

THE CORPORATION OF THE COUNTY OF LAMBTON

CONSOLIDATION OF BY-LAW NO. 45 OF 2003 & BY-LAW 1 OF 2008

**“A By-Law to Prohibit or Regulate the Destruction
or Injuring of Trees.”**

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

AND WHEREAS Council may require that a Permit be obtained to 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. [s.135 (7)]

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 of the County;

NOW THEREFORE the Council of The Corporation of the County of Lambton enacts the Woodlands Conservation By-law as follows:

1. DEFINITIONS

In this By-law:

- a) **“Application”** means a written request for a permit under Section 3 of this by-law.
- b) **“Building Permit”** means a building permit issued under the *Building Code Act*, 1992, S.O. 1992, c23, as amended.
- c) **“Business Day”** means any day falling on or between Monday and Friday of each week but does not include any statutory holidays. (New Year’s Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Civic Holiday, Labor Day, Thanksgiving, Remembrance Day, Christmas Day and Boxing Day).
- d) **“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.
- e) **“Committee”** means that The Land Division Committee where all matters dealing with woodlands shall be referred as designated by the Standing Rules and Regulations and /or By-law of the County of Lambton for consideration and report to Council.
- f) **“Council”** means the Council of The Corporation of the County of Lambton.

- g) **“County Clerk”** means the County Clerk of The Corporation of the County of Lambton.
- h) **“Diameter”** means the diameter of the stem of a tree measured outside the bark at a specified point of measurement.
- i) **“DBH” (Diameter at Breast Height)** means the diameter of the stem of a tree measured at a point that is 1.37 meters (4.5 ft.) above the ground.
- j) **“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 destruction or injury 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 deteriorate;
 - ii) should be removed to prevent disease or insects from spreading to other trees;
 - iii) are cut in accordance with the Provincial Silvicultural Guidelines as referred to in the Forest Operations and Silviculture Manual and its revisions prepared under the authority of the Crown Forest Sustainability Act, S.O. 1994, c. 25. These Provincial Silvicultural Guideslines include, but are not limited to: *A Silvicultural Guide to Managing Southern Ontario Forests, Silvicultural Guide for the Tolerant Hardwood Forest in Ontario, A Tree Marking Guide for the Tolerant Hardwood Working Group in Ontario, A Silvicultural Guide for the Great Lakes-St. Lawrence Conifer Forest in Ontario.*
 - iv) are marked and cut as part of a Woodlands Management Plan approved by a Registered Professional Forester or Associate Member in good standing.
- k) **“Officer”** means an individual or individuals appointed by Council of The Corporation of the County of Lambton for the administration and enforcement of By-laws.
- l) **“Owner”** means a person having any right, title, interest or equity in land.
- m) **“Own Use”** means use that does not include a sale, exchange or other disposition of trees destroyed or injured.
- n) **“Permit”** means the written authorization from the Officer as provided in Schedule “G”.
- o) **“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.

- p) **“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 tree. In the case of coppice or clump growth, “point of measurement” means that point on each tree trunk measured above the point of fusion, provided said point of fusion is less than 1.37 metres (4 ½ feet) above the highest point of undisturbed ground at the base of the coppice or clump growth.
- The point of fusion in effect becomes ground level for each stem (in the clump), and the same diameter limits would apply as for single-stemmed trees;
- q) **“Registered Professional Forester”** as defined in the *Professional Foresters Act*, 2000, S.O. 2000, c.18.
- r) **“Secretary”** as appointed by The Land Division Committee.
- s) **“Sensitive Natural Areas”** means
- i) Provincially significant life science Areas of Natural and Scientific Interest (ANSI)
 - ii) Wetlands designated as locally, regionally or provincially significant.
 - iii) Significant Natural areas within Lambton County as designated by any one of the following: Ontario Ministry of Natural Resources; St. Clair Region Conservation Authority; or the Ausable Bayfield Conservation Authority.
 - iv) Any area of land which contains a species which is regionally rare as identified by a local conservation authority or provincially rare (S1, S2 or S3 as identified by the Natural Heritage Information Centre) or globally rare (G1, G2 or G3 as identified by the Natural Heritage Information Centre), or threatened or endangered as identified by the Ministry of Natural Resources.
- t) **“Silviculture”** means the art and science of producing and tending a forest; the theory and practice of controlling forest establishment, composition, growth, and quality of forests to achieve the objectives of management.
- u) **“Tree”** means any species of woody perennial plant, including its root system, which has reached or can reach a height of at least 4.5 meters at physiological maturity.
- v) **“Tree Marker”** means

- i) A Registered Professional Forester;
 - ii) A Forest Technician that is certified;
 - iii) A member in good standing of the Ontario Professional Foresters Association; or
 - iv) A Certified Marker.
- w) **“Woodlands”** means land at least one hectare or more in area with at least:
- i) 1000 trees, of any size, at DBH, per hectare;
 - ii) 750 trees, measuring over five (5) centimeters in diameter at DBH, per hectare;
 - iii) 500 trees, measuring over twelve (12) centimeters in diameter at DBH, per hectare; or
 - iv) 250 trees, measuring over (20) centimeters 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.
- x) **“Woodlot”** means land at least .2 hectares and not more than 1 hectare with numbers at least comparable to “Woodlands” numbers above;
- but does not include a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees.

2. GENERAL PROHIBITION

- a) Except as provided in section 3, no person through their own actions or through any other person, shall conduct his operations so as to injure or destroy any living trees unless:
 - i) The person who is destroying or injuring trees does so in accordance with Good Forestry Practice as prescribed by:
 - (a) A Registered Professional Forester or;
 - (b) A member in good standing of the Ontario Professional Foresters Association; and
 - (c) the person who is destroying trees or injuring trees has abided by the requirements of section 5; or
 - ii) the person who is destroying or injuring trees, has only destroyed or injured those trees which have attained, at the specified point of measurement, the Circumference measurement which equals or is greater than the minimum Circumference prescribed for the species in Schedule “A” and

- (a) the injuring or destruction of trees has abided by the requirements of Section 5: and
 - (b) the 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 woodlands;
 - (c) the person who is destroying or injuring trees does so in accordance with Good Forestry Practices.
- b) 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) remove or deface any Order that has been posted pursuant to this By-law;
 - iii) contravene the terms or conditions of a Permit issued under this By-law.
- (c) No person through their own actions or through any other person shall destroy or injure a tree located in an identified Sensitive Natural Area;
 - (d) A person shall not:
 - i) destroy or injure any tree that is to remain standing after the destruction or injuring of trees is completed;
 - ii) operate a vehicle, machinery or equipment or conduct their operations in such a manner or at such a time that results in excessive damage to the soil, wetlands or other portions of the Woodlands;
 - iii) operate a vehicle, machinery or equipment or conduct operations in a manner or at 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;

3. EXEMPTIONS

This By-law does not apply to;

- (a) activities or matters undertaken by a municipality or a local board of a municipality; or
- (b) activities or matters undertaken under a license issued under the *Crown Forest Sustainability Act, 1994*; or
- (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; or
- (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; or
- (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 requirement of an agreement entered into under the regulation; or
 - (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; or
 - (g) the injuring or destruction of trees undertaken on land described in a license for a pit or quarry or a Permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*; or
 - (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)*; or
 - (i) the injury or destruction of trees where the owner of the trees has been granted an exemption by Council pursuant to section 4; or
 - (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 meters from the outer edge of the building, structure or thing; or
 - (k) the injuring or destruction of trees that is required in order to install or provide utilities to the construction or use of the building, structure or thing in respect of which a Building Permit has been issued; or
 - (l) the injuring or destruction of trees that is required in order to install and provide utilities to a single lane driveway for vehicular access to the building, structure or thing in respect of which a Building Permit has been issued; or
 - (m) the owner of the woodlands that has destroyed or injured trees for his or her own use where the owner has been the registered owner of said property for a minimum of two years prior to the date of the commencement of the destruction or injury; or
 - (n) i) Except for work on municipal drains, if any tree removal is necessary due to the undertaking of any drainage work, notification of the County Solicitor/Clerk's office is necessary, and every person intending to

destroy trees for the purpose of drainage work must comply with Section 2.

- ii) Any tile drainage work through or adjacent to woodlands shall be constructed of closed tile in the part of the drainage work that goes through or adjacent to the woodland.

4. COUNCIL EXEMPTION

- (a) In order to be considered for an exemption to Section 2 the owner of the Woodlands must apply to The Woodlot Committee for an exemption at least 3 months prior to the anticipated commencement of injury or destruction of trees by submitting ;
 - (i) completed application form as described in Schedule "B"; and
 - (ii) the applicable fee as set out in schedule "C".
- (b) At least 21 business days prior to consideration of the application for an exemption by The Woodlot Committee, the Secretary shall send by registered mail, written notice to the applicant and all assessed owners of each parcel of land that abuts the applicant's Woodlands for which an exemption is being sought. Such notice shall contain requirements as noted in Schedule "J".
- (c) The applicant shall erect and display a public notice regarding the exception application at the entrance of the adjoining roadway to the land where the minor exception is being sought in a position that is clear and visible to all persons and the notice shall be in the form of Schedule "D".
- (d) The notice shall be posted at least 15 business days prior to consideration of the application.
- (e) Provided that there have been no objections filed with the Secretary of the Woodlot Committee and the Officer agrees that the general purposes and the intent of this By-law is maintained, the Officer may grant the Permit for the exemption in the form of Schedule "G".
- (f) When granting a Permit for an exemption, the Officer may include terms or conditions.
- (g) When denying an exemption the Officer must notify the applicant.
- (h) The applicant may object to the terms and conditions on the Permit for the exemption.
- (i) where there have been objections filed with the Secretary or where the applicant objects to the terms and conditions on the Permit for the exemption, The Woodlot Committee will consider the application for exemption, any

conditions to the Permit and make a decision whether to grant the exemption.

- (j) The Woodlot Committee shall hear any person who wishes to speak to the exemption for which objections have been filed.
- (k) The Woodlot Committee shall make a recommendation to Council on the application for exemption.
- (l) When granting an exemption Council may include terms or condition on the Permit.

5. NOTICE OF INTENT

- (a) Every owner of Woodlands or person acting on behalf of the owner who intends to destroy or injure trees personally or through another person, under Section 2 (a) (i) of this By-law shall complete and submit to the Officer or their designate no less than 10 business days prior to the start of destruction or injury, all the information as prescribed in Schedule “G”.
- (b) Every owner of Woodlands or person acting on behalf of the owner who intends to destroy or injure trees personally or through another person, under Section 2 (a) (ii) of this By-law shall complete and submit to the Officer or their designate no less than 10 business days prior to the start of destruction or injury, all the information as prescribed in Schedule “H”.
- (c) Any person who is required to file a Notice under subsection (a) or (b) shall also erect and display a sign at the entrance at the adjoining roadway to the land where the destruction or injury of the trees is to occur, in a position that is clear and visible to all persons, and such sign shall be in the format as outlined in Schedule “I”-“Notice of Timber Harvesting”.
- (d) No person shall destroy or injury trees pursuant to subsection (a) or (b) until such time that the Officer or their designate provides a written acknowledgement that the Notice of Intent complies with the provisions of this By-law.

6. PERMIT APPLICATION PROCESS

- (a) Applications for Permits will not be processed if;
 - (i) applications have not been completed in full; and
 - (ii) the substantive requirements that must be submitted with an application have not been included; and
 - (iii) applications are not in keeping with the general purpose and intent of this By-law; and
 - (iv) the prescribed application fee, as set forth in Schedule “C” has not been paid in full,
- (b) A Permit in the form of Schedule “F” may be;

- (i) Issued to the applicant for a term of 2 years.
 - (ii) Renewed by the officer for a term of 1(one) year (s) provided an additional prescribed application fee as set forth in Schedule “D” is paid.
 - (iii) Renewed by Council for one term of 1(one) year (s) provided an additional prescribed application fee as set forth in Schedule “D” is paid.
- (c) An officer may impose conditions to the Permit that relate to;
- (i) the manner in which destruction or injury is to occur and
 - (ii) the qualifications of persons authorized to destroy or injure trees.
- (d) when denying a Permit, the Clerk must notify the applicant.

7. CONFIRMATION OF NOTICE

When all of the information prescribed in Schedule “G” or “H” has been submitted pursuant to Section 5 (a) or (b) of this By-law, and the Officer or their designate has reason to believe that the proposed destruction or injury of trees may cause harm to a significant ecosystem or Sensitive Natural Area, the Officer or their designate may prohibit the destruction or injury of trees until such time as the owner of Woodlands or a person acting on their behalf submits an evaluation of the ecological significance of the proposed area to be cut. Such an evaluation shall be carried out by a Registered Professional Forester for at least four consecutive months during the period of May 1 to September 30. The Officer or their designate may allow the proposed destruction or injury of trees if they are satisfied upon reviewing the evaluation that no significant ecosystem or Sensitive Natural Area will be harmed.

8. ORDERS TO DISCONTINUE ACTIVITY

- (a) Where an 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 set out the information contained in Schedule “E”.
- (b) An order issued under this section may be served personally or served by sending it by **registered mail** to the last known address of;
- (i) the owner of 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 out under section 8, subsection (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 Council by filing a Notice of Appeal by personal service or **registered mail** to the County Clerk within 30 days of the date of the Order.
- (f) Where an appeal has been filed, Council shall hear the appeal and have all the powers and 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 Council shall be in accordance with the provisions of the *Statutory Powers Procedures Act*, R.S.O. 1990, and 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 for each occurrence of the contravention, infraction or violation on conviction to a maximum fine of \$100,000.00 or \$10,000.00 per tree, whichever is greater.
- (b) 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) An Officer may at any reasonable time enter and inspect any land to determine whether this By-law, an Order or a condition of a Permit is being

complied with.

- (c) 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) Schedules "A-J" shall 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 there from 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 No. 15 OF 2002 of the Corporation of The County of Lambton shall be repealed effective on the coming into force and effect of this By-law.
- (e) Despite subsection (d) of this section, By-law No. 15 of 2002 of the Corporation of The County of Lambton shall continue to apply to proceedings in respect of offences that occurred before its repeal.

FINALLY PASSED this 5th day of November, 2003, further amended and consolidated on this 6th day of February, 2008.

Jim Burns
Warden

Linda Ross
Clerk

SCHEDULE “A”
CIRCUMFERENCE LIMITS BY TREE SPECIES

SPECIES “A”

BASSWOOD.....	(Whitewood) (<i>Tilia Americana</i>)
BLACK GUM.....	(Black Tupelo) (<i>Nyssa Sylvatica</i>)
CHESTNUT.....	(American) (<i>Castanea dentate</i>)
CUCUMBER.....	(<i>Magnolia acuminata</i>)
ELM.....	White (<i>Ulmus Americana</i>) Red (<i>Ulmus thomasii</i>) Rock (<i>Ulmus ruba</i>)
HACKBERRY.....	(<i>Celtis occidentalis</i>)
KENTUCKY	
COFFEE TREE.....	(<i>Gymnocladus dioicus</i>)
MAPLE.....	Sugar (<i>Acer saccharum</i>) Black (<i>Acer nigrum</i>) Red (<i>Acer rubrum</i>) Silver (<i>Acer saccharinum</i>)
OAK	Red (<i>Quercus rubra</i>) Shumard (<i>quercus shumerdii</i>) White (<i>Quercus Alba</i>)
PINE.....	White (<i>Pinus strobus</i>)
TULIP.....	Yellow Poplar (<i>Liriodendron tulipifera</i>)
WALNUT.....	Black (<i>Juglans nigra</i>) White (Butternut) (<i>Juglans cinerea</i>)

SPECIES “A” MEASUREMENTS

<u>Point of Measurement</u>	<u>Circumference</u>	<u>Diameter</u>
30 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 “B”

ASH.....	White (<i>Fraxinus Americana</i>) Green (Red) (<i>Fraxinus pennsylvanica</i>) Blue (<i>Fraxinus quadrangulata</i>) Red (See Green Ash – considered as one) Black (<i>Fraxinus nigra</i>)
BEECH	American (<i>Fagus grandifolia</i>)
BIRCH.....	Yellow (<i>Betula alleghaniensis</i>)
BLACK CHERRY...	Black (<i>Prunus serotina</i>)
HEMLOCK.....	Eastern...(<i>Tsuga Canadensis</i>)
HICKORY.....	Bitternut (<i>Carya cordiformis</i>) Mockernut (<i>Carya tomentosa</i>) Pignut (<i>Carya glabra</i>) Shagbark (<i>Carya ovata</i>) Shellbark <i>Carya laciniosa</i>)
OAK.....	Black (<i>Quercus velutina</i>)

	Burr (<i>Quercus macrocarpa</i>)
	Chestnut (<i>quercus prinus</i>)
	Chinkopin (<i>Quercus muehlenbergii</i>)
	Swamp White (<i>Quercus bicolor</i>)
	Pin (<i>Quercus palustris</i>)
PINE.....	Red (<i>Pinus resinosa</i>)
POPLAR.....	Carolina (<i>Populus Canadensis</i>)
	Eastern Cottonwood (<i>Populus deltoides</i>)
SPRUCE.....	Norway (<i>Picea abies</i>)
	White (<i>Picea glauca</i>)
SYCAMORE.....	(<i>Platanus occidentalis</i>)

SPECIES "B" MEASUREMENTS

Point of Measurement	Circumference	Diameter
30 cm (12 in)	127 cm (50 in)	41 cm (16 in)
20 cm (8 in)	145 cm (57 in)	46 cm (18 in)
10 cm (4 in)	175 cm (69 in)	56 cm (22 in)

SPECIES "C"

BIRCH.....	White (<i>Betula papyrifera</i>)
CEDAR.....	White (<i>Thuja occidentalis</i>)
LARCH.....	European (<i>Larix deciduas</i>)
	Eastern Tamarack (<i>Larix laricina</i>)
LOCUST.....	Black (<i>Robinia pseudoacacia</i>)
POPLAR.....	Balsam (<i>Populus balsamifera</i>)
	Large-tooth Aspen (<i>Populus grandidentata</i>)
	Trembling Aspen (<i>Populus tremuloides</i>)

SPECIES "C" MEASUREMENTS

Point of Measurement	Circumference	Diameter
30 cm (12 in)	79 cm (31 in)	25 cm (10 in)
20 cm (8 in)	94 cm (37 in)	30 cm (12 in)
10 cm (4 in)	127 cm (50 in)	41 cm (16 in)

SCHEDULE "B"
APPLICATION FOR EXEMPTION

File No. W -

Name(s) of Owner: _____

Address: _____ Postal Code: _____

Telephone: Residence: _____ Business: _____ Fax: _____

E-Mail: _____

Location of Trees Affected / Ownership

Municipality _____ Assessment Roll Number _____

Lot _____ Concession _____ 911 Address _____

Property owned by 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 of your purchase.

Has the owner previously made application for and been granted permission to destroy or injure trees.

Application Type

_____ **Council Exemption less than or equal to 1 hectare (2.5 acres)**

_____ **Council Exemption greater than 1 hectare (2.5 acres)**

An environmental Impact Study Report is attached to this application.

Property / Forest Description

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

Overstory _____ Under story _____ Total Area: _____ Hectares _____ Acres _____

Total Woodland Hectares (Acres) on the Property: _____ Hectares _____ Acres

Description of tree species on the described land: _____

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:

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

Indicate how many _____ acres _____ hectares you are willing to replant? Total Area: _____

If the applicant cannot replant in lieu of destruction is the applicant willing to make payment in lieu of destruction? Yes _____ No _____

Please return this application with a cheque made payable to the Corporation of the County of Lambton in the amount of \$ 500.00 to the County Clerk's Office, 789 Broadway, Box 3000, Wyoming, ON N0N 1T0.

Personal information on this form is collected under the authority of the *Municipal Act*. Pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*, questions about the collection of personal information should be directed to the Clerk.

Council Exemption Requirements / Information

- I. A Council Exemption application must be completed in full in order to be processed. An application for an area greater than 1 (one) hectare (2.5 ac.) must be accompanied by an Environmental Impact Study.
- II. It shall be normal practice that when an owner or his authorized agent makes an inquiry with regard to Woodlands Conservation Consolidated By-law No.45 of 2003 and By-law 1 of 2008, that the Officer will make an inspection of the property to determine whether or not an application for a Council Exemption is necessary.
- III. An information summary describing the application area and the forest cover component will be prepared by the Officer.
- IV. Notice of this permit application shall be sent by regular mail to all landowners whose lands abut the land the applicant has outlined. Landowners separated by a public road allowance shall also be considered to be abutting landowners. Further circulation of this application may be made to the appropriate government agencies for review and comments (i.e. Conservation Authorities, Ministry of Natural Resources, Ministry of Agriculture Food and Rural Affairs, and local Municipalities).
- V. Any person who has made an application for a Council Exemption Permit shall erect and display a public notice regarding the Council Exemption application at the entrance from the adjoining roadway to the land where the Council Exemption Permit is being sought in a position that is clear and visible to all persons, and such sign shall be in the format of Schedule "D".
- VI. The hearing for the application shall not be held less than twenty-one (21) working days from receipt of the application.
- VII. If the application is approved an on site inspection will be made and the perimeter of the forest cover which will remain will be marked with paint or some other means, to clearly indicate the extent of the approved Council Exemption Permit area. Trees destroyed outside any approved area will be considered a violation under the Woodlands Conservation Consolidated By-law No.45 of 2003 and By-law No. 1 of 2008, as consolidated.

Declaration

I, _____ of the _____

of _____ in the Municipality of _____

Solemnly declare that:

All above statements and the statements contained in all the exhibits transmitted herewith are true, and I make this solemn declaration conscientiously believing it to be true and knowing that it is the same force and effect as if made under oath.

Declared before me at the _____ of _____

in the _____ of _____ this _____ day of _____ 20____.

Signature of Owner or Authorized Agent

Signature of Owner or Authorized Agent

A Commissioner etc.

Note 1: If signed by an agent, written authorization of the owner must accompany the application. If the applicant is a corporation, the application shall be signed by an officer of the corporation and the corporation's seal shall be affixed.

Note 2: Each application must be accompanied by a sketch, showing the parcel of land that is the subject of the application, showing the boundaries and dimensions of the total holdings, and showing the size and area of the trees to be removed, as well as portions of the woodland to be retained and the location of the property to abutting properties and their land use (e.g., residential, agricultural, cottage, commercial, etc.)

SCHEDULE "C"

Fee Schedule

Application for Exemption to Clear Woodlands	\$500.00
Permit of renewal extension	\$150.00

SCHEDULE "D"

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 HAS BEEN RECEIVED BY COUNCIL AFFECTING THESE FORESTED LANDS:

Lot: _____ Concession: _____ Municipality: _____

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:

County of Lambton, 789 Broadway St., Box 3000, Wyoming, ON N0N 1T0

**This Notice is posted under the authority of
Lambton County Woodlands Conservation Consolidated By-law No. 45 of 2003
and By-law No. 1 of 2008**

This Notice is to remain posted no less than {10} business days prior to consideration of this application

FURTHER INFORMATION IS AVAILABLE FROM

Planning & Development Services Department

(519) 845-0809 ext. 352

SCHEDULE "E"

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

LOT: _____ CONCESSION: _____ MUNICIPALITY: _____

IDENTIFIED 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 Consolidated By-law No. 45 of 2003 and By-law No. 1 of 2008, 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 to Council by filing Notice of Appeal by personal service or registered mail to the County Clerk within 30 days after the date of the Order.

SCHEDULE "F"

PERMIT TO DESTROY TREES

Permission is hereby granted by the Council of the Corporation of the County of Lambton to destroy trees under the supervision of the Officer as outlined below:

File No.

W-

Granted to: _____

Address: _____

LOT: _____ CON: _____ MUNICIPALITY: _____

Description of area and trees to be destroyed:

Conditions:

DATE OF EXPIRY:

DATE OF ISSUE:

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.

Please indicate if the property enrolled in:

Conservation Land Tax Incentive Program

Managed Forest Tax Incentive Program

(Complete below or attach a forest operations silvicultural prescription and Distribution of Cut.)

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 trail has been delineated?		
Have arrangements been made to harvest the fuel wood from tree tops?		

I agree that operations will be in accordance with the provisions of Woodlands Conservation Consolidated By-law No. 45 of 2003 and By-law No. 1 of 2008 of the Corporation of the County of Lambton 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 Practices.

Further, I agree to contact the Officer or the Clerk (insert time required) prior to commencing harvesting of trees. In the event of a mail disruption this form may be delivered to any local municipal 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 FILING A NOTICE OF INTENT FOR GOOD FORESTRY PRACTICES THAT DO NOT QUALIFY FOR THIS EXEMPTION WILL BE NOTIFIED WITHIN 5 WORKING DAYS OF FILING.

SCHEDULE "H" - County of Lambton

**NOTICE OF INTENT-CIRCUMFERENCE LIMIT CUTTING
PURSUANT TO WOODLANDS CONSERVATION CONSOLIDATED BY-LAW NO. 45
of 2003 and BY-LAW NO. 1 of 2008.**

Completed Notice of Intent to be submitted to the Building Services Department, at 789 Broadway Street, Box 3000, Wyoming, ON N0N 1T0 (519) 845-0809 Ext. 352 Fax: (519) 845-3817.

**AT LEAST 10 DAYS PRIOR TO THE PROPOSED COMMENCEMENT OF THE
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 this Notice of Intent null and void and will be returned to the applicant for correction.

Property Owner: _____

Address: _____

Postal Code: _____ Tel: _____

Fax: _____ E-mail: _____

Contractor: (if different from above) _____

Address: _____

Postal Code: _____ Tel: _____

Fax: _____ E-mail: _____

On Site Person in charge of the harvest of trees: _____

Expected Starting Date: _____

Location of Woodland: Lot _____ Con. _____

Former Municipality _____

911 Address _____

Reason for Removal: Commercial Timber Harvest _____ Stand Improvement _____

Firewood Removal _____ Other _____

Approximate Size of Woodland: _____

Area of Harvest: (indicate on sketch) _____

Trees Marked by: _____

Mailing Address: _____

Tel. _____ E-mail _____

Qualifications: _____

It is the responsibility of the owner or authorized agent to have marked with paint, on 2 sides, 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 or copy must be on site at all times and in the possession of the person in charge of cutting.

TREE HARVEST SUMMARY

(A legible tally sheet can be substituted and attached)

Tree Species	No.	Description of Area
		Indicate North
<u>Total Trees</u>		

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

I agree that all tree cutting operations will be in accordance with the provisions of Lambton County Woodlands Conservation Consolidated By-Law No. 45 of 2003 and By-Law 1 of 2008, and that I am familiar with the components and requirements of this and acknowledge having received a copy thereof.

Further, I agree to contact the Planning & Development Services Department at (519) 845-0809 ext. 352 24 hours prior to commencing cutting of trees set out in this notice

Dated at _____ this ____ day of _____, 20____.

Signature of Contractor

Signature of Property Owner or Authorized Agent

Information: Circumference limit cutting is generally not considered good Forestry practices and may affect the health and economic return of the forest in the future.

SCHEDULE "I"

Notice of Timber Harvesting

DO NOT ENTER during harvesting activities for your own safety.

This posted notice **does not** imply unrestricted access.

Interested parties must receive permission to enter these lands from the landowner.

Contractor: _____

Phone Number: _____

Owner: _____

Timber Harvest Date: _____

Timber to be Harvested Marked by: _____

Phone Number of Marker: _____

This Notice is posted under the authority of the Woodlands Conservation Consolidated By-Law No. 45 of 2003 and By-Law No. 1 of 2008.

This Notice is to remain posted prior to the commencement of harvesting and no less than ten days after completion of harvest. Removal prior to this period is a chargeable offence.

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

_____ at _____

SCHEDULE “J”

WRITTEN NOTICE OF APPLICATION MADE FOR EXEMPTION

TO WOODLANDS CONSERVATION CONSOLIDATED BY-LAW 45 of 2003 and BY-LAW 1 of 2008.

The clerk is to send a written notice to the applicant and all assessed owners of each parcel of land that abuts the applicant’s woodlands for which an exemption is being sought and to such other persons as prescribed by council.

Such written notice should include:

- (a) the name and address of the owner who has made the application for an exemption;**
- (b) a description of the woodlands in respect of which the application has been made;**
- (c) a description of the nature and extent of the trees in the woodland;**
- (d) a description of the purpose, nature and extent of the exemption for which the application has been made;**
- (e) a description of the process by which objections can be filed in regards to the exemption application; and**
- (f) the date, time and location of the (decision making body) meeting where objections to the application will be heard.**