

The Corporation of the Town of Saugeen Shores

By-law 95-2025

Being a By-law to protect and preserve trees on Town Property

Whereas the Council of the Town of Saugeen Shores is authorized, without limiting its broad municipal powers, by subsection 11(2) and sections 135, 139 to 141, 391, 425, 429, 431 and 444, 446 of the *Municipal Act, 2001*, S.O. 2001 c.25, as amended (the "*Municipal Act, 2001*"), to regulate and prohibit the Destruction or Injuring of Trees and to provide for a system of fines and other enforcement;

And Whereas the Town is the Owner of or has jurisdiction over various parcels of land within the Town of Saugeen Shores;

And Whereas the Council of the Town of Saugeen Shores desires to protect trees on those lands owned or within the jurisdiction of the Town from Destruction and Injury by others;

Now Therefore Be it Resolved that, the Council of the Corporation of the Town of Saugeen Shores enacts as follows:

Part 1: Definitions

1.1. For the purpose of this By-law, the following definitions apply:

"Boundary Tree" means a Tree where any part of a Tree's root flare is growing across one or more property lines.

"Bruce County Forest Conservation By-law" means Bruce County Forest Conservation By-law No. 4071, as amended from time to time, or any other successor by-law passed by the Corporation of the County of Bruce that regulates the Destruction or Injury of Trees in woodlands of at least one hectare and more in area.

"Council" means the Council for the Corporation of the Town of Saugeen Shores.

"Dead" means void of living tissue.

"Deface" includes but is not limited to the painting or carving of words, figures, symbols or any other markings on the bark of a tree.

"Designate" means any Person acting with express authority conferred in writing by the Director and may include but is not limited to Town employees or Qualified Tree Professionals hired by the Town.

"Destroy", "Destruction" or "Destroyed" means to remove, cut down or otherwise cause significant physical harm or damage to a Tree, including but not limited to girdling, poisoning, or burning, to such extent that the Tree is Dead or no longer viable and unlikely to regain vitality.

"Diameter at Breast Height" or "dbh" means the:

- (a) measurement of the diameter of the trunk of a tree from the outside bark at a height of 1.37 meters above the existing ground adjoining its base; or,
- (b) where there are multiple stems of a tree, means the square root of the sum of each stem diameter squared measured from the outside bark at a height of 1.37 meters.

"Director" means the Director of the Department with responsibility for administering this By-law or their Designate.

"Emergency Tree Work" means:

- (a) any work requiring the Destruction of a Tree where the likelihood of Tree failure is imminent or a Tree or part of a Tree is in active failure; or
- (b) where a Tree must be Injured or Destroyed in order to address an immediate danger to the health and safety of any Person or property.

“Fee” or “Fees” means the fees and charges referred to herein and are prescribed in the Fees and Charges By-law.

“Fees and Charges By-law” means the current Town of Saugeen Shores By-law to impose fees and charges passed pursuant to section 391 of the *Municipal Act, 2001*.

“Good Arboricultural Practice” means removal, planting and maintenance activities associated with trees in accordance with the most recent techniques or methods of tree management recommended by the International Society of Arboriculture or their successor, conducted to the satisfaction of the Director.

“Guidelines” includes the Tree Protection and Planting Guidelines and any other guidelines, policies, specifications and/or processes followed by the Town involving trees.

“Hazardous Materials” includes any contaminant that can or has the potential to harm the natural environment and is capable of posing a risk to the health of a tree, including but not limited to fertilizers, pesticides or other chemicals or substances.

“Injure”, “Injury” or “Injured” means any act or omission that physically harms or damages or has the potential to physically harm or damage a Tree’s health or structure in any manner, including but not limited to any of, or a combination of, the following:

- (a) Removing, cutting, girdling, or smothering of a Tree or its roots;
- (b) Pruning that does not follow Good Arboricultural Practice;
- (c) Interfering with the water supply to a Tree;
- (d) Setting fire to a Tree;
- (e) Transplanting a Tree;
- (f) Compaction, excavation, re-grading or performing any operations within the Tree Protection Zone; or
- (g) Any other damage resulting from neglect or by design.

“Lot” means a parcel of land having specific boundaries and is capable of legal transfer.

“Officer” means a Person appointed pursuant to the *Police Services Act*, or any successor legislation, as a municipal law enforcement Officer; a By-law Enforcement Officer retained or employed by the Town; a Person appointed under this By-law to administer or enforce this By-law, including a Person employed by the Town whose duties are to administer or enforce this By-law, or other By-laws enacted by the Town from time to time.

“Order” means an Order to Discontinue Activity or an Order to Remedy, as the context requires.

“Owner” means all registered owners of the Lot as identified in the Land Registry Office for Bruce County (LRO#3) and includes any successors and assigns in title.

“Person” means an individual, sole proprietorship, partnership, association, company or corporation.

“Private Property” means any and all real property or land, other than Town Property.

“Pruning” means the removal of branches from a Tree in accordance with Good Arboricultural Practice.

“Qualified Tree Professional” means a professional who has gained recognized Certifications, qualifications and expertise in the care and management of Trees. Recognized certifications and qualifications for Qualified Tree Professionals include:

- (a) Registered Consulting Arborist (RCA) with the American Society of Consulting Arborists (ASCA); or
- (b) Certified Arborist, Board Certified Master Arborist, or Arborist Municipal Specialist with the International Society of Arboriculture (ISA); or
- (c) Registered Professional Forester (RPF) as defined in the *Professional Foresters Act, 2000*, SO 2000, c.18, with urban forestry experience; or
- (d) Qualified OCOT (Ontario College of Trades) designation as Arborist (444A) and/or Utility Arborist (444B).

“Replacement Tree” or **“Replacement Trees”** means a tree(s) that is planted as a result of a contravention of this By-law to replace another tree(s) that was removed as a result of the contravention of this By-law.

“Replacement Tree Fee” means the Fee charged by the Town for payment as cash-in-lieu of planting a Replacement Tree(s) under this By-law, as may be prescribed from time to time in the Fees and Charges By-law, which fee shall be deposited by the Treasurer on receipt into the Reserve Fund.

“Replacement Tree Schedule” means the table attached as ‘Schedule 1’, which is used by the Manager to calculate the number of Replacement Trees, or cash in lieu of a Replacement Tree, that is to be planted or paid by a Tree Permit Holder when a Tree is Destroyed pursuant to a Tree Permit.

“Reserve Fund” means a reserve fund established by Council for the purpose of tree planting initiatives within the Town of Saugeen Shores.

“Town” means The Corporation of the Town of Saugeen Shores.

“Town Property” means any and all real property or land owned by the Town or any real property within the Town’s jurisdiction.

“Town Street” includes but is not limited to a common or public highway, road, street, boulevard, lane or other road allowance or any portion thereof under the ownership or jurisdiction of the Town.

“Tree” or **“Trees”** means any species of woody perennial plant with an elongated stem, or trunk, usually supporting branches and leaves, and includes its root system, shall not include those trees harvested in a woodland, as defined and set out in Bruce County Forest Conservation By-law.

“Tree Protection and Planting Guidelines” means the most recent version of the Town of Saugeen Shores’ Guidelines for Tree Protection and Planting, as amended and replaced from time to time.

“Tree Protection Zone” means the minimum setback from a tree (including above and below ground level) required to protect the health and structural integrity of a tree as prescribed by the Town of Saugeen Shore’s Guidelines for Tree Protection and Planting, as amended or replaced from time to time.

Part 2: Short Title

2.1 This By-law may be cited as “Tree Protection on Town-Owned Property By-law”.

Part 3: Application

3.1 This By-law applies to Trees on Town Property within the Town of Saugeen Shores.

3.2 Nothing in this By-law shall exempt any Person from complying with any other By-law or requirement of the Town, including but not limited to obtaining any certificate, licence, permission, permit, authority or approval required by the Town.

Part 4: Exemption from By-law

4.1 This By-law does not apply to:

- (a) In connection with activities or matters undertaken by the Town or an affiliated local board or committee;
- (b) By a Person licensed under the *Surveyors Act*, RSO 1990, c.S.29 to engage in the practice of cadastral surveying or his or her agent, while making a survey;
- (c) Any Trees outlined in an Environmental Impact Study in support of any Application or any agreements pursuant to the *Planning Act*, RSO 1990, c.P.13, as it relates to satisfying the Town’s conditions of approval of a site plan, a plan of subdivision, or consent under sections 41, 51 or 53 of the *Planning Act*, or as a requirement of a site plan, subdivision agreement entered into under those sections of the Act;
- (d) For the purpose of satisfying a condition of a development permit authorized by regulation made under section 70.2 of the *Planning Act*, as a requirement of an agreement entered into under the regulation with the Town on the condition that the Person remains in compliance with the issued permit, including remaining within the approved area;
- (e) By a transmitter or distributor as defined in the *Electricity Act*, 1998, S.O. 1998, c.15, Sched. A. and is for the purpose of constructing and maintaining a transmission system or a distribution system as defined under that Act; and
- (f) If the Tree or Town Property is under the care and/or control of either the Corporation of the County of Bruce, Province of Ontario, Government of Canada (including First Nations Reserves) or Saugeen Valley Conservation Authority.

Part 5: Authority of Director

5.1 The Director is hereby authorized to plant, supervise, monitor, care and maintain, protect, preserve and remove Trees on Town Property.

5.2 Without limiting the generality of section 5.1, the Director is hereby authorized to take or cause to be taken the following action:

- (a) Administration of this By-law;
- (b) Plant Trees on Tree Property;
- (c) Care and maintain Trees located on Town Property, which may include, but not be limited to, the removal of Trees;

- (d) Remove without notice or compensation to any Person, any object or thing that adversely affects a Tree or part of a Tree located on Town Property, including an object or thing located on Private Property;
- (e) Implement all necessary treatments for insect and disease problems associated with a Tree located on Town Property;
- (f) Cause any activity that is causing Injury or Destruction to a Tree located on Town Property to be stopped immediately if the activity being undertaken is without the permission or approval of the Director;
- (g) Cause an Order to be issued pursuant to this By-law if, in the opinion of the Director, there has been a failure to comply with this By-law;
- (h) Implement all necessary treatments for insect and disease problems associated with a Tree located on Town Property;
- (i) Enter onto Private Property adjacent to a Town Street or Town Property to inspect for decayed, damaged or dangerous trees, Boundary Trees or branches of trees extending over a Town Street or Town Property, and to remove all or part of a tree, Boundary Tree or tree branches without notice to the Private Property Owner, if in the opinion of the Director or Qualified Tree Professional, the tree, Boundary Tree or tree branches pose a hazard or an immediate danger to the health and safety of any Person using the Town Street or there is an immediate risk of damage to Town's assets;
- (j) Enter onto Private Property adjacent to Town Property for the purpose of removing or trimming a Boundary Tree or trimming branches of trees extending onto Town Property that interfere with the installation, repair or maintenance of municipal infrastructure. If, during the installation, repair or maintenance of the municipal infrastructure located within Town Property, it is necessary to remove a Boundary Tree, and the Private Property Owner requests in writing a desire to replace the Boundary Tree, the Director shall, in consultation with the Owner, either authorize the planting of a Replacement Tree at a location as near as possible to the prior location; or (2) reimburse the Private Property Owner, up to the maximum amount stipulated in Schedule 1 for one Replacement Tree, within 10 Business Days' of receiving proof of payment of the purchase of the said Replacement Tree; and
- (k) Impose such terms and conditions on any Person to give effect to this By-law.

Part 6: Prohibitions

- 6.1 No Person shall do any of the following, or cause or permit to be done to a Tree on Town Property, including a Boundary Tree, any of the following:
 - (a) Injure or Destroy all or part of a Tree; or
 - (b) Deface, tack, paste or otherwise attach a sign or note or any other thing or object to a Tree; or
 - (c) Apply Hazardous Materials to a Tree; or
 - (d) Store Hazardous Materials within the Tree Protection Zone of a Tree; or
 - (e) Spill Hazardous Materials within the Tree Protection Zone of a Tree.
- 6.2 No Person shall plant, or cause or permit to be planted, a Tree on Town Property without the written approval of the Director.
- 6.3 No Person shall remove, or cause or permit to be removed, a Tree from Town

Property without the written approval of the Director.

- 6.4 No Person shall hinder or obstruct or attempt to hinder or obstruct, either directly or indirectly, the Director or their Designate, an Officer or any Person who is exercising a power or performing a duty under this By-law.
- 6.5 No Person shall fail to comply with an Order issued under this By-law.
- 6.6 No Person shall fail to comply with an order that has been issued pursuant to section 431 of the *Municipal Act, 2001*.
- 6.7 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under an order issued by a provincial judge or justice of the peace under section 438 of the *Municipal Act, 2001*.

Part 7: Enforcement, Remedial Action and Recovery of Expenses

Entry And Inspection

- 7.1 Any Person authorized to enforce this By-law may enter on any land, including Private Property, at any reasonable time and in accordance with the conditions set out in the *Municipal Act, 2001* for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - (a) an Order or other requirement under this By-law, including any policy or guideline made or issued in connection with this By-law; or
 - (b) an Order made under section 431 of the *Municipal Act, 2001*.
- 7.2 Any Person authorized to enforce this By-law may undertake an inspection pursuant to an Order issued by a provincial judge or justice of the peace under section 438 of the *Municipal Act, 2001*, in accordance with the conditions set out in that section, where they have been prevented or is likely to be prevented from carrying out an inspection under this By-law.
- 7.3 Any Person who is alleged to have contravened any of the provisions of this By-law shall identify themselves to the Officer upon request, failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of their duties.

Power To Make Orders – Remedial Action

Order to Discontinue Activity

- 7.4 Where an Officer is satisfied that a contravention of this By-law has occurred, they may make an Order requiring the Person who has contravened this By-law, or who caused or permitted the contravention, to discontinue the activity.
- 7.5 An Order issued pursuant to section 7.4 shall set out:
 - (a) reasonable particulars of the contravention sufficient to identify the contravention and the location of the Lot on which the contravention occurred; and
 - (b) the date or dates by which there shall be compliance with the Order, which may be of immediate effect should the Officer determine that the circumstances warrant.

Order to Remedy

- 7.6 If an Officer is satisfied that a contravention of this By-law has occurred, they may

issue an Order to Remedy requiring the Person who has contravened this By-law or who caused or permitted the contravention or the Owner or any Person occupying the adjacent Lot on which the contravention occurred, to do work to correct or rectify the contravention.

7.7 An Order to Remedy issued pursuant to section 7.6 shall set out:

- (a) reasonable particulars of the contravention sufficient to identify the contravention;
- (b) the location of the Lot on which the contravention occurred;
- (c) any special terms or conditions to be completed by the Person who caused or permitted the contravention in order to rectify the contravention, which may include but is not limited to requiring:
 - (i) that any Injured or Destroyed Tree be replaced on the Lot with a Replacement Tree(s), and further specify the species and location of any Replacement Tree(s); or
 - (ii) require payment of the Replacement Tree Fee in lieu of planting a Replacement Tree(s), which Replacement Tree fee the Director shall deposit into the Reserve Fund;
- (d) the date(s) by which the work required by the Order to Remedy must be completed; and
- (e) the contact information of the Town's representative.

Service of Order

7.8 An Order issued under this By-law may be served personally or may be sent by registered mail to the Person contravening the By-law or may be posted in a conspicuous place on the Person's property where the contravention occurred.

7.9 Where service of an Order under this By-law is served personally, it shall be deemed to have been served on the date of delivery to the person or persons named in the Order.

7.10 Where an Order issued under this By-law is sent by registered mail, it shall be sent to the last known address of one or more of the following, as applicable:

- (a) the Person contravening the By-law;
- (b) the Person who caused or permitted the contravention;

and shall be deemed to have been served on the fifth (5th) day after the Order was mailed.

7.11 In addition to service under section 7.5, an Order may also be posted at the Private Property of the Person contravening the By-law or who caused or permitted the contravention, in a location visible to the Person. If an Order is posted on the Private Property, it shall be deemed served on the same day that the Order is posted

Town Action - Remedial Action

7.12 If a Person is required under an Order under this By-law to do a matter or thing and has failed to do the matter or thing that it is so required to do, the matter or thing may be done by the Town at the Person's expense under the direction of the Director.

7.13 The Town may recover the cost of doing a matter or thing under section 7.12 from the

Person required to do it, by adding the costs to the tax roll of that Person's property and collecting them in the same manner as property taxes, pursuant to section 446 of the *Municipal Act, 2001*.

- 7.14 The amount of the Town's costs, including interest at an annual interest rate of 15 percent commencing on the day the Town incurs the costs and ending on the day the full costs, including interest, are recovered in full, constitutes a lien on the land upon the registration in the Land Registry Office for Bruce County (LRO#3) of a notice of lien.

Part 8: Offences and Penalties

Offences

- 8.1 Any Person who contravenes any provision of this By-law, or an Order issued pursuant to this By-law, is guilty of an offence and, if the Person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, is guilty of an offence.
- 8.2 All contraventions of any provision of this By-law or an Order issued pursuant to this By-law are designated as multiple offences and continuing offences pursuant to section 429(2) and (5) of the *Municipal Act, 2001*.

Penalties

Penalties – Minimum and Maximum

- 8.3 Upon conviction of an offence under this By-law, every Person may be liable to a fine, as follows, and any such other penalties as provided for in this By-law, the *Municipal Act, 2001* and by the *Provincial Offences Act*, RSO 1990, c. P. 33:
- (a) a Person, other than a corporation, is liable for every day or part thereof upon which such offence occurs or continues to a minimum fine of \$250.00 and a maximum fine of \$25,000.00 for a first offence, where the fine is not a set fine, and a minimum fine of \$500.00 and a maximum fine of \$50,000.00 for a subsequent offence; and
 - (b) a Person that is a corporation, is liable for every day or part thereof upon which such offence occurs or continues to a minimum fine of \$500.00 and a maximum fine of \$50,000.00 for a first offence, where the fine is not a set fine, and a minimum fine of \$1,000.00 and a maximum fine of \$100,000.00 for a subsequent offence; and
 - (c) in the case of multiple offences, for each offence included in the multiple offence, a fine of not less than \$500.00 and no more than \$10,000 and the total of all fines for each included offence is not limited to \$100,000.00.

Penalties – Continuing Offence

- 8.4 A Person who contravenes an Order made under this By-law, or an officer or director of a corporation who knowingly concurs in such a contravention by the corporation, is guilty of a continuing offence, and upon conviction is liable to a daily fine or penalty to a fine not exceeding \$1,500.00 for each day or part of a day that the offence continues, and despite section 8.3, the total of all the daily fines imposed for an offence is not limited by the fine amounts listed in those sections.

Penalties - Special Fines

- 8.5 A Person who is convicted of an offence under this By-law may be liable, in addition to the fines established under sections 8.3 and 8.4, to a special fine, which may

exceed \$100,000.00, designed to eliminate or reduce any economic advantage or gain from contravening this By-law or failing to comply with an Order made under this By-law.

Set Fines

- 8.6 Every Person who contravenes any provision of this By-law, upon conviction, may be liable to a set fine, as set out in Schedule 1 attached.

Court Order – Additional Order to Discontinue Or Remedy – S.431 *Municipal Act, 2001*

- 8.7 Where a Person has been convicted of an offence under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed by this By-law, and pursuant to section 431 of the *Municipal Act, 2001*, make an order:
- (a) prohibiting the continuation or repetition of the offence by the Person convicted; and
 - (b) in the case of a by-law described in section 135 of the *Municipal Act, 2001*, requiring the Person convicted to correct the contravention in the manner and within the period that the court considers appropriate.
- 8.8 Any costs payable or associated with an order of the court are in addition to, and not in substitution for, the payment of any penalty imposed by the court for the commission of an offence under this by-law or any other applicable legislation.

Part 9: Miscellaneous

- 9.1 Schedules 1 and 2 shall form part of this By-law.
- 9.2 Council may impose fees and charges to recover its costs in relation to the administration and enforcement of this By-law through the Fees and Charges By-law.
- 9.3 Should a court of competent jurisdiction declare a part or whole of any provision of this By-law to be invalid or of no force and effect, then the particular provision or part thereof is deemed severable from this by-law, and it is the intention of Council that the remainder survive, and be applied and enforced in accordance with its remaining terms to the extent possible under law.
- 9.4 References in this By-law to any legislation or by-law means as may be amended or replaced from time to time and include any regulations thereunder.
- 9.5 Headings are inserted for ease of reference only and are not to be used as interpretation aids.
- 9.6 This By-law shall come into force and effect on January 1, 2026.

Read and Finally Passed and Sealed this 14th day of October, 2025.

"Original signed"

Luke Charbonneau, Mayor

"Original signed"

Dawn Mittelholtz, Clerk

By signing this By-law on October 14, 2025, I, Mayor Luke Charbonneau, will not exercise the power to veto this by-law pursuant to subsection 284.11 (4)(a).

"Original signed"

Luke Charbonneau, Mayor

The Corporation of The Town Of Saugeen Shores
Schedule 1 to By-law 95-2025

Tree Protection By-law – Town Property

Replacement Tree Schedule

The number of Replacement Trees required or the Replacement Tree Fee to be paid in lieu of the diameter at breast height (dbh) of the Tree that is Injured, Destroyed or removed. The following table outlines the Replacement Tree ratio and the corresponding fee if Replacement Trees cannot be accommodated.

Diameter at Breast Height (cm)	Replacement Tree Ratio – If Replacement Tree(s) can be accommodated	Replacement Tree Fee - If Replacement Tree cannot be accommodated
<10	Not Applicable	Not Applicable
10-20	1:1	\$500 per tree
21-35	2:1	
36-50	3:1	
51-65	4:1	
>65	5:1	

NOTE: The calculation is based on Diameter at Breast Height (dbh) of a single Tree. If more than one Tree is Injured, Destroyed or removed, the average dbh of up to ten (10) trees, considered as one ecological unit, will determine the number of Replacement Trees or the Replacement Tree Fee to be paid to the Town.

The Corporation of The Town Of Saugeen Shores
Schedule 2 to By-law 95-2025

Tree Protection By-law – Town Property

Part II- Provincial Offences Act

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Injure or destroy Tree	6.1 (a)	\$500.00
2	Deface a Tree	6.1 (b)	\$250.00
3	Attached an object to Tree	6.1 (b)	\$500.00
4	Apply hazardous materials to Tree Protection Zone	6.1 (c)	\$500.00
5	Store hazardous materials to Tree Protection Zone	6.1 (d)	\$500.00
6	Spill hazardous materials to Tree Protection Zone	6.1 (e)	\$500.00
7	Plant tree on Town Property	6.2	\$250.00
8	Remove Tree from Town Property	6.3	\$500.00
9	Obstruct or interfere with an Officer	6.4	\$250.00
10	Fail to comply with Order	6.5	\$500.00
11	Fail to comply with Section 431 Order	6.6	\$1000.00

NOTE: The penalty provision for the offences indicated above is section 8 of By-law 95-2025 certified copy of which has been filed.