

COUNTY OF OXFORD

BY-LAW NO. 5900-2017

BEING a By-law to amend By-law No. 4707-2006 a By-law amending By-law No. 4489-2004, the Woodlands Conservation By-law.

WHEREAS, Section 135(1) of the *Municipal Act, 2001, S.O. 2001, Chapter 25*, provides that Oxford County has the authority to pass a By-law to prohibit or regulate the destruction or injuring of trees in woodlands.

AND WHEREAS, Section 15 of the *Police Services Act* provides Council with the authority to appoint persons as peace officers in the enforcement of County By-laws.

AND WHEREAS, it is prudent to update information contained in Section 21 of By-law No. 4707-2006 passed by Council on June 28, 2006.

NOW THEREFORE, the Council of the County of Oxford enacts as follows:

1. That By-law No. 4707-2006 be amended by deleting Section 21 and replacing it with the following:

21. That Section 10 is amended with the insertion of subsection 10(b)

“The Chief Administrative Officer is hereby authorized to delegate the duties and authorities of the **Woodlands Conservation Municipal Law Enforcement Officer** in and for the County of Oxford”

2. That this By-law is deemed to have come into force January 18, 2017.

READ a first and second time this 25th day of January, 2017.

READ a third time and finally passed this 25th day of January, 2017.

"David Mayberry"

DAVID MAYBERRY, WARDEN

"Brenda J. Tabor"

BRENDA J. TABOR, CLERK

The Corporation of the County of Oxford

Woodlands Conservation

By-Law No. **4489-2004**

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THE CORPORATION OF
THE COUNTY OF OXFORD

WOODLANDS CONSERVATION BY-LAW NO.: **4489-2004**

To prohibit or regulate the harvesting, destruction or injuring
of trees in woodlands in the
County of Oxford

WHEREAS s.135(2) of the *Municipal Act*, R.S.O. S.O. 2001, c.25, as amended, permits the enactment of a By-Law by the Council of the County of Oxford to prohibit or regulate the harvesting, destruction or injuring of trees in woodlands;

AND WHEREAS Council may require that a permit be obtained to harvest, injure or destroy trees in woodlands specified in the By-Law and impose conditions on a Permit, including conditions relating to the manner in which destruction occurs and the qualification of persons authorized to injure or destroy trees.

AND WHEREAS Council has determined that it is desirable to enact such a By-Law for the purpose(s) of improving the forest, soil, wildlife, fish and water resources of the County by conserving and improving the woodlands in the County

Now, therefore, the Council of the Corporation of the County of Oxford HEREBY ENACTS the Woodlands Conservation By-Law as follows:

1. DEFINITIONS

In this by-law:

- 1.1 "AGS" (Acceptable Growing Stock) means trees suitable for retention in the stand for at least 1 cutting cycle. They are trees of commercial species and of such form and quality as to be saleable as sawlog products at some future date.
- 1.2 "Basal area" means the area of the cross-section of the stem of a tree taken at a point of measurement 1.37 metres (4.5 ft.) above the point on the tree where the ground meets the stump in an undisturbed state at the base of the tree.
- 1.3 "Building permit" means a building permit issued under the *Building Code Act* 1992, R.S.O. c23, as amended.
- 1.4 "Business day" means any day falling on or between Monday and Friday of each week but does not include New Years Day; Good Friday; Easter Monday; Victoria Day; Canada Day; Civic Holiday; Labour Day; Thanksgiving; Remembrance Day; Christmas Day or Boxing Day.

- 1.5 "Municipal Law Enforcement Officer" means an individual or individuals appointed by the Council of the County of Oxford for the administration and enforcement of this and other By-laws related to the conservation and wise harvest of the forest stock throughout the County.
- 1.6 "Certified Tree Marker" means an individual who has full certification in good standing for marking under the Ontario Ministry of Natural Resources Certified Tree Marker program, has maintained proper accreditation, and has demonstrated experience to mark according to Good Forestry Practice within Oxford County.
- 1.7 "Circumference" means the measurement of the perimeter or outer boundary of a stem or trunk of a tree with such measurement including the bark of the stem.
- 1.8 "Committee" means the Woodlands Conservation By-law Appeal Committee where all matters dealing with woodlands shall be referred to as designated by the By-Law of the Corporation of the County of Oxford for consideration and report to County Council.
- 1.9 "Conifer Plantation" means woodlands where coniferous trees have been planted or seeded in a pre-determined pattern.
- 1.10 "Corridor" means a break in the forest cover or forest canopy, which includes but is not limited to treed windbreaks, right-of-way, or natural open spaces.
- 1.11 "Coppice growth" means where more than one tree stem grows from a single tree stump.
- 1.12 "Cord" means a pile of fuelwood 3.63 m³ (128 ft³) in size.
- 1.13 "Council" means the Council of the Corporation of the County of Oxford.
- 1.14 "County Clerk" means the County Clerk of the Corporation of the County of Oxford.
- 1.15 "Diameter" means the diameter of the stem of a tree measured outside the bark at a specified point of measurement;
- 1.16 "DBH" (Diameter Breast Height) means the diameter of the stem of a tree measured at a point that is 1.37 metres (4.5 ft.) above the highest point of the ground in an undisturbed state at the base of the stem or trunk of the tree.
- 1.17 "Good Forestry Practices" means the proper implementation of harvest, renewal and maintenance activities known to be appropriate for the forest and environmental conditions under which they are being applied and that minimize detriments to forest values including significant ecosystems, important fish and wildlife habitat, soil and water quality and quantity, forest productivity and health, and the aesthetics and recreational opportunities of the landscape; and

"Good Forestry Practices" permits the harvest, destruction or injuring of trees that:

- I. have been damaged by disease, insects, wind, ice, fire, lightning, or other natural causes to an extent that the health of such trees is likely to further deteriorate and can be assessed as such;
 - II. have been assessed and identified for removal to prevent disease or insects from spreading to other trees;
 - III. are cut in accordance with the Provincial Silvicultural Guidelines as referred in the Forest Operations and Silvicultural Manual and its revisions prepared under the authority of the *Crown Forest Sustainability Act*, S.O. 1994, c. 25.
 - IV. are marked and cut as part of a Woodlands Management Plan by way of a "prescription" approved by a Registered Professional Forester or Associate Member in good standing.
- 1.18 "Harvest" means the destruction of a tree through cutting or other mechanized means, which results in the irreversible death of a tree by design.
- 1.19 "Local Board" means a municipal service board, transportation commission, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs and purposes of one or more municipalities.
- 1.20 "Log" means a portion of a tree of a prescribed species reduced to a size suitable for loading on a vehicle for transport to a processing mill for the production of lumber or other products.
- 1.21 "Logger" means an individual or company or similar group who cuts trees for purchase, sale or other profit, on behalf of the landowner.
- 1.22 "Municipality" means a geographic area whose inhabitants are incorporated within the County of Oxford.
- 1.23 "Owner" means a person having any right, title, interest or equity in land.
- 1.24 "Own Use" means a use that does not include a sale, exchange or other disposition of trees destroyed or injured.
- 1.25 "Permit" means the written authorization from the Officer as provided in Schedule "I".
- 1.26 "Person" means any individual, corporation, partnership, association, firm trust, or other entity and includes anyone acting on behalf or under the authority of such entity.
- 1.27 "Plantation" is Woodlands where trees have been planted or seeded in a pre-determined pattern.
- 1.28 "Plot" means a carefully measured area laid out for experimentation, which may be permanent or temporary.
- 1.29 "Point of Measurement" means that point on the tree trunk measured above the highest point of the ground in an undisturbed state at the base of the stem or trunk of the tree where the ground meets the stump. For coppice growth, where the point of separation is less than or equal to 30 centimetres (0.98ft.),

the point of measurement shall be for each assessed for each individual stem or trunk of the tree.

1.30 "Prescribed Species" means the species of trees as listed in Schedule "A" of this By-Law.

1.31 "Prescription" means a "pre-harvest silvicultural prescription", which is a course of management action prescribed for a particular area after specific assessments and evaluations have been made.

1.32 "Registered Professional Forester" as defined in the Professional Foresters Act, S.O. 2000, c. 18.

1.33 "Sensitive Natural Areas" means the:

- I. Provincially significant life science Areas of Natural and Scientific interest. (A.N.S.I)
- II. Wetlands designated as locally, regionally or provincially significant.
- III. Significant Natural areas within Oxford County as designated by any one of the following: Ontario Ministry of Natural Resources, Upper Thames River Conservation Authority, Long Point Region Conservation Authority, Grand River Conservation Authority, or the Catfish Creek Conservation Authority.

1.34 "Silviculture" means the art and science of producing and tending a forest, and the theory and practice of controlling forest establishment, composition, growth and quality of forests to achieve the objectives of management.

1.35 "Stand Improvement" means the destruction or harvesting of:

- I. trees that have been damaged by disease, insects, wind, ice, fire, lightning, or other natural causes to an extent that the health of such trees is likely to further deteriorate;
- II. diseased or insect infested trees that should be cut or removed to prevent disease or insects from spreading to other trees; or
- III. exotic species, or trees not indigenous to the municipality, if such destruction is carried out in such a manner as to encourage replacement of exotics by indigenous species. Excluding Pinus and Picea species.

1.36 "Tree" means for the purposes of the definition of a woodland, any species of woody perennial plant, including its root system, which has reached or can reach a height of at least 4.5 meters (14.8 ft.) at physiological maturity.

1.37 "Tree Marker" is an individual who has the ability to mark trees in a woodland to the circumference limit standard as set out in Section 2(a)(ii) of this By-Law. These individuals are categorized into two categories:

- I. "Independent Tree Marker" is an individual who has no economic ties to any logger or processors of timber products; or

II. "Commercial Tree Marker" is an individual who is employed by a logger or a processor of timber products.

1.38 "UGS" (Unacceptable Growing Stock) means trees that have a high risk of dying, and are expected to decline over the next cutting cycle. They include trees that of poor form and/or low quality.

1.39 "Watercourse" means a natural or man-made watercourse containing flowing water at least for part of the year.

1.40 "Woodlands" means land at least one hectare and more in area with at least:

- I. 1000 trees, of any size, per hectare; or
- II. 750 trees, measuring over five (5) centimetres (2 in.), in diameter at DBH, per hectare; or
- III. 500 trees, measuring over twelve (12) centimetres (5 in.), in diameter at DBH, per hectare; or
- IV. 250 trees, measuring over twenty (20) centimetres (8 in.), in diameter at DBH, per hectare.

But does not include a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees or registered tree nursery.

In the case of an area municipality with the County of Oxford, a "Woodland" means land less than one hectare with at least:

- I. 400 trees, of any size, per 0.4 hectares;
- II. 300 trees, measuring over five (5) centimetres (2 in.), in diameter at DBH, per 0.4 hectares;
- III. 200 trees, measuring over twelve (12) centimetres (5 in.), in diameter at DBH, per 0.4 hectares; or
- IV. 100 trees, measuring over twenty (20) centimetres (8 in.), in diameter at DBH, per 0.4 hectares.

But does not include a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees or registered tree nursery.

2. **GENERAL PROHIBITION**

(a) Except as provided in Section 3, no person through their own actions or through any other person shall harvest, destroy, or injure and living tree unless the person who is harvesting, destroying or injuring trees has done so in accordance with:

I. Good Forestry

The person who is harvesting, destroying or injuring trees does so in accordance with Good Forestry Practice as marked by:

- (a) a Registered Professional Forester in good standing with the Ontario Professional Foresters Association, or:
- (b) an associate member in good standing of the Ontario Professional Foresters Association.;
or
- (c) a fully certified Tree Marker.

II. Circumference Limit

The person who is harvesting, destroying, or injuring trees, has only harvested, destroyed or injured those trees which have attained, at the specified point of measurement, the circumference measurement, which equals or is greater that the minimum circumference prescribed for the

species in Schedule "A" and the person who is harvesting, destroying or injuring trees has abided by Section 5 and;

The harvest, destruction or injuring of trees have not reduced the basal area in that part of the woodlands, where trees have been harvested, destroyed or injured below 14 m²/ha, of trees 25 centimetres (10 in.) and larger at DBH, as determined by using the method described in Schedule "H".

- (b) Except as provided in Section 2 (a)(i)(a) or (b), no person through their own actions or through any other shall harvest, destroy or injure a tree located in a Conifer Plantation.
- (c) Except as provided in Section 2 (a)(i)(a) and (b), no person through their own actions or through any other person shall harvest, destroy or injure a tree located in a Sensitive Natural Area.
- (d) Except as provided in Section 3, no person through their own actions or through any other person shall harvest, destroy or injure any living tree unless the person who is harvesting, destroying or injuring trees, has only harvested, destroyed or injured those trees:
 - i. which have met the definition of stand improvement which can be proven before and after the trees have been harvested, destroyed or injured; or
 - ii. which have attained, at the specified point of measurement, the circumference which equals or is greater than the minimum circumference prescribed for the species in Schedule "A".
- (e) The person has marked those trees which are to be harvested, destroyed or injured with paint visibly on at least two (2) opposite sides as well as at the base of the tree in an area that will be visible after harvesting, destroying or injuring is completed.
- (f) The harvest, destruction or injuring of trees will not reduce the number of trees per hectare below the minimum number of trees per hectare required to be considered a woodland.
- (g) The harvest, destruction or injuring of trees has not reduced the basal area in that part of the woodlands, where trees, which measure 25 centimetres (10 in.) or more at DBH, have been destroyed or injured below 14 m²/ha of trees.
- (h) The harvest, destruction or injuring of trees has abided by the requirements of Section 5.
- (i) With the exception of work on municipal drains, if any tree removal is necessary due to the undertaking of any drainage work, notification of the Municipal Law Enforcement Officer is necessary and every person intending to destroy or injure trees for the purpose of drainage work must be in accordance with the requirements of Section 4.

- (j) Any tile drainage work through or adjacent to a woodlands which shall result in the destruction or injury to a tree or trees in woodlands shall be constructed of a closed tile in the part of the drainage work that goes through or adjacent to the woodland.

- (k) No person through their own actions or through any other person shall:
 - (i) fail to comply with an Order issued under this By-Law;
 - (ii) contravene the terms or condition of a Permit issued under this By-Law;
 - (iii) contravene the terms or conditions as to the Letter of Intent filed under this By-Law;
 - (iv) remove or deface any Order issued under this By-Law.

- (l) A person shall not:
 - (i) harvest, destroy or injure a tree below the lowest point of measurement, unless authorized by a Municipal Law Enforcement Officer;
 - (ii) harvest, destroy or injure any tree unnecessarily that is to remain standing after the harvest, destruction or injuring or trees is completed;
 - (iii) operate a vehicle, equipment or machinery or conduct their operations in such a manner or at such a time that results in excessive damage to the soil, wetlands, natural areas or other portions of the woodlands;
 - (iv) operate a vehicle, equipment or machinery or conduct their operations in such a manner or at such a time, that results in the leaving of any part of a tree in a watercourse including any trees that have not been cut, but have been pushed, knocked over or otherwise ended up in a watercourse.
 - (v) leave a tree top, which can safely be trimmed and is not schedule for fuelwood processing higher than 3.5 metres (11.5 ft.) from the ground to the highest branch.
 - (vi) harvest, destroy or injure a tree, which shall result in any part thereof crossing a property boundary, without the written permission of the adjoining property owner.
 - (vii) Harvest, destroy or injure a tree, which is on the property boundary, without the written permission of the adjoining property owner.

3. EXEMPTIONS TO THIS BY-LAW

This by-law does not apply to:

- (a) activities or matters undertaken by a municipality or a local board of a municipality;
- (b) activities or matters undertaken under a licence issued under the *Crown Forestry Sustainability Act, 1994*;
- (c) the injuring or destruction of trees by a person licensed under the *Surveyors Act* to engage in the practice of cadastral surveying or his or her agent, while making a survey;

- (d) the injuring or destruction of trees imposed as a condition to the approval of a site plan, a plan of subdivision or a consent under section 41, 51, or 53, respectively, of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
- (e) the injuring or destruction of trees imposed as a condition to a development permit authorized by regulation made under Section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under the regulation;
- (f) the injuring or destruction of trees by a *transmitter or distributor*, as those terms are defined in Section 2 of the *Electricity Act*, 1998, for the purpose of construction and maintaining a transmission system or a distribution system, as those terms as defined in that Section;
- (g) the injuring or destruction of trees undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*;
- (h) the injuring or destruction of trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land,
 - (i) that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act, and
 - (ii) on which a pit or quarry is a permitted land use under a by-law passed under Section 34 of the *Planning Act*, 2001, c.25, s.135(12);
- (i) the injuring or destruction of trees where the owner of the woodlands has been granted an exemption by the Committee pursuant to Section 4;
- (j) the injuring or destruction of trees that is required in order to erect any building, structure or thing in respect of which a Building Permit has been issued and has taken into consideration the protection of trees surrounding the structure or work within the building envelope, provided that no tree is destroyed or injured that is located more than 15 metres (49.2 ft.) from the outer edge of the building, structure or thing and the Municipal Law Enforcement Officer has been notified;
- (k) the injuring or destruction of trees that is required in order to install and provide utilities to the construction or use of the building, structure or thing in respect of which a Building Permit has been issued;
- (l) the injuring or destruction of trees that is required in order to install and provide utilities to provide a single lane driveway for vehicular access to the building, structure or thing in respect of which a Building Permit has been issued;
- (m) the owner of the woodlands who has harvested, destroyed or injured trees which results in the production of less than 20 logs or 20 cords of fuelwood per woodlands per year, providing such activities have not reduced the number of trees per hectare below the minimum number of trees per hectare required to be considered a woodland; or

- (n) the harvest, destruction or injury of trees where the trees are destroyed or injured pursuant to a legally binding contract if:
- (i) the owner of the woodlands has given notice under Section 5; and
 - (ii) the contract was signed and a down payment made to the owner immediately preceding the date on which this By-law was passed; and
 - (iii) proof of the signed contract and a down payment has been received by the Municipal Law Enforcement Officer; and
 - (iv) the trees are harvested, injured or destroyed in a manner consistent with By-Law No.: 4489-2004 and have been harvested, destroyed or injured within two years of the enactment of this By-Law.

4. COMMITTEE EXEMPTION

- (a) In order to be considered for an exemption to Section 2, the owner of the woodlands must apply to the County Committee for an exemption at least 90 days prior to the anticipated commencement of harvesting, injury or destruction of trees by submitting:
- (i) a completed application form as described in Schedule "E"; and
 - (ii) the applicable fee as set out in Schedule "D".
- (b) At least twenty-one (21) business days prior to consideration of the application by the Committee for an exemption, the County Clerk shall send by regular mail, written notice to the applicant and all abutting landowners on the lands for which an exemption is being sought.
- (c) The applicant shall erect and display a public notice regarding the exemption application at the entrance of the adjoining roadway to the subject property where the minor exemption is being sought in a position that ensures that it is clear and visible to all persons, and the notice shall be in the format of Schedule "F".
- (d) The notice shall be posted at least fifteen (15) business days prior to consideration of the application.
- (e) Provided that there have been no objections filed with the Committee, or the Municipal Law Enforcement Officer agrees that the general purpose and intent of this By-Law is being maintained, the Officer may grant the Permit for the exemption in the form of Schedule "I"
- (f) When granting an exemption, the Officer may include terms or conditions.
- (g) Where there have been objections filed with the Officer or where the applicant objects to the terms and conditions on the Permit for the exemption, the Committee will reconsider the application for exemption, or any conditions to the Permit and make a decision whether to grant the exemption and, therefore, a Permit.
- (h) When granting an exemption, the Committee may include terms and conditions to its approval provided the terms and conditions are desirable for the appropriate development or use of the land on which the exemption is sought and the general purpose and intent of the By-Law is maintained.

- (i) The Committee shall hear any person who wishes to speak to the exemption for which objections have been filed. Upon the conclusion of the Committee meeting where the application for the exemption is being considered, the Committee shall advise the persons in attendance of the date, time and location when Council will make a final determination on such application.
- (j) When denying an exemption, the Committee must notify the applicant.
- (k) The applicant may object to the terms and conditions on the Permit for the exemption.

5. NOTIFICATION/APPLICATION (LETTER OF INTENT PERMIT)

- (a) Every owner of Woodlands or person acting on behalf of the owner who intends to harvest, destroy or injure trees personally or through another person, under Section 2(a)(i) of this By-Law shall complete and submit to the County of Oxford Public Works Office no less than ten (10) business days prior to the start of harvest, destruction or injury, all the information as prescribed in Schedule "B".
- (b) Every owner of Woodlands or person acting on behalf of the owner who intends to harvest, destroy or injure trees personally or through another person, under Section 2(a)(ii) of this By-Law shall complete and submit to the County of Oxford Public Works Office no less than ten (10) business days prior to the start of harvest, destruction or injury, all the information as prescribed in Schedule "C".
- (c) An exception to 5(a) and (b) in regards to the submitting of information to the County will be permitted at the discretion of the Municipal Law Enforcement Officer should the person submit the Notice of Intent Permit with the prescribed fee as set forth in Schedule "D".
- (d) Any person who has submitted a Notice of Intent Permit shall also erect and display a sign at the entrance at the adjoining roadway to the land where the harvest, destruction, injury, or harvest of the trees is to occur, in a position that is clear and visible to all persons, the sign shall be required to be posted upon commencement of the harvest and remain posted until ten (10) days after the conclusion of the harvesting or destruction and removal of the logs and such sign shall be in the format as outlined in Schedule "J".
- (e) Any person who has submitted a Notice of Intent Permit shall notify the Municipal Law Enforcement Officer 24 hours prior to the start of harvest, destruction or injury of trees.

6. PERMIT APPLICATIONS FOR EXEMPTIONS

- (a) Applications for Permits will not be processed if:
 - (i) applications have not been completed in full;
 - (ii) applications are not in keeping with the general purpose and intent of the By-Law; or
 - (iii) the prescribed application fee, as set forth in Schedule "D" has not been paid in full.

- (b) A Permit in the form of Schedule "I" may be;
 - i) issued to the applicant for a term of one (1) year.
 - ii) Renewed by Committee for one term of one (1) year provided an additional prescribed application fee as set forth in Schedule "D" is paid.

7. APPEALS TO THE ONTARIO MUNICIPAL BOARD

An applicant may appeal a Permit under Section 6 to the Ontario Municipal Board if:

- (a) within 30 days after the refusal by the Committee to issue a Permit; or
- (b) the committee fails to make a decision on the application, within forty-five (45) days after the application is received by the County Clerk; or
- (c) if the applicant objects to a condition of the permit, within thirty (30) days after the issuance of the Permit.

8. ORDERS TO DISCONTINUE ACTIVITY

- (a) Where the Municipal Law Enforcement Officer is satisfied that a contravention of this By-Law has occurred, the Officer may make an Order requiring the person who contravened the By-Law or who caused or permitted the injuring or destruction of trees in contravention of the By-Law to stop the injuring or destruction of trees. The Order shall be set out the in Schedule "G"
- (b) An Order issued under this Section may be served personally or served by sending it by mail to the last known address of;
 - i) the owner or the woodlands; and
 - ii) the person identified as injuring, destroying or harvesting a tree or trees.
- (c) Where service of an Order is made by mail, service shall be deemed to have been served on the fifth day after the order is mailed.
- (d) Where service cannot be carried under Section 8(b), 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.
- (e) If the person to whom the Order is directed 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 County Clerk within thirty (30) days after the date of the Order.
- (f) Where an appeal has been filed, Committee shall hear the appeal and have all the powers and the functions of the Officer.
- (g) Before conducting a hearing under this Section, the County Clerk shall give notice to such persons or direct

that notice be given to such persons as the County Clerk considers should receive notice and in the manner directed by the County Clerk.

- (h) After hearing an appeal, Council may confirm or revoke any Order issued under this By-Law or may issue a Permit with conditions, provided that in the opinion of the Council, the general intent and purpose of this By-Law has been maintained.
- (i) The proceedings at the Hearing held by the Council shall be in accordance with the provisions of the *Statutory Powers Procedures Act*, R.S.O. 1990 c.22. The decision of the Council under this Section is final.

9. PENALTY

- (a) Any person who contravenes any provision of this By-Law, or an Order issued under Section 8 is guilty of an offence and is liable:
 - (i) on first conviction, to a fine of not more than \$10,000.00 or \$1,000.00 per tree, whichever is greater; and
 - (ii) on any subsequent conviction, to a fine of not more than \$25,000.00. or \$2,500.00 per tree, whichever is greater.
- (b) Despite subsection 9(a) of this By-law, where the person convicted is a corporation
 - (i) the maximum fine in subsection 9(a)(i) is \$50,000.00 or \$5,000.00 per tree, whichever is greater; and
 - (ii) the maximum fine in subsection 9(a)(i) is \$100,000.00 or \$10,000.00 per tree, whichever is greater.
- (c) If a person is convicted of an offence for contravening this By-Law or an Order issued under Section 8, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the person to rehabilitate the land or to plant or replant trees in such a manner and within such period as the court considers appropriate, including any silvicultural treatment necessary to re-establish the trees.

10. ENFORCEMENT

- (a) This By-Law shall be enforced by an Officer appointed by the municipality.
- (b) Carol Tattersall is hereby named the Woodlands Conservation Municipal Law Enforcement Officer in and for the County of Oxford.
- (c) The Municipal Law Enforcement Officer may at any reasonable time enter and inspect any land to determine whether this By-Law, an Order or a condition of a Permit is being complied with.
- (d) Any person who obstructs or interferes with an Officer in the discharge of his or her duties under this By-Law, shall be considered in violation of this By-Law.

11. ADMINISTRATION

- (a) Sections 1 to 11 shall form part of this By-Law. Schedules "A" to "J" are appendices to this By-Law and form part of this By-Law.
- (b) If any Section or Sections of this By-law or parts thereof are found by any Court to be illegal or beyond the power of the Council to enact, such Section or Sections or parts thereof shall be deemed to be severable and all other Sections or parts of this By-Law shall be deemed to be separate and independent therefrom and continue in full force and effect unless and until similarly found illegal.
- (c) The short title of this By-Law is the "Woodlands Conservation By-law".

- (d) By-Law 2806-88 of the County of Oxford shall be repealed as of midnight December 31, 2004. This by-law comes into force and effect on January 1, 2005.
- (e) Despite subsection (b) of this section, By-Law 2806-88 of the County of Oxford shall continue to apply to proceedings in respect of offences that occurred before its repeal of any legally binding contracts, proof of which has been received by an Officer.
- (f) Measurements are given in both metric and imperial units in this By-law. For the purposes of this By-Law, the metric unit shall govern.

READ a first and second time this 8th day of December, 2004.

READ a third time and finally passed this 8th day of December, 2004.

<hr/>	
DONALD S. WOOLCOTT,	WARDEN
<hr/>	
KENNETH J. WHITEFORD,	CLERK

SCHEDULE A

CIRCUMFERENCE LIMITS BY CATEGORY OF TREE SPECIES

SPECIES "A"

- ASH
 - White (*Fraxinus Americana*)
 - Green (Red) (*Fraxinus pennsylvacia*)

- MAPLE
 - Sugar (*Acer saccharum*)
 - Black (*Acer nigrum*)
 - Red (*Acer rubrum*)
 - Silver (*Acer saccharinum*)

- OAK
 - Red (*Quercus rubra*)
 - Black (*Quercus velutina*)
 - White (*Quercus Alba*)
 - Swamp White (*Quercus bicolor*)
 - Bur (*Quercus macrocarpa*)

- TULIP
 - (*Liriodendron tulipifera*)

- WALNUT
 - Black (*Juglans nigra*)

SPECIES "A" MEASUREMENTS

<u>POINT OF MEASUREMENT</u>	<u>CIRCUMFERENCE</u>	<u>DIAMETER</u>
31 cm (12 in.)	175 cm (69 in.)	56 cm (22 in.)
20 cm (8 in.)	191 cm (75 in.)	61 cm (24 in.)
10 cm (4 in.)	224 cm (88 in.)	71 cm (28 in.)

SPECIES "B"

- BASSWOOD
 - (*Tilia Americana*)
- BEECH
 - American (*Fagus grandifolia*)
- CHERRY
 - Black (*Prunus serotina*)
- HACKBERRY
 - (*Celtis occidentalis*)
- HEMLOCK
 - Eastern (*Tsuga Canadensis*)
- WHITE PINE
 - (*Pinus strobus*)
- RED PINE
 - (*Pinus resinosa*)

SPECIES "B" MEASUREMENTS

<u>POINT OF MEASUREMENT</u>	<u>CIRCUMFERENCE</u>	<u>DIAMETER</u>
31 cm (12 in.)	160 cm (63 in.)	51 cm (20 in.)
20 cm (8 in.)	175 cm (69 in.)	56 cm (22 in.)
10 cm (4 in.)	208 cm (82 in.)	66 cm (26 in.)

SPECIES "C"

- ASH - Black (*Fraxinus nigra*)
- BIRCH - Yellow (*Betula alleghaniensis*)
- ELM - White (*Ulmus Americana*)
- Red (*Ulmus thomasii*)
- Rock (*Ulmus ruba*)
- EUROPEAN LARCH - (*Larix decidus*)
- HICKORY - Shagbark (*Carya ovata*)
- Bitternut (*Carya cordiformis*)
- LARCH - (*Larix deciduas*)
- POPLAR - Balsam (*Populas blasamifera*)
- Eastern Cottonwood (*Populus deltoids*)
- SYCAMORE - (*Platanus occidentalis*)

SPECIES "C" MEASUREMENTS

POINT OF MEASUREMENT	CIRCUMFERENCE	DIAMETER
31 cm (12 in.)	145 cm (57 in.)	46 cm (18 in.)
20 cm (8 in.)	160 cm (63 in.)	51 cm (20 in.)
10 cm (4 in.)	191 cm (75 in.)	61 cm (24 in.)

SPECIES "D"

- BIRCH - White (*Betula papyrifera*)
- CEDAR - White (*Thuja occidentalis*)
- POPLAR - Largetooth Aspen (*Populas grandidentala*)
- Trembling Aspen (*Populus tremuloides*)

SPECIES "D" MEASUREMENTS

POINT OF MEASUREMENT	CIRCUMFERENCE	DIAMETER
31 cm (12 in.)	79 cm (31 in.)	25 cm (10 in.)
20 cm (8 in.)	97 cm (38 in.)	31 cm (12 in.)
10 cm (4 in.)	127 cm (50 in.)	41 cm (16 in.)

RARE SPECIES – the following species should be avoided during tree removal operations:

- | | | |
|-------------------|-------------|----------------------|
| Blue Ash | Shumard Oak | Black Gum |
| Chestnut | Cucumber | Tamarack |
| Shellbark Hickory | Pawpaw | Chinquapin Oak |
| Pignut Hickory | Balsam Fir | Kentucky Coffee Tree |
| American Chestnut | Butternut | |

* NOTE: Please refer to “Species at Risk Act” at www.sararegistry.gc.ca for more information.

DESCRIPTION OF AREA

Indicate
NORTH

Map must be legible and include:

- Preferred entry points for inspection
- Location/name of surrounding roads
- Location of buildings on property
- Forested areas and harvest areas
- Log landing(s)
- Power lines and Municipal ditches

It is requested that if loggers are working near or adjacent to power lines that they contact the local Hydro Utility Company for assistance to prevent an accident and any damage that may occur to hydro lines and equipment due to a logging accident

Landowners who are the registered owner of the property for less than 2 years can only harvest trees for their own use or under good forestry practice. Failure to comply will be considered a violation of this By-Law.

Please indicate if the property is enrolled in:

- Conservation Land Tax Incentive Program
- Managed Forest Tax Incentive Program

BASAL AREA – DISTRIBUTION OF CUT

(Optional – can be included in prescription)

Prism Tally: _____ m2/ha

Basal Area Factor:

Tree Size (cm)	Actual BA (m2/ha)			BA to Cut (m2/ha)			Actual Residual BA (m2/ha)			IDEAL BA
	AGS	UGS	TOTAL	AGS	UGS	TOTAL	AGS	UGS	TOTAL	
10-24										5
26-40										5
42-48										4
50-60										4
62+										2
TOTAL										20

NOTE: The Basal Area sample points used to develop this prescription must be clearly marked with the closest tree (>24cm DBH) to the centre of the sample point encircled with the paint at DBH

If the landowner is selling standing timber to a logger for harvesting has:	YES	NO
a contract been signed between landowner and contractor?		
the contractor provided proof of WSIB coverage for employees/liability insurance coverage?		
the contractor provided proof of cutter/skidder certification for all employees and themselves?		
the main skid trails been delineated? (If NO, refer to By-Law requirements)		
Have arrangements been made to harvest the fuelwood from tree tops? (If No, refer to By-Law requirements)		

I agree that operations will be in accordance with the provisions of the County of Oxford Woodlands Conservation By-Law 4489-2004 and that I am familiar with the contents and requirements of this By-Law and acknowledge having received a copy thereof. I further agree that any tree harvested will be in accordance with Good Forestry Practice.

Further, I agree to contact the Municipal Law Enforcement Officer (519-539-0015 ext. 3132) or the County of Oxford Public Works Office 24 hours prior to commencing the harvesting of trees. In the event of a mail disruption this form may be delivered to any area municipality office.

Signature of Prescription Writer Date Signature of Tree Marker (if applicable) Date

Signature of Landowner Date Signature of Contractor (if applicable) Date

I UNDERSTAND THAT UNDER THE AUTHORITY OF THIS BY-LAW AND THE MUNICIPAL ACT, R.S.O. 2001, C.25, AN APPOINTED OFFICER CAN ENTER THE DESCRIBED PROPERTY FOR THE PURPOSES OF UNDERTAKING AN INSPECTION. INDIVIDUALS FILLING A NOTICE OF INTENT FOR GOOD FORESTRY PRACTICE THAT DO NOT QUALIFY FOR THIS EXEMPTION WILL BE NOTIFIED WITHIN 5 WORKING DAYS.

SCHEDULE C

COUNTY OF OXFORD

NOTICE OF INTENT PERMIT CIRCUMFERENCE HARVEST

PURSUANT TO WOODLANDS CONSERVATION BY-LAW NO. 4489-2004

Completed Notice of Intent Permit to be submitted to the County of Oxford Public Works Office at Post Office Box 397, 21 Market Street, Woodstock, Ontario, N4S 7Y3, telephone 519-539-0015 extension 3132, fax 519-421-2207 **at least ten (10) business days prior to the proposed commencement of the harvest, destruction or injury of trees.**

PLEASE PRINT - All sections are to be filled out completely on this Notice. Failure to do so will result in making the Notice of Intent null and void and will be returned to the applicant for correction.

Property Owner: _____

Address: _____ Postal Code: _____

Phone: Residence _____ Business _____ Fax _____

E-mail _____

Contractor: _____

Address: _____

Postal Code: _____ Telephone: _____

Fax: _____ E-mail: _____

On Site Person in charge of harvest of trees: _____

Expected starting date: _____

Subject Property: Location

Lot: _____ Concession: _____ 911 Address: _____

Municipality: _____

Reason for Removal: Commercial Timber Harvest _____

Firewood Removal _____ Other _____

Approximate size of woodland: _____

Area of harvest (indicate on sketch): _____

Trees marked by: _____

Address: _____

Telephone: _____ E-mail: _____

Qualifications: _____

It is the responsibility of the owner or authorized agent to have marked with paint, on 2 sides, and at the base all the trees to be harvested with this Notice of Intent.

If the woodland will not be harvested within 12 months of receipt of this Notice of Intent, it will become null and void.

The Notice of Intent Permit or copy must be on site at all times and in possession of the person in charge of cutting.

Each copy of the application must be accompanied by a sketch showing:

- a) the location of subject property, its boundaries and dimensions, including names of all road allowances, streets or highways abutting the property;
- b) location of woodlands on subject property (including approximate dimensions);
- c) abutting land owners;
- d) the distance between the subject land and the nearest township lot line or appropriate landmark (e.g. bridge, railway crossing, etc.);

TREE HARVEST SUMMARY
(A legible tally sheet can be substituted and attached)

Tree Species	No.	SKETCH PLAN	
		USE THIS PAGE FOR SKETCH PLAN AND RETURN WITH APPLICATION FORM. WITHOUT SKETCH PLAN, THE APPLICATION WILL NOT BE PROCESSED. Indicate North	
Total Trees			

If the landowner is selling standing timber to a contractor for removal, has a contract been signed between the landowner and the contractor?
 YES ____ NO ____

I agree that all tree cutting will be in accordance with the provisions of the County of Oxford Woodlands Conservation By-Law 4489-2004, and that I am familiar with the components and requirements of this By-Law and acknowledge having received a copy thereof.

Further, I agree to contact the Municipal Law Enforcement Officer (519-539-0015 Ext. 3132), at least 24 hours prior to commencing cutting of trees set out in this notice.

DATED at _____ this _____ day of _____, 20__.

Signature of Contractor

Signature of Landowner or Authorized Agent

SCHEDULE D

FEE SCHEDULE FOR THE APPLICATIONS

The following fees will apply for the purpose of this By-law:

Application for Exemption	\$200.00
Application for Exemption Renewal	\$200.00
Application for Notice of Intent Permit	\$25.00
Notice to Harvest Sign (Cost of the sign)	\$5.00
Public Notice Sign (Cost of the sign)	\$5.00
Short Notice of Intent Permit	\$100.00

Please make all cheques payable to **'Treasurer - County of Oxford'**, Public Works Office, P. O. Box 397, Court House, Woodstock, ON N4S 7Y3

SCHEDULE E

APPLICATION FOR COMMITTEE EXEMPTION

Name(s) of Owner: _____

Address: _____ Postal Code: _____

Telephone: Home: _____ Business: _____ Fax: _____

E-Mail: _____

Location of Trees Affected/Ownership

Municipality: _____ Former Municipality _____

Assessment Roll:: _____ Lot: _____ Concession _____ 911 Address _____

The subject property is located on the _____ side of [Road Name] _____

Between _____ and _____

Is the property owned by the applicant? _____ YES _____ NO (if NO, authorizing letter must be attached)

If purchased within the last three years, state name and address of former owner and the date property was purchased.

Property/Forest Description

This application is requesting a Permit to remove the following: (please indicate)

Total area: _____ Hectares: _____ Acres: _____

Total Woodland size on property: Hectares: _____ Acres: _____

Tree species to be destroyed on the described land:

This Exemption is requested for the following reasons, including description of end use after trees have been destroyed:

Owner's Signature

Date

Is the applicant willing to offset the destruction of trees on the subject property through replanting trees on the said property? _____ YES _____ NO

Please return this application with a cheque payable to the Treasurer - County of Oxford in the amount of \$200 to the Public Works Office, P. O. Box 397, Court House, Woodstock, ON N4S 7Y3

Personal information on this form is collected under the authority of the *Municipal Act, 2001* for the purpose of conserving the County's forest stock and encouraging good forestry practices and optimal lumber harvest. Pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*, questions about the collection of personal information should be directed to the County Clerk.

SCHEDULE F

PUBLIC NOTICE

WOODLANDS CONSERVATION BY-LAW

This posted notice does not imply unrestricted access. Interested parties must receive permission to enter these forested lands from the landowner.

An APPLICATION FOR AN EXEMPTION TO WOODLANDS CONSERVATION BY-LAW NO. 4489-2004 HAS BEEN RECEIVED BY COUNCIL AFFECTING THESE FORESTED LANDS.

Municipality: _____ Assessment Roll #: _____

Lot: _____ Concession: _____ 911 Address: _____

Landowner: _____

THE APPLICATION
SUBMITTED REQUESTS THE CLEARING OF _____
HECTARES OF FORESTED LAND.

Deadline for Written Comments:

COMMENTS CAN BE SUBMITTED TO THE ADDRESS LISTED BELOW:

**Community and Strategic Planning Office
County of Oxford,
P. O. Box 397, Court House
Woodstock, ON N4S 7Y3**

**This Notice is posted under the authority of the County of Oxford
Woodlands Conservation By-Law No. 4489-2004**

This Notice is to remain posted no less than fifteen (15) business days prior to the consideration of this application.

FURTHER INFORMATION OR WRITTEN NOTICE IS AVAILABLE FROM

County of Oxford Municipal Law Enforcement Officer, 539-0015 Ext. 3132

SCHEDULE G

STOP WORK ORDER

YOU ARE HEREBY DIRECTED AND ORDERED TO forthwith stop, halt, cease and desist from any and all works associated with the destruction of trees or removal thereof from those lands comprising;

MUNICIPAL ADDRESS/LEGAL DESCRIPTION OF THE PROPERTY:

LOT: _____ CONCESSION: _____ MUNICIPALITY: _____

OWNER/INDIVIDUAL RESPONSIBLE FOR DESTRUCTION OR INJURY OF TREES:

DESCRIPTION OF INFRACTION:

Date of Inspection: _____

Effective Order Date: _____ To: _____

Signature of Officer: _____ Date: _____

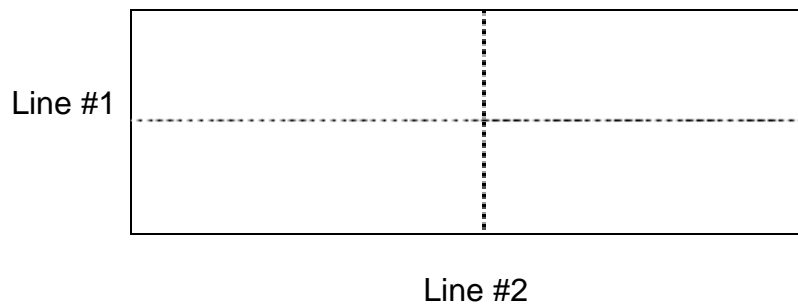
Pursuant to Woodlands Conservation By-Law 4489-2004, Section 8, subsection (e), Where the person to whom the Order is directed has been served in accordance with this By-Law is not satisfied with the terms of the Order, the person may appeal the Council by filing Notice of Appeal by personal service or certified mail to the County Clerk within 30 days after the date of Order.

SCHEDULE H

BASAL AREA CALCULATION AND ASSESSMENT

1. **Point Sampling** is defined as a method of selecting trees for measurement and for estimating stand basal area using tree size rather than frequency as the main parameter. Trees are tallied at a sample location or point sample, with the selection probability being proportional to the basal area of the trees. In point sampling, a 360-degree sweep is made with an angle gauge about a fixed point, and the stems whose breast height diameter appear larger than the fixed angle subtended by the angle gauge are included in the sample. Point samples will be taken using a factor 2 prism.
2. **Basal Area** will be assessed every 30 metres along a fixed compass bearing through a forest stand in which harvesting has occurred. The first point sample will be placed 60 metres from the dripline of the woodland. No less than 3 point samples will be taken along a compass bearing through a forest stand. If the average basal area/hectare is found to be below the requirements of the by-law, then a second compass line will be established from the mid-point of the 1st compass line and will run in a direction 90° from the compass bearing from the 1st line.

See sample illustration below:



The following format will be used in calculating average basal area per hectare:

Stations Tallied

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40

Plot #	Small 26-40 cm		Medium 42-48 cm		Large 50-60 cm		X-Large 62+ cm		Total All Sizes		Total **
	AGS	UGS	AGS	UGS	AGS	UGS	AGS	UGS	AGS	UGS	
# of trees											

** Total Trees (____) x Basal Area Factor (____) = (____) Actual BA/Ha
of Stations (____)

Basal Area Calculation and Assessment

To assess tree infractions, a minimum of 1 plot per hectare will be established for areas up to 10 hectares (25 acres), and 1 plot for every additional 5 hectares (12 acres). Plots will be placed 80 meters (262 ft.) apart and 40 meters (131 ft.) from stand edges.

In cases where the maximum DBH encountered is less than 60cm. The plot distance may be 60 meters (197ft.) and 30 meters (98ft.) from the stand edges. In any case sampling is to be done by a method customarily used in forestry practice.

SCHEDULE I

TREE CLEARING PERMIT

Permission is hereby granted by the Council of the County of Oxford to destroy trees under the supervision of the Municipal Law Enforcement Officer as outlined below:

REFERENCE APPLICATION # _____

ISSUED TO: _____

LOT: _____ CONCESSION: _____

MUNICIPALITY: _____

DATE OF ISSUE: _____

DATE OF EXPIRY: _____

(e) BY: OXFORD WOODLANDS BY-LAW COMMITTEE

PER: _____

SCHEDULE J

NOTICE of TREE HARVEST

DO NOT ENTER during harvesting for your own safety.

This notice does not imply unrestricted access.

Permission to enter these lands must be granted by the landowner.

Contractor: _____

Phone: _____

Owner: _____

Timber Harvest Date: _____

Timber Marked By: _____

Phone Number of Marker: _____

This Notice is posted under the authority of the County of Oxford Woodlands Conservation By-Law No. 4489-2004.

This Notice is to be posted prior to the commencement of harvest and remain posted no less than 10 days after completion of harvest. Failure to post and removal prior to this period is a chargeable offence.

If you should have any questions or concerns regarding this timber harvest, please contact:

County of Oxford Municipal Law Enforcement Officer at 519-539-0015 Ext. 3132

**TICKETABLE OFFENCES
PART 1 PROVINCIAL OFFENCES ACT**

SHORT FORM WORDING	Offences Creating Provision	Set Fine
1. Failure to erect and display Notice of Tree Harvest Sign	Section 5 (d)	\$400.00
2. Failure to give 24 hour notice prior to start of harvest, destroying or injuring trees	Section 5 (e)	\$400.00
3. Failure to use closed tile for drainage work through or adjacent to a Woodland	Section 2 (j)	\$400.00
4. Failure to comply with an Order issued under this By-Law	Section 2 (k)i	\$400.00
5. Contravene the conditions of a permit	Section 2 (k)ii	\$400.00
6. Conduct operations so as to unnecessarily injure or destroy any young trees during harvesting	Section 2 (l)ii	\$400.00
7. Leave a top higher than 3.5 metres (11.5ft) from the ground that is not scheduled for removal for use of firewood	Section 2(l)v	\$400.00
8. Harvest, destroy or injure a tree which shall result in any part thereof crossing a property boundary without the written permission of the adjoining landowner	Section 2 (l)vi	\$400.00
9. Harvest, destroy or injure a tree which is on the property boundary without the written permission of the adjoining property owner	Section 2 (l)vii	\$400.00

NOTE: the general penalty provision for the offences listed above us section 61 of the Provincial Offences Act, R.S.O. 1990, c.P. 33