

THE CORPORATION OF THE TOWN OF GRAVENHURST

BY-LAW 2014-26

Being a by-law of The Corporation of the Town of Gravenhurst to conserve, prohibit, protect, restrict, and regulate the possible harvesting, removal, injuring damaging and destruction of trees on (private) property in the Town of Gravenhurst.

WHEREAS Section 135 of the Municipal Act, 2001, S.O. 2001, as amended, permits the enactment of a by-law by the Council of The Corporation of the Town of Gravenhurst to prohibit or regulate the destruction or injuring of trees in areas that are less than one hectare in area;

AND WHEREAS pursuant to Section 135(7) of the Municipal Act, 2001, S.O. 2001 as amended, a municipality may require that a permit be obtained for the injuring or destruction of trees or any class of trees specified in the by-law and impose conditions to a permit, including those relating to the manner in which destruction occurs and the qualification of persons authorized to destroy or injure trees;

AND WHEREAS pursuant to section 425(1) of the Municipal Act, 2001, S.O. 2001 as amended, a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence;

AND WHEREAS the Council of The Corporation of the Town of Gravenhurst deems it desirable in the public interest to enact a Tree Preservation By-law for the purpose of:

- protecting vegetation in shoreline vegetative buffers for the purpose of the habitat protection, water quality, aesthetics, and implementing the District of Muskoka Lake System Health Program;
- protecting and conserving vegetation in environmental protection areas;
- retention of tree cover in scenic areas and scenic corridors;
- regulating and controlling the removal, maintenance and protection of trees;
- protecting, promoting and enhancing the aesthetic values of lands;
- sustaining a healthy natural environment;
- contributing to human health and quality of life through the maintenance of tree cover.

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF GRAVENHURST ENACTS AS FOLLOWS:

1. DEFINITIONS

(1) In this by-law:

- a) "Applicant" means the person who submits an application for a permit under this by-law;
- b) "Breast height" refers to a point of measurement 1.37 metres (4.49 feet) from the ground;
- c) "Building permit" means a building permit issued under the Building Code Act, 1992, S.O. 1992, c. 23, as amended;
- d) "Clerk" means the Clerk of the Town;
- e) "Council" means Council of the Town;

- f) "Crown" means the upper part of a tree, which includes the branches and leaves;
- g) "Destroy" means the removal of a tree or harm resulting in the death, ruin, or removal of a irreversible injury that may result from neglect, accident or design and the term "destruction" shall have a corresponding meaning;
- h) "Director" means the Director of Development Services for the Town or his or her designate provided such designate is an officer appointed under this by-law;
- i) "DBH" is also known as "diameter at breast height" and refers to the diameter of the i of a tree measured at a point 1.37 metres (4.5 feet) above the highest point on the tree where the ground meets the trunk;
- 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;
- k) "Heritage tree" means a tree that Council designates by resolution or by- law as being unique and of importance to the Town in terms of distinctive form, size, age and/or historical significance;
- l) "Injure" means to harm, damage or impair a tree and includes, but is not limited to, harm, damage or impairment, caused by changing grades around a tree, compacting soil over root areas, severing roots, improper application of chemicals, improper pruning or the removal of branches and bark and the term "injury" shall have corresponding meaning;
- (i) "Natural body of water" includes but is not limited to; a creek, stream, bog, marsh, river pond or lake and which contains a supply of fresh water on a regular basis;
- m) "Officer: means any person designated by this or any other by-law of the Town to issue permits and impose conditions and to enforce the permits, and such officers are so designated pursuant to Schedule "C" to this by-law;
- n) "Owner" "Owner" means the Person(s) registered on the title of the land, that is the Site, in the Registry Office or Land Titles Office as the owner of such land;
- o) "Permit" means a Permit issued pursuant to this by-law;
- p) "Person" means a company, corporation, partnership, individual or a person as defined in subsection 29(1) of the Interpretation Act, R.S.O. 1990, c.I-11 as amended;
- q) "Scenic corridor" means all lands bordering Town or District road allowances that have a significant local or tourist interest;
- r) "Shoreline vegetative buffer" means the natural area maintained in its predevelopment state 20 metres (approximately 66 feet) wide abutting and running parallel to the high water mark of a natural body of water;
- s) "Site" means the area of land containing any tree(s) proposed to be injured;
- t) "Town" and "Town of Gravenhurst" means The Corporation of the Town of Gravenhurst;
- u) "Tree" means a plant of any species of woody perennial plant including its root system with a diameter greater than 20 centimeters (8 inches) DBH;
- v) "Zoning by-law" means the by-law regulating land use as provided for under the Planning Act within the Town.

- (2) Notwithstanding anything to the contrary, the provisions of this by-law shall not be applied in a way so as to frustrate a legally permitted use under the Town's Zoning By-law or an extension of a legal non-conforming use in accordance with the Planning Act.

2. LANDS ON WHICH TREE REMOVAL IS REGULATED

- 1) This by-law applies to the following lands within the Town, except those portions of lands designated as woodlands pursuant to a by-law enacted by the Council of the District Municipality of Muskoka pursuant to section 135(4) of the Municipal Act:
 - (a) all lands within 60 metres (approximately 197 feet) of the Optimal Summer Water Level (OSWL) of a lake or river bed;
 - (b) all lands zoned Environmental Protection (EP), Flood Plain (FP), Flood Fringe (FF) and Floodway (FW) and their respective setbacks in the Town of Gravenhurst Comprehensive Zoning By-law,
 - (c) all lands within the shoreline vegetation buffer;
 - (d) all lands within 45 metres (approximately 148 feet) of the Highway 11 MTO right of way; and
 - (e) all lands within 20 metres (approximately 66 feet) of roadways within the Town that are deemed scenic corridors listed in Appendix "I".
- 2) This by-law applies to a tree or trees on designated as heritage trees.
- 3) Notwithstanding the generality of sections 4 (1) and 4 (2) a Permit must be obtained from the Town prior to any tree being injured or destroyed within the lands listed above.

3. PROHIBITIONS

- 1) No person shall injure or destroy a tree or permit a tree to be injured or destroyed on lands within 60 metres (approximately 197 feet) of the OSWL of a lake or river bed unless a Permit to injure or destroy has been obtained from the Town.
- 2) No person shall injure or destroy a tree or allow a tree to be injured or destroyed on lands within an area zoned Environmental Protection (EP), Flood Plain (FP), Flood Fringe (FF) and Floodway (FW) in the Town's Comprehensive Zoning By-law unless a Permit to injure or destroy has been obtained from the Town.
- 3) No person shall injure or destroy a tree or permit a tree to be injured or destroyed on lands within 45 metres (approximately 148 feet) of the Highway 11 MTO right of way unless a Permit to injure or destroy has been obtained from the Town.
- 4) No person shall injure or destroy a tree or permit a tree to be injured or destroyed on lands within 20 metres (approximately 66 feet) of roadways within the Town that are deemed scenic corridors as described in Appendix "I" unless a Permit to injure or destroy has been obtained from the Town,
- 5) No person shall injure or destroy a heritage tree or permit a heritage tree to be injured or destroyed unless a Permit to injure or destroy has been obtained from the Town.
- 6) No person shall injure or destroy a tree or permit a tree to be injured or destroyed that is classified as an endangered, threatened, or at risk species, as defined in the Endangered Species Act, 2007, or any tree classified as an endangered or

threatened tree species, or a tree species of special concern, as defined in the federal statute, Species at Risk, Act 2002.

- 7) No person shall contravene the terms or conditions of a Permit.
- 8) No person shall fail to comply with an Order issued under this by-law.
- 9) No person shall pull down or deface an Order posted under this by-law.
- 10) No person shall fail to produce or post a Permit.
- 11) No person shall obstruct or interfere with an officer, or any person or agent authorized by and officer, in the discharge of his or her duties under this by-law. Such action shall be considered a violation of this by-law.

4. EXEMPTIONS FROM APPLICATION OF BY-LAW

- 1) Section 135 (12) of the Municipal Act, 2001, S.O. 2001, c.25 exempts the following activities from the provisions of this by-law:
 - (a) activities or matters undertaken by the Town, District of Muskoka or a local board of the Town;
 - (b) activities or matters undertaken under a license issued under the Crown Forest Sustainability Act, S.O. 1994;
 - (c) the injuring or destruction of trees by a person licensed under the Surveyor's Act, R.S.O 1990, c.S.29 to engage in the practice of cadastral surveying or any person or his or her agent, while making a survey;
 - (d) the injuring or destruction of trees as a condition of the approval of a site plan, a plan of subdivision or a consent under section 41, 51 or 53 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 constructing and maintain a transmission system or a distributor system, as those terms are defined in that section;
 - (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 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 that has not been designated under the Aggregate Resources Act or a predecessor of that Act, and on which a pit or quarry is a permitted land use under a by-law passed under Section 34 of the Planning Act.
- 2) In addition to subsection 1 the provisions of this by-law do not apply to trees injured or removed by or with the permission of the Town of Gravenhurst that are situated on lands owned or controlled by it;
 - (a) the removal of damaged or destroyed trees in the interests of public safety, health and general welfare following any man-made or natural disasters, storms, high winds, floods, fires, snowfalls, freezes, or as a result of insects, disease or wildlife;

- (b) the injury, destruction, cutting and/or removal of a dead or hazardous tree that has incurred major damage, disease or insect infestation which must be removed to prevent damage to structures or things on the lot, the contamination or infestation of other trees or the injury and destruction of trees which pose a risk to the safety of persons or property;
- (c) the injury or destruction of trees, subject to the Farming and Food Production Protection Act, 1998 to continue or enlarge an agriculture operation. For the purposes of this section, agricultural operations include tree farms of any kind;
- (d) activities or matters undertaken by the provincial government or federal government or their authorized agents;
- (e) the destruction or injury of trees required in the exercise of the rights or powers of a hydroelectric corporation or any public utility board or commission;
- (f) the injury or destruction of trees with a DBH of fewer than 20 centimetres (8 inches);
- (g) the removal of dead, dangerous, diseased or severely injured trees or stumps, in accordance with good forestry practice;
- (h) the pruning of tree branches in accordance with good arboricultural practice to maintain, improve, or protect tree health and surrounding forest health while maintaining the tree's natural shape;
- (i) the injuring or removal of trees that is required in order to erect any building structure or thing in respect of which a building permit is issued and has taken into consideration the protection of trees surrounding the structure or work within the building envelope, provided that no tree is removed or injured that is located more than 5 metres (16 feet 5") from the outer edge of the building, structure, septic system, or thing;
- (j) the injury or destruction of trees within 5 metres (16 feet 5 inches) of an occupied building;
- (k) the injury or destruction of trees to accommodate a legally permitted entranceway and/or to ensure safe visibility for any such entranceway;
- (l) the injury or destruction of trees for the purpose of one temporary access road, no wider than 5 metres (16 feet 5 inches) on properties that are accessible only by water;
- (m) the injury or destruction of trees necessary to accommodate a legally permitted use,
- (n) a tree injured or destroyed in compliance with an approved tree preservation plan, landscape plan or site plan;
- (o) the injury or destruction of trees required for the construction and maintenance of 2 metre recreational trails;
- (p) the injury or destruction of trees for personal use. For the purpose of this exemption, personal use means the use of wood by the owner for activities such as burning wood for fuel in wood stoves, fireplaces, etc., recreational use, or use in making wood based products, provided such products are not for commercial sale on the property unless the owner of the property is able to comply with the Town's Comprehensive Zoning By-law;
- (q) the injury or destruction of trees for the purposes of harvesting and producing maple syrup;
- (r) the injury or destruction of trees within lands assessed under the Managed Forest Tax Incentive Program;
- (s) the injury or destruction of species of non-native, invasive trees as listed in Appendix "II"

5. APPLICATION FOR PERMIT TO INJURE OR DESTROY TREES

- (1) A Permit is required to be obtained from the Town prior to any tree being injured or destroyed on lands mentioned in sections 4(1) and 4(2) of this by-law.
- (2) Every person who intends to injure or destroy a tree where a permit to do so is required under this by-law shall first complete and submit an application to the Town containing the information set out in Schedule "A" to this by-law, to the satisfaction of the Director.
- (3) Each application shall be accompanied by the prescribed fee payable in accordance with the Gravenhurst User Fees and Service Charges By-law.
- (4) As part of the application for a Permit, the owner shall permit an officer to enter upon his or her property and undertake such site inspections as may be required to consider the application. An officer may undertake a site inspection prior to, during and after the proposed activity.
- (5) An application for a Permit shall be deemed incomplete, and no Permit will be issued if;
 - (a) the application has not been completed in full;
 - (b) the owner/applicant has not signed the application;
 - (c) the party who will be undertaking or responsible for the injuring or destruction of trees has not signed the application;
 - (d) the application fee has not been paid; or
 - (e) any required inspections have not been undertaken.

6. RENEWAL OR TRANSFER

- 1) A permit maybe transferred or renewed upon application to The Town and upon receipt of the prescribed fee as set out in the Gravenhurst User Fees and Service Charges By-law, if the owner is in compliance with the existing permit.
- 2) A permit may be renewed a maximum of two times.
- 3) A transferred permit expires on the date that the existing permit was due to expire. A renewed permit expires one year after the expiry date of the previous permit.
- 4) A person who wishes to renew or transfer a permit shall, at least 30 days before the expiry of the permit, submit to a Designed Officer a new application that:
 - (a) complies with all requirements set out in section 5, and
 - (b) for its Tree Inventory and Preservation Plan, relies upon the Tree Inventory and Preservation Plan for the site that is referenced in the existing permit.

7. ISSUANCE OF PERMIT

- 1) Subject to Section 10 the Director may issue a permit (Schedule "B" to injure or destroy tree(s) where the Director is satisfied that:
 - (a) the intent of the by-law is maintained, or
 - (b) the injury or destruction of tree(s) is required to permit the establishment or extension of a use permitted by the Gravenhurst Comprehensive Zoning By-law and there is no reasonable alternative to the injury or destruction of the tree(s).
- 2) A permit shall not be issued where:
 - (a) an application under this by-law is incomplete;
 - (b) a report is required by the Director, and in the opinion of the Director, is not satisfactory;

- (c) the permit would result in the destruction of a tree that is an endangered species as defined in the Endangered Species Act, R.S.O. 1990, c.E.15, or successor legislation;
- (d) flood or erosion control, or the ecological integrity of a natural area, will be negatively affected.

8. CONDITIONS OF PERMIT

1) Marking of Trees

At least seven days prior to injuring or destroying any tree that requires a permit, but not prior to the issuance of the permit, the owner shall cause all trees which are to be removed or destroyed to be marked with clearly visible marks of yellow paint at breast height and upon the stump to remain after cutting.

2) Limitation of Damage to Residual Trees

During the course of injuring or destroying trees pursuant to a permit issued in accordance with this by-law, no person shall:

- (a) cause Major Damage to trees forming a more than 10% of the total residual basal area of the portion of the property which is the subject of the permit;
- (b) cause Major Damage to trees forming more than 15% of the residual basal in the size class of 10 cm DBH or more in the portion of the property which is the subject of the permit;
- (c) cause Major Damage to trees forming more than 15% of the residual basal area in the class of 10cm DBH or less in the portion of the property which is the subject of the permit;
- (d) create or permit skid trails covering more than 20% of the ground are in the portion of the property that is the subject of the permit.

3) Posting of Permit

Prior to commencement of any work that would result in injury to or destruction of trees authorized pursuant to this by-law, the person causing such work to be carried out shall:

- a) ensure that the permit is posted in a conspicuous place within the property or it is available on site and can be produced upon request by an officer.
- b) the failure to post or produce a permit as required shall constitute an offence.

4) Conditions Required by the Director

In addition to the attached conditions, the Director may attach conditions to the Permit which in the opinion of the Director as reasonable and related to the purposes of this by-law or the safety and convenience of the public that may include but are not limited to the following:

- (a) the manner and timing in which the injuring and destruction of trees is to be carried out;
- (b) the qualifications of persons authorized to injure or destroy trees;
- (c) the species, size, number, and location or replacement trees to be planted, and
- (d) measures to be implemented to mitigate the direct and indirect effects of the injuring or destruction of trees on the natural environment including protected trees adjacent to or on the land where the tree destruction or injury is to take place.

- 5) Inspections: An officer, appointed by resolution of Council, or any person authorized by an officer, may at all times enter upon and inspect any land for the purposes of:
- a) enforcing this by-law,
 - b) determining compliance with this by-law,
 - c) determining compliance with terms and conditions of a Permit issued under this by-law,
 - d) determining compliance with an Order issued under Section 15 of this by-law,
 - e) laying charges under this by-law.

9. DURATION OF PERMIT

- 1) Every permit issued to the applicant shall expire one (1) year after issuance.
- 2) All permits for the injury or destruction of trees will be deemed not to be in effect during the period of March 15 to April 30. The Director may grant exemptions to this requirement in writing having regard to the potential for rutting soil and subsequent damage to the ecology.

10. REVIEW OF DECISIONS OF DIRECTOR

- 1) An applicant for a Permit under this by-law may request a review by Council;
 - (a) Within ten (10) days after a refusal by the Director; or
 - (b) Within thirty (30) days after the complete application is received by the Town and the Director fails to make a decision; or
 - (c) Within thirty (30) days after the issuance of the permit if the applicant is not satisfied with the conditions of a permit.

11. DESIGNATION OF OFFICERS

Individuals employed by the Town and holding the positions set out in Schedule "C" are hereby designated as officers pursuant to the provisions of this by-law.

12. INSPECTIONS BY AN OFFICER

During daylight hours and upon producing his/her credentials, an officer, may enter and inspect any land to which this by-law applies at any time.

1) **INSPECTION POWERS OF THE OFFICER**

For the purposes of an inspection under section 12 an officer may,

- (a) require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the property or any part thereof;
- (b) inspect and remove documents or things relevant to the property or part thereof for the purpose of making copies or extracts;
- (c) require information from any person concerning a matter related to a property or part thereof;
- (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection; and
- (e) order the owner of the property to take and supply at the owner's expense such tests and samples as are specified in the order.

13. OBSTRUCTION OF AN OFFICER

Any person who obstructs an officer in carrying out an inspection under this By-law is

guilty of an offence.

14. ORDERS

- 1) Where an officer is satisfied that a person has contravened any provision of this by-law, the officer may make an Order under the authority of section 444 (1) of the Municipal Act requiring the person to discontinue immediately the injuring or destruction of trees and shall set out the particulars of the contravention. The Order shall set out the information contained in Schedule "D".
- 2) Where the Officer is satisfied that a person has contravened any provisions of this by-law, the Officer may make a Repair Order under authority of section 445(1) of the Municipal Act requiring the person to rehabilitate the land or to plant or replant trees in such a manner and within such a period as the Officer considers appropriate, including any silvicultural treatment necessary to re-establish the trees.
- 3) An Order issued under this section may be served personally or served by sending it by registered mail to the last known address of:
 - (a) The owner of the property at the address shown on the municipal tax rolls; and
 - (b) The person identified as injuring, destroying or harvesting a tree or trees.
- 4) Where service of an order is made by mail, the order shall be deemed to have been served on the fifth day after order is mailed.
- 5) Alternate service 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 sufficient service of the order on the person to whom the Order is directed.
- 6) A person to whom an Order under this section has been directed may request a review by Council by filing a written request with to Director within 30 days after the date of the Order. Council may confirm, modify, or revoke the order.
- 7) If a person fails to comply to an Order, the Town may carry out the work, enter the property at a reasonable time for that purpose and recover the cost with interest all in accordance with Section 446 of the Municipal Act, 2001.

15. PENALTY

- 1) Every Person who contravenes this by-law is guilty of an offence.
- 2) Every contravention of this by-law is hereby designated as a continuing offence.
- 3) Every Person who is convicted of an offence under this by-law is liable:
- 4) On first conviction, to a fine of not more than \$10,000.00; and on any subsequent conviction(s), to a fine of not more than \$25,000.00 for each subsequent conviction.
- 5) Where the Person convicted is a corporation, the maximum fines are \$50,000.00 or \$5000 per tree, whichever is greater. On any subsequent conviction, the maximum fine is \$100,000 or \$10,000 per tree, whichever is greater.
- 6) Upon conviction of an offence for contravening this by-law or the terms or conditions of a Permit or an Order issued under this by-law, the Court in which the conviction is 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 any within such a period as the court considers appropriate, including and silvicultural treatment necessary to re-establish the trees.


16. CONFLICT WITH OTHER LEGISLATION

- 1) If there is a conflict between this by-law and a by-law passed under the Forestry Act or Municipal Act by an upper tier municipality, the provisions of the upper tier by-law prevail;
- 2) Nothing in this by-law shall exempt any person from complying with the requirement of any other by-law in force or from obtaining any license, permission, permit, authority or approval required under any other by-law or legislation.

17. ADMINISTRATION

- 1) Schedules "A,B,C and Appendices "I"and "II" shall form part of this by-law.
- 2) 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.
- 3) The short title of this by-law is the "Tree Preservation By-law".

READ A FIRST, SECOND AND THIRD TIME and finally passed this 25th day of March, 2014.



Mayor



Deputy Clerk

SCHEDULE "A"

INFORMATION REQUIRED FOR APPLICATION

1. Name, address and telephone number of all owners.
2. Signature or authorization of all owners.
3. Name, address, and telephone number of person retained to perform work on the trees under permit, and contact name of corporation or company.
4. Municipal address of property (if assigned).
5. Roll number.
6. Legal description of property.
7. A tree inventory and preservation plan (where required) containing but not limited to:
 - (a) a general description of the history of use of the property;
 - (b) a key map of the property showing the location of the property within the Town of Gravenhurst;
 - (c) a detailed inventory map of the property showing the property boundary vegetation type boundaries, fences, road, access roads or trails, hydro lines, utility lines, watercourses, grass fields, railways, buildings, marshes, shallow rocky areas, and topography;
 - (d) a map showing the extents of the areas of preservation, conditional preservation, vegetation removals and restoration where applicable; and
 - (e) a plan for tree preservation measures, including monitoring, notes, specifications and details for the duration of active development on the property.
8. The onus is on the applicant to obtain any license, permission, permit, authority, or approval from the Ministry of Natural Resources, the Ministry of the Environment, the Department of Fisheries or Oceans or any other agency for trees to be injured or destroyed from within the shoreline vegetative buffer or on lands zoned as environmental protection (EP) or on lands zoned as flood areas (FP),(FF) or (FW) in the town's Comprehensive Zoning By-law.

SCHEDULE "B"

PERMIT TO INJURE OR DESTROY TREES - TOWN OF GRAVENHURST

Owner: _____ Applicant: _____

Civic Address: _____

Legal Description: _____

Roll #4402- _____

Conditions of Permit:

1. Marking of Trees

At least seven days prior to injuring or destroying any tree, but not prior to the issuance of the permit, the owner shall cause all trees which are to be removed or destroyed to be marked with clearly visible marks of yellow paint at breast height and upon the stump to remain after cutting.

2. Limitation of Damage to Residual Trees

During the course of injuring or destroying trees pursuant to a permit issued in accordance with this by-law, no person shall:

- (a) cause Major Damage to trees forming a more than 10% of the total residual basal area of the portion of the property which is the subject of the permit;
- (b) cause Major Damage to trees forming more than 15% of the residual basal in the size class of 10 cm DBH or more in the portion of the property which is the subject of the permit;
- (c) cause Major Damage to trees forming more than 15% of the residual basal area in the class of 10cm DBH or less in the portion of the property which is the subject of the permit;
- (d) create or permit skid trails covering more than 20% of the ground are in the portion of the property that is the subject of the permit.

Prior to commencement of any work that would result in injury to or destruction of trees authorized pursuant to this By-law, the person causing such work to be carried out shall ensure that the permit is posted in a conspicuous place within the property or it is available on site and can be produced upon request by an officer. The failure to post or produce a permit as required shall constitute an offence.

Director's Conditions (authority s. 8 (4) of 2014-):

(see reverse side of permit for additional Conditions)

Issued this ____ day of _____, 20____. Permit shall expire 12 months after issuance. Permit is not valid between March 15th to April 30th in any year.

Director of Development Services

Pertinent sections

As part of the application for a Permit, the owner shall permit an officer to enter upon his or her property and undertake such site inspections as may be required to consider the application. An officer may undertake a site inspection prior to, during and after the proposed activity;

During daylight hours and upon producing his/her credentials, an officer, may enter and inspect any land to which this By-law applies at any time.

Any person who obstructs an officer in carrying out an inspection under this by-law is guilty of an offence.

Director's Additional Conditions continued:

____ (initials)

____ (initials)
Copy to: Chief Municipal Law Officer, Clerk

SCHEDULE "C"

APPOINTMENT OF OFFICERS

1. Council may appoint from time to time by resolution, persons it deems qualified and necessary to act as officers to administer and enforce the provisions of this by-law, to issue permits under this by-law and to impose conditions to such Permits.

2. Designated Officers for the purpose of this By-law:
 - a) Director of Development Services;
 - b) Senior Planner;
 - c) Planner
 - d) All Municipal Law Enforcement Officers

SCHEDULE "D"

STOP WORK ORDER TOWN OF GRAVENHURST

Under the authority of Section 15 of By-law 2013- **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 By-law (2013-) Section 15, Subsection (6). 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 request a review by Council by filling a written request by personal service or certified mail to the Director within 30 days after the date of the Order.

Town of Gravenhurst , 3-5 Pineridge Gate, Gravenhurst, ON, P1P 1Z3
Attn: Director of Development Services
Copy to: Chief Municipal Law Enforcement Officer, Clerk

APPENDIX "I" SCENIC CORRIDORS

1. Highway 11
2. District Road 6 (Doe Lake Road, Housey's Rapids Road, Cooper's Falls Road),
3. District Road 13 (Southwood Road),
4. District Road 17 (Muskoka Beach Road),
5. District Road 19 (Beiers Road),
6. District Road 20 (Doe Lake Road),
7. District Road 41 (Bethune Drive),
8. District Road 169 (Bethune Drive, Brock Street, Bay Street),

APPENDIX "II"

- (a) Ailanthus or Tree of Heaven (*Alianthus altissima*),
- (b) Amur Honeysuckle (*Lonicera maackii*),
- (c) Birch, European (*Betula pendula*),
- (d) Common Buckthorn (*Rhamnus catartica*),
- (e) Elm, Siberian (*Uimus Pumila*),
- (f) Glossy Buckthorn (*Rhamnus frangula*),
- (g) Locust, Black (*Robina pseudo acacia*),
- (h) Maple, Norway (*Acer platanoides*),
- (i) Morrow Honeysuckle (*Lonicera morrowii*)
- (j) Olive, Autumn (*Elaeagnus umbellate*),
- (k) Olive, Russian (*Elaeagnus angustifolia*),
- (l) Pine, Scots (*Pinus sylvestris*),
- (m) Poplar, Silver (*Populus Alba*)