystem goods and services by providing shade, habitat for wildlife, removal of air pollutants, and the removal and storage of atmospheric carbon dioxide, and Trees can further help in stormwater management by reducing the amount of runoff that enters stormwater and sewer systems; and

WHEREAS the Council of The Corporation of the Town of Whitchurch-Stouffville recognizes that new developments often involve removal of mature Trees resulting in a net reduction in total Tree canopy coverage area; and

WHEREAS Section 135 (1) of the *Municipal Act, 2001* authorizes a local Municipality to prohibit or regulate the destruction or injuring of Trees; and

WHEREAS the Council of The Corporation of the Town of Whitchurch-Stouffville implements tree-cutting compensation to be implemented through site plan agreements, subdivision agreements, or conditions of consent under Sections 41, 51, or 53, respectively of the *Planning Act*, 1990, as amended.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE ENACTS AS FOLLOWS:

1. DEFINITIONS

For the purpose of this By-law:

"Applicant" means a Person submitting a *Planning Act*, 1990 Application. If the applicant is not the Owner of the property, authorization from the property Owner shall be required.

"Application" means a *Planning Act*, 1990 Application.

"Arborist" means any Persons recognized as being "Qualified" by the Ontario Ministry of Colleges and Universities, being "Certified" by the International Society of Arboriculture, (ISA Certified), a consulting Arborist registered with the American Society of Consulting Arborists, a Registered Professional Forester, or a Person with other similar qualifications as approved by the Town or the Director and/or designate.

"Arborist Report" means a technical report prepared or reviewed by an Arborist, that identifies the location, species, size, condition of Tree (health and structure; good, fair or poor), and describes the reason for removal or the Maintenance strategies and measures to be taken to protect and preserve the Tree and space for future growth.

"Boundary Tree" means a Private Tree inclusive of its Habitat that straddles across two properties whether private or public.

"By-law Enforcement Officer" means a Person employed by the Town to enforce the Town's By-laws.

"Cash-in-lieu Compensation" means the monetary value, plus all applicable taxes, of the Tree determined to be removed or to be replaced, and to be calculated by the

Town as set out in the Town's current Fees and Charges By-law, as may be amended from time to time, or at a value determined by the Director and/or designate, based on the Tree as it existed prior to being injured or destroyed.

"DSH" or "Diameter at Standard Height" means the measurement, at 1.3 meters from the mean grade of the surrounding soils or materials that are not part of the Tree, of the diameter of the trunk of a Tree from outside the bark. Where there are multiple stems on a Tree, the total of the diameters of all the stems measured shall be recognized as the diameter of the Tree.

"Dead or Dying" means a Tree with no living tissue, a Tree where seventy (70) percent or more of its crown is dead, or a Tree infected by a lethal invasive species, as certified by an Arborist.

"Director" means the Town's Director of Public Works, or Director of Development Services, or their designate as the context may require.

"Good Arboricultural Practice" means the proper implementation of removal, renewal and maintenance activities known to be appropriate for individual Trees in and around urban areas to minimize detrimental impacts on urban forest values, and includes pruning of Trees to remove dead limbs, maintain structural stability and balance, or to encourage their natural form, provided that such pruning is limited to the appropriate removal of not more than one-third of the live branches or limbs of a Tree.

"Habitat" means an area that the Tree requires to sustain growth, health and vigor, and where the most vital root growth of the Tree is found.

"Heritage Tree" means a Tree designated under Part IV or Part V of the *Ontario Heritage Act*, R.S.O. 1990, c. O. 18, protected under a heritage conservation easement agreement, or recognized or nominated as a Heritage Tree by the Ontario Heritage Tree Program of Forests Ontario.

"Landscape Plans" mean all plans related to Landscape design of the proposed development submitted with *Planning Act*, 1990 Applications which may include but not be limited to Tree Inventory Plan, Tree Protection Plan, Planting Plan, Landscape Design and Details Plan.

"Maintenance" means the proper plant health care (watering, fertilizing and disease and insect control), cabling or bracing in accordance with Good Arboriculture Practices.

"Mature Tree" means any Private Tree located on Private Property with a DSH of 30 cm or greater, within the Town of Whitchurch-Stouffville settlement areas in an approved Secondary Plan, and shall not be removed or relocated unless permitted by the Director and/or designate.

"Municipal Law Enforcement Officer" means a Police Officer, a Municipal Law Enforcement Officer appointed by the Town, or any other agent acting on behalf of the Town.

"Order" means an Order issued under Section 6 of this By-law by a By-law Enforcement Officer.

"Owner" means the registered Owner of the property on which the base of the Tree is wholly situated, or in the case where the base of a Tree straddles a property line, then the Tree is considered to be owned by both property owners under this By-law. Where the base of a Tree is situated on the property of one registered Owner and the trunk leans over an abutting property before the height of 1.3 meters, then the Tree is also considered to be owned by both property owners. For the purpose of this definition, base of the Tree shall mean where the trunk of the Tree meets the grade of the surrounding soils or materials surrounding the Tree, but shall not include the roots or lateral scaffolding branches if the trunk is not located on the property.

“Permit” means written permission issued by the Town to the Owner or Applicant granting authorization for removing, injuring destruction of Tree(s) on private property.

“Person and/or Persons” includes a natural individual, a corporation, partnership, proprietorship or other form of business association and the heirs, executors, administrators, successors and assigns, or other legal representatives thereof, or a receiver or mortgagee in possession.

“Planning Act Application” means a Site Plan, a Plan of Subdivision or a Consent Application submitted and processed under Sections 41, 51 or 53, respectively of the *Planning Act, 1990*, as amended.

“Planning Approvals” mean approvals obtained by the Director and/or Council through the *Planning Act, 1990* Applications review and approval process.

“Private Property” means any property not owned by the Town, Regional, Provincial or Federal Government, a Crown Corporation, Hydro, Utility, or Railway Company.

“Private Tree” means a Tree owned, maintained or planted on Private Property, and thus in the care of such Owner, including Mature Trees, and including trees with a DSH of 10 cm or greater which is not a Mature Tree, but expressly does not include any Tree in the public right of way or on a Municipal Property.

“Region” means the Regional Municipality of York.

“Registered Professional Forester” means a member of The Ontario Professional Foresters Association entitled to use the designation of “Registered Professional Forester” pursuant to subsection 14(6) of the *Professional Foresters Act, 2000*, S.O. 2000, c. 18, as amended.

“Replacement Tree” means the nursery stock used to replace a Tree, being deciduous nursery stock with a minimum caliper of fifty (50) mm measured no less than fifteen (15) cm above ground level, or coniferous nursery stock no less than two hundred (200) cm in height as measured from ground level to midway between the tip of the leader and the uppermost whorl, or as otherwise approved by the Town.

“Silviculture Treatment” means the care and maintenance of a Tree and its habitat in a manner that meets or exceeds the Town’s expectations for a sustainable and resilient urban forest.

“Town” or “Municipality” means The Corporation of the Town of Whitchurch-Stouffville, or the geographic area of the same as the context requires.

“Town Arborist” means an Arborist employed by the Town or an Arborist selected by the Town.

“Tree” means a plant having a permanently woody main stem or trunk, ordinarily growing to a considerable height, and usually developing branches at some distance from the ground, or any of the various shrubs, bushes, and plants, resembling a Tree in form and size.

“Tree Care Company” means any Company that employs an ISA Certified Arborist to care for, remove or prune a Tree.

“Tree Planting Guide” (TPG) means a comprehensive plan identifying appropriate spacing, type of Habitat, (including soil structure), Tree, shrub, and plant species. TPG will also include Tree stabilization, mulching and post-planting and establishment care. TPG will be guided by the latest ‘Ontario Landscape Tree Planting Guide’ and may also be guided by local Conservation Authorities if planting areas are within their jurisdiction.

“Tree Protection Measures” (TPM) means the way the area around a Tree will be protected.

“Tree Protection Plan” (TPP) means a plan prepared in conjunction with an Arborist Report that identifies and illustrates details of protection measures including the location and size of protective barriers.

“Tree Protection Zone” (TPZ) means an area around a Tree required by the Town to be protected to sustain growth, health and vigor, and where the most vital root growth of the Tree is found as determined by an Arborist.

“Tree Security” means security posted by the Owner or Applicant to guarantee planting and Maintenance of the Private Trees.

“Work” means anything done or proposed to be done on a property which requires an Application or planning approval by or with the Town or other authority.

2. SCOPE/ APPLICABILITY

2.1. This By-law shall apply to regulate the protection of Private Trees, Mature Trees, and Heritage Trees, and to require for compensation, relocation and/or removal/cutting of Mature Trees through the approval of a Site Plan, a Plan of Subdivision or a Consent Application under Sections 41, 51 or 53, respectively of the *Planning Act, 1990*, for new development in the Town of Whitchurch-Stouffville settlement areas in an approved Secondary Plan. This includes: Vandorf-Preston Lake, Community of Stouffville, Gormley, Ballantrae-Musselman Lake and the Hamlet of Bloomington.

For the purposes of this By-law, where a *Planning Act, 1990* Application has been submitted by an Owner or Applicant, and the removal, cutting or injuring of Private Trees and/or Mature Trees has taken place within the 60 month period prior to submission of a *Planning Act, 1990* Application (or such other period of time as determined by the Town), the Owner shall be presumed to have injured, destroyed, or caused to be injured or destroyed the Tree(s), located on the Owner’s property or contravened or caused the contravention of the conditions of a permit issued under this By-law, as the case may be, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

2.2. PROTECTION OF PRIVATE TREES

- a) Where Heritage Trees exist on a Private Property, any/all such Trees and their Habitat must be identified, listed and described on the Landscape Plans submitted with the *Planning Act, 1990* Applications and shall be protected at all times from any and all Work being completed within the Private Property.
- b) Where Mature Trees exist on a Private Property, any/all such Trees and their Habitat must be identified, listed and described on the Landscape Plans submitted with the *Planning Act, 1990* Applications and shall be protected at all times from any and all Work being completed within the Private property.
- c) Where Private Trees exist on a Private Property, any/all such Trees and their Habitat identified for protection must be identified, listed and described on the Landscape Plans submitted with the *Planning Act, 1990* Applications.
- d) All Heritage, Mature and Private Trees and their Habitat identified to be protected or be affected by the Work shall be identified on the Landscape Plans and/or included in the Arborist Report and Landscape Plans, submitted with the *Planning Act, 1990* Applications, to the satisfaction of the Director and/or designate which shall include the following minimum requirements:
 - i) Tree Protection Zone shall include a 1.2 metres (4ft) high hoarding around the complete Tree where possible;
 - ii) Hoarding shall surround the Private Tree(s) to a minimum radius of 2.5 metres (8ft) for the first 30 cm DSH;

- iii) Hoarding shall be constructed with a minimum 2X4 KD Spruce framing supported with corner ties and filled with high visibility manufactured fencing or greater materials. Hoarding shall be staked into the ground, so construction activities will not be able to move or intrude into the TPZ;
- iv) Hoarding shall be constructed with sufficient strength as to keep all construction activities and materials outside of the TPZ;
- v) If lateral branches are extended outside of the TPZ, then construction activities shall not have an effect on those branches, or pruning shall be done by an ISA Certified Arborist so construction activities will not come into contact with or cause damage to those lateral branches;
- vi) Hoarding radiuses will increase 0.5 metres beyond the 2.5 metres for every 10 cm DSH added as the following examples show:
 - 30 cm DSH = 2.5 metre radius
 - 40 cm DSH = 3.0 metre radius
 - 50 cm DSH = 3.5 metre radius
 - 60 cm DSH = 4.0 metre radius and so on
- vii) Tree Protection Zones shall be maintained in good condition and shall not be altered, moved or removed unless authorized by the Town Arborist and/or designate; and
- viii) The Owner shall contact the Town Arborist for inspection of Tree Protection Measures prior to any construction activities on the property.

2.3. RELOCATION OF MATURE TREES

- a) Relocation or cause to relocate a Heritage Tree(s) on a Private Property is strictly prohibited at all times in the Town, from any and all Work being completed within the Private Property.
- b) Where Mature Tree(s) exist on Private Property, all such Tree(s) and their Habitat must first be preserved and protected from any and all Work being completed within the Private Property.
- c) If the Mature Tree(s) and its Habitat cannot be preserved due to proposed new development, all efforts shall be taken to relocate the Mature Tree(s) to another suitable site as chosen by the Director and/or designate, either within the Private Property or on Municipal lands in the Secondary Plan area in which it is located.
- d) All costs associated with relocating the Mature Tree(s) shall be borne by the Owner or the Applicant with compensation included for the future care and Maintenance of the Mature Tree(s) as set out in the Town's current Fees and Charges By-law, as may be amended or replaced from time to time.

2.4. REMOVAL/CUTTING OF MATURE TREES

- a) Removal/cutting or cause to remove/cut a Heritage Tree(s) on Private Property is strictly prohibited at all times from any and all Work being completed within the Private Property.
- b) Notwithstanding 2.2(b), where Mature Tree(s) exist on Private Property, such Mature Tree(s) may be permitted to be removed/cut, subject to the approval of the Director and/or designate under following circumstances:
 - to accommodate new development;
 - the Mature Tree(s) constitutes a hazard to life or property and is a public nuisance as determined by the Director and/or designate;
 - the Mature Tree(s) is infested by disease or injurious insects and is structurally compromised as determined by an ISA Certified Arborist;

- the Mature Tree(s) is a Dead or Dying Tree;
 - the Mature Tree(s) is planted so close to another Tree that it impedes the proper growth of the other Tree; or,
 - any other good reason which the Director and/or designate may deem necessary.
- c) Subject to 2.4 (b) no Person, shall remove/cut, any Mature Tree and its Habitat except as expressly authorized to do so by the Director and/or designate through the review and approval of *Planning Act, 1990* Applications.
- d) The Director and/or designate is authorized to require Mature Tree removal/cutting compensation either through planting Replacement Tree(s) or paying Cash-in-lieu Compensation for every Mature Tree proposed to be removed/cut, through the review and approval of *Planning Act, 1990* Applications and implemented by including it as a condition approval of the *Planning Act, 1990* Application by the Director and/or designate, as follows:
- i) Replacement Tree(s) for each Mature Tree removed/cut, to be planted on the same Private Property, at a ratio of:
- 3:1 for Mature Trees 30 cm to 49cm in DSH;
 - 5:1 for Mature Trees 50 cm in DSH;
 - 1 replacement Tree for every 10 cm in DSH of Mature Tree(s) removed; or,
 - If the above ratios are not deemed appropriate by the Director and/or designate for the site, Tree replacement and compensation shall be determined through the *Planning Act, 1990* Application review and approval process and as approved by the Director and/or designate.
- ii) Notwithstanding 2.4 (d)(i), if any/all Replacement Tree(s) planting cannot be accommodated on the Private Property, as determined by the Director and/or designate, the Owner/Applicant must pay the Cash-in-lieu Compensation for each Replacement Tree, as per 2.4 (d)(i) above, in accordance with the Town's Fees and Charges By-law as may be amended or replaced from time to time, which would be used for planting additional Trees or maintenance of existing on municipal lands, implemented by including it as a condition approval of the *Planning Act, 1990* Application by the Director and/or designate.
- iii) Any/all Replacement Tree(s) proposed to be planted and existing Private Tree(s) proposed to be protected on the property, shall be secured for planting and Maintenance through appropriate securities and implemented by including it as conditions of approval of *Planning Act, 1990* Applications.
- e) Where a Mature Tree is a Boundary Tree, the Owner/Applicant shall provide to the Director and/or designate the written consent of the other property Owner or Owners to the Application.

3. IMPLEMENTATION

- 3.1. Submission materials submitted to the Director and/or designate as part of a *Planning Act, 1990* Application, when required, shall provide but not be limited to the following, to the satisfaction of the Director and/or designate:
- a) The name, address and telephone number of the Owner and Applicant;
 - b) Arborist Report;
 - c) Landscape Plans satisfactory to the Director and/or designate;
 - d) A Tree Planting Guide or compensation plan identifying either appropriate Tree compensation or financial compensation for the removal of the Tree(s);
 - e) A Tree Protection Plan;

- f) Size and condition of the Private and Mature Tree(s) to be removed; and,
 - g) Such additional information and documentation as the Director and/or designate may require.
- 3.2.** Where Planning Approval has been granted by the Town, no Person shall permit relocation, removal/cutting or cause the relocation and removal/cutting of any Private Tree(s) and/or Mature Tree(s) unless it is done in accordance with the conditions of the Planning Approvals and any other supporting documentation relevant to the granting of the Planning Approvals.
- 3.3.** The Director and/or designate may require an Arborist Inspection Fee where an inspection is undertaken in order to determine compliance with this By-law or the conditions of Planning Approvals.
- 3.4.** All fees shall be paid by the Owner/Applicant as set out in the Town's current Fees and Charges By-law, as may be amended or replaced from time to time.
- 3.5.** The Owner/Applicant shall notify all contractors and other parties working on any site of applicable approved Plans and Reports, and shall ensure that all contractors and other parties adhere strictly to the requirements of the applicable approved Plans and Reports.
- 3.6.** Every Person carrying out Work on Private Property or carrying out Work that may impact a Mature Tree and its Habitat on Private Property, shall carry out such Work in accordance with:
- a) This By-law;
 - b) The terms and conditions of the Director and/or designate; and
 - c) Any/all Approved Landscape Plan(s) or Arborist Report(s) submitted with the *Planning Act, 1990* Application(s).
- 3.7.** No Person shall place any building material, construction equipment or other similar objects during the construction process against or under a Mature Tree and its Habitat that may cause damage to the Mature Tree or compaction to the soils in which the Mature Tree is growing.
- 3.8.** No Person shall bury the roots, mark, cut, break, and peel or deface any part of a Mature Tree and its Habitat during the construction process.
- 4. EXEMPTIONS**
- 4.1.** The provisions of this By-law do not apply to:
- a) Any Private Tree that falls under the Region's Forest Conservation By-law No. 2013-68, as amended.
 - b) Activities or matters or the removal of any Private Tree exempted pursuant to subsection 135(12) of the *Municipal Act, 2001*;
 - c) The removal/cutting of a Private Tree or a Mature Tree, or where specifically noted in the following clauses, that:
 - i. is required as a result of Emergency Work, as defined in this By-law;
 - ii. is required under an Order under any Property Standards By-law of the Town;
 - iii. any utility company or Person(s) or Tree Care Company requiring the pruning, Maintenance or removal of branches or limbs of any Private Tree, where the branches or limbs interfere with existing utility conductors, buildings or structures, or cause hazards, provided such activities shall be carried out in accordance with Good Arboricultural Practice;
 - iv. is a Private Tree on a raised podium, in an indoor courtyard, in a solarium or on a rooftop garden, excluding rooftops of parking garages or other substructures below or at grade;

- v. is a Private Tree in a nursery or cultivated orchard, provided that it is a Private Tree devoted to the nursery or orchard business and maintained for sale or propagation of Trees or fruits for sale;
- vi. is a Private Tree located on an existing and actively operating golf course;
- vii. Private Trees within a Tree Farm that are being actively managed and harvested for the purpose for which the Private Trees were planted;
- viii. invasive species as determined by the Ontario Invasive Species Act, 2015; and,
- ix. is a situation where there is concern for health and safety, as determined by the Director and/or designate.

5. DELEGATED AUTHORITY

- 5.1.** The Director and/or designate is hereby delegated the authority and responsibility for the administration of this By-law, including the authority to receive certificates from Arborists, drawings, plans, reports and studies for the purpose of this By-law and any associated fees, to issue, to revoke and to refuse to issue approvals and also to impose conditions through Planning Approvals in accordance with this By-law.
- 5.2.** The Director and/or designate are hereby authorized to delegate responsibilities for the administration and enforcement of this By-law to any Town staff or external third parties deemed to be qualified and appropriate by the Director and/or designate for such purposes.
- 5.3.** The Director and/or designate, the Town Arborist and Municipal Law Enforcement Officers of the Town are hereby delegated the authority to enforce this By-law, including the authority to conduct inspections of Private Tree(s) pursuant to the exercise of their authority under this By-law and any other enacted Town By-law or legislation.

6. ENFORCEMENT

- 6.1.** Every Person including a corporation, that contravenes any provision of this By-law, including any Order issued under this By-law shall be deemed guilty of an offence.
- 6.2.** Where the Town is satisfied that a contravention of this By-law has occurred, the Town may issue an Order requiring the Person who contravened this By-law, or who caused or permitted the contravention or the Owner, Applicant or occupier of the land on which the contravention occurred, to do Work to correct the contravention.
- 6.3.** Where any Person(s) including a corporation that contravenes an Order issued under Section 6.2, the Municipal Law Enforcement Officer may, without notice to the Person(s) or the corporation, cause the Work to correct the contravention to be done at each Person(s)' or corporation's expense, including any administrative or additional fees as required under the Town's Fees and Charges By-law. Without limitation, the Municipal Law Enforcement Officer may retain such Person(s) to assist in completing the Work as the Municipal Law Enforcement Officer determines appropriate.
- 6.4.** If an Order has been issued under this By-law, and the Order has not been complied with, the contravention of the Order shall be deemed to be a continuing offence for each day or part of a day that the Order is not complied with.
- 6.5.** A Municipal Law Enforcement Officer may:
 - a) Issue an Order, describing a contravention, specifying the timeframe for its remedy, and establishing any other conditions deemed appropriate to mitigate any potentially adverse impacts;

- b) Pursuant to the authorization of the Director and/or designate, suspend or revoke a Permit for any violation of this By-law or the conditions of a Permit.
- 6.6. In addition to the Director and/or designate and the Town Arborist, at any reasonable time, enter on any land for the purpose of enforcing an Order issued under this By-law, to carry out any work permitted by Section 6.3 of this By-law, and/or carrying out an inspection to determine whether or not the following are being complied with:
 - (a) this By-law;
 - (b) direction or Order made pursuant to this By-law or the *Municipal Act, 2001*;
 - (c) condition of a Permit issued under this By-law; or
 - (d) an Order made under Section 431 of the *Municipal Act, 2001*.
- 6.7. For the purposes of an inspection under subsection (6.6), the Person conducting the inspection may:
 - a) require the production for inspection of documents or things relevant to the inspection;
 - b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - c) require information from any Person concerning a matter related to the inspection; and
 - d) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 6.8. The Director and/or designate may undertake an inspection pursuant to an Order issued under section 438 of the *Municipal Act, 2001*.
- 6.9. No Person shall obstruct a Municipal Law Enforcement Officer who is carrying out an inspection pursuant to this By-law. Any Person who obstructs the Municipal Law Enforcement Officer is guilty of an offence.

7. PENALTY

- 7.1. Every Person who is guilty of an offence under this By-law shall be subject to the following penalties:
 - a) Upon a first conviction, to a fine of not less than \$500 and not more than \$50,000;
 - b) Upon a second or subsequent conviction for the same offence, to a fine of not less than \$2,000 and not more than \$100,000;
 - c) Upon conviction for a continuing offence, to a fine of not less than \$2,000 and not more than \$10,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000;
 - d) Upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$2,000 and not more than \$10,000. The total of all fines for each included offence is not limited to \$100,000.
- 7.2. For the purposes of this By-law, “multiple offences” means an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of a provision of this By-law. For greater certainty, when multiple Private or Mature Trees are removed/cut the removal/cutting of each Private or Mature Tree is a separate offence.
- 7.3. When a Person has been convicted of an offence under this By-law:

- a) the Ontario Court of Justice; or
 - b) any Court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the Person convicted, make an Order prohibiting the continuation or repetition of the offence by the Person convicted.
- 7.4.** Municipal fees for administration and enforcement activities under this By-law shall be subject to the rates and fees set out in the Town's current Fees and Charges By-law as amended or any successors thereto.
- 7.5.** Upon conviction of an offence under this By-law, in addition to any other remedy or penalty, the Town may further request the court in which the conviction is entered and any court of competent jurisdiction thereafter to make an Order:
- a) prohibiting the continuation or repetition of the offence by the Person convicted; and
 - b) requiring the Person convicted to correct the contravention in the manner and within the period the court may consider appropriate, which may include a request for an Order for:
 - i) the planting or replanting of any Private Tree(s) removed in a specified location and within a specified period of time; and
 - ii) the Application of any Silvicultural Treatment that may be necessary to re-establish the Private Tree(s).

8. SEVERABILITY

- 8.1.** If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.

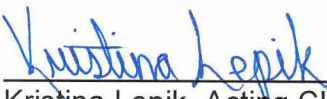
9. SHORT TITLE

- 9.1.** The short title of this By-law is the "Private Tree Preservation and Protection By-law related to Development Applications".

READ a first and second time this 7th day of June, 2023.

READ a third time and passed this 7th day of June, 2023.


Iain Lovatt, Mayor


Kristina Lepik, Acting Clerk