



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 70-2001

To prohibit or regulate the injuring or destruction
of trees in areas of the City of Brampton

WHEREAS section 223.2 of the Municipal Act, R.S.O. 1990, authorizes the Council of The Corporation of the City of Brampton to pass by-laws for prohibiting or regulating the injuring or destruction of trees or class of trees specified in any defined area or on any class of land.

NOW THEREFORE the Council of The Corporation of the City of Brampton ENACTS AS FOLLOWS:

DEFINITIONS

1. For the purposes of this by-law:
 - (1) "Commissioner" means the Commissioner of Community Services of the City of Brampton or his designate;
 - (2) "circumference" means the circumference on the stem of a tree measured outside the bark at a specified point of measurement;
 - (3) "current application" means any application for approval of a plan of subdivision or site plan which is under review by the City pursuant to the Planning Act;
 - (4) "dbh" means the diameter of the stem of a tree measured at a point that is 4.5 feet (1.37 metres) above ground level;
 - (5) "diameter" means the diameter of the stem of a tree measured at a specified point of measurement;
 - (6) "ground level" means the lowest point on the tree trunk measured above ground level;
 - (7) "point of measurement" means that point on the tree trunk measured above ground level;
 - (8) "woodlot" means an area greater than 0.25 hectares that consists of:
 - (a) 250 trees of any size;
 - (b) 185 trees per 0.25 hectare area measuring more than 2 inches dbh (5 centimeters dbh);

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- (c) 125 trees per 0.25 hectare area measuring more than 5 inches dbh (12 centimeters dbh);
- (d) 60 trees per 0.25 hectare area measuring more than 8 inches dbh (20 centimeters dbh);

AREA OF APPLICATION

- 2. (1) This by-law shall apply to all woodlots in the City of Brampton.
- (2) The contents of this by-law shall not prevent the cutting of trees for the best management practices of woodlots as established by the City of Brampton, Community Services Department.
- (3) The Commissioner may exempt any property which is subject to a current application for development approval pursuant to the Planning Act.

PERMIT REQUIREMENTS

- 3. (1) Every person who intends to destroy or damage a tree in a woodlot by cutting, burning, bulldozing, chemical application or any other means shall apply for and obtain a permit.
- (2) The method of measurement shall be around the circumference of the outside bark taken at dbh.
- (3) The Commissioner in determining the issuance of a permit pursuant to this by-law shall consider the age, type, location, health, species of trees and any other conditions or information pertinent to the issuance of the permit.
- (4) The Commissioner may impose conditions to a permit as in the opinion of the Commissioner are reasonable.
- (5) The Commissioner may prescribe fees for the issuance of a permit as set out in Schedule "A" to this by-law.
- (6) Application shall be made on the form approved by the Commissioner.

APPEAL

- 4. (1) Where the Commissioner determines that it is inappropriate to issue a permit, he shall advise the applicant, and make a written recommendation to Council recommending refusal;
- (2) Where an applicant is advised that the Commissioner has made a recommendation for refusal, the applicant shall be advised of his right to have the matter heard by Council prior to Council rendering a decision;
- (3) Where Council refuses a permit or where a conditional permit is granted and the applicant is not satisfied with the conditions imposed by the Commissioner, the applicant may appeal to the Ontario Municipal Board:
 - (a) if the Council refuses to issue a permit, within 30 days, after the refusal;

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- (b) if the Council fails to make a decision on an application, within 45 days after the application is received by the clerk; or
 - (c) if the applicant objects to a condition in the permit, within 30 days after the issuance of the permit
5. The Ontario Municipal Board may make any decision that the Commissioner or Council that received the application for a permit could have made.

PROHIBITIONS

6. No person shall destroy or damage a tree in a woodlot, without a permit.

ADMINISTRATION AND ENFORCEMENT

7. Council hereby delegates the administration, other than permit refusals, and enforcement of this by-law to the Commissioner, such persons authorized by the Commissioner, and the Municipal Enforcement Officers of the City of Brampton as may be appointed by by-law of the Council of The Corporation of the City of Brampton. It is a condition of this delegation that the Commissioner follow the procedures set out in this by-law.
8. If an officer is satisfied that a contravention of this by-law has occurred, the officer may make an order requiring the person to stop the injuring or destruction of trees and the order shall contain particulars of the contravention.
9. A person to whom an order has been made pursuant to this by-law may appeal the order to Council by filing a notice of appeal with the Clerk of the City of Brampton within 30 days after the date of the order.
10. As soon as practicable after a notice of appeal is filed, Council shall hear the appeal and may confirm, alter or revoke the order.
11. The decision of Council pursuant to section 9 of this by-law is final.
12. No person shall obstruct an officer who is carrying out an inspection pursuant to this by-law.
13. The provisions of this by-law do not apply to:
- (1) activities or matters undertaken by the provincial or federal government or their agents, the Regional Municipality of Peel, Ontario Hydro or by a licensed Ontario land Surveyor;
 - (2) activities or matters authorized under the Crown Timber Act; or
 - (3) activities or matters prescribed by regulation;

PENALTY

14. Any person who contravenes any provisions of this by-law or an order issued pursuant to this by-law is guilty of an offence and on conviction is liable:
- (1) on a first conviction, to a fine of not more than \$10,000; and
 - (2) on any subsequent conviction, to a fine of not more than \$20,000

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15. Where a person is convicted of an offence under this by-law, in addition to any other remedy or any penalty provided by law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by that person.

16. Where a person is convicted of an offence under this by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter, may order that person to replant or cause to be replanted such trees in such manner and within such period of time as the court considers appropriate, including any silvicultural treatment necessary to re-establish the trees.

READ a FIRST, SECOND and THIRD TIME, and PASSED in OPEN COUNCIL,
this **7th** day of **March**, 2001.



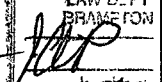
SUSAN FENNELL - MAYOR



LEONARD J. MIKULICH - CLERK

Approved as to Form and Content:



APPROVED AS TO FORM LAW DEPT BRAME FON

DATE 03070

SCHEDULE "A" TO BY-LAW 70-2001

Fee for a permit to destroy or
damage a tree or trees in a
woodlot

\$100.00