

The Corporation of the Municipality of Hastings Highlands

Bylaw 2021-006

To Conserve, Prohibit, Protect, Restrict, And Regulate The Protection, Preservation And Removal Of Trees And Vegetation And Site Alterations On Shoreline And Site Alterations On Shoreline Properties Within The Municipality Of Hastings Highlands

Whereas Section 11 of the *Municipal Act* 2001, S.O. 2001, c.25, as amended, authorizes a Municipality to pass a bylaw respecting the environmental well-being of the Municipality;

And Whereas Section 127 of the *Municipal Act* 2001, S.O. 2001, c.25, as amended, authorizes a Municipality to require and regulate the cleaning and clearing of land, not including buildings, or to clear *refuse* or debris from the land;

And Whereas Section 128 of the *Municipal Act* 2001, S.O. 2001, c.25, as amended, authorizes a local Municipality to prohibit and regulate with respect to public nuisances, including matters that are or could become or cause public nuisances;

And Whereas Section 135 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, authorizes a Municipality to prohibit and regulate the destruction or injuring of trees;

And Whereas Section 135(7) of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, authorizes a Municipality to require that a Permit be obtained for the injuring or destruction of trees or any class of trees specified in the bylaw and impose conditions including those relating to the manner in which destruction occurs and the qualification of persons authorized to destroy or injure trees;

And Whereas Section 142 of the *Municipal Act* 2001, S.O. 2001, c.25, as amended, authorizes a Municipality to enact a bylaw to prohibit or regulate the placing or dumping of *fill*, the removal of topsoil, alteration of the grade of the land;

And Whereas Section 398 of the *Municipal Act*, authorizes a Municipality to add fees and charges to the tax roll for a property and collect them in the same manner as municipal taxes;

And Whereas Section 425 of the *Municipal Act* 2001, S.O. 2001, c.25, as amended, authorizes a Municipality to pass bylaws providing that a person who contravenes a bylaw of the Municipality passed under Municipal Act is guilty of an offence;

And Whereas Section 429 of the *Municipal Act* 2001, S.O. 2001, c.25, as amended, authorizes a Municipality to establish a system of fines for offences under a bylaw of the Municipality passed under the *Municipal Act*;

And Whereas Section 431 of the *Municipal Act* 2001, S.O. 2001, c.25, as amended, authorizes that where any bylaw of a Municipality under the Municipal Act is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the bylaw, 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 the person convicted and requiring the person convicted to correct the contravention;

And Whereas Sections 435, 436 and 437 of the *Municipal Act* 2001, S.O. 2001, c.25, as amended, authorize a Municipality to *permit* the power of entry to be exercised by an employee, officer or agent of the Municipality and that entry on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the bylaw of the Municipality passed under the *Municipal Act* is being complied with;

And Whereas Section 444 of the *Municipal Act* 2001, S.O. 2001, c.25, as amended, authorizes that where a Municipality is satisfied that a contravention of a bylaw of the Municipality passed under the *Municipal Act* has occurred, the Municipality may make an order requiring the person who contravened the bylaw or who caused or *permitted* the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

And Whereas Section 446 of the *Municipal Act* 2001, S.O. 2001, c.25, as amended, authorizes that where a Municipality has passed a bylaw under the *Municipal Act* the Municipality has the authority under the *Municipal Act* or any other Act to direct or require a person to do a matter or thing, the Municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

And Whereas the Council for the Municipality of Hastings Highlands deems it desirable and in the public interest to enact a Tree and Vegetation Preservation and Site Alteration Bylaw for the environmental well-being of the Municipality and for protecting areas adjacent to the *shorelines* of lakes, rivers and navigable waterways for the purpose of:

- Achieving consistency with the *Provincial Policy Statement, 2020*;
- Achieving the objectives of the Official Plan for the County of Hastings;
- No further loss of natural *shorelines* within the Municipality of Hastings Highlands;
- Achieving a greater proportion of natural/native vegetative contiguous cover;
- Achieving a minimum 75 percent natural/native vegetative cover overall;
- Achieving a minimum 50 percent high quality natural vegetative cover;
- Achieving naturalized riparian areas on lakes and along rivers/streams;
- Achieving increased ecological health based on the status of indicator species and maintenance of natural biodiversity;
- Minimize the destruction or injuring of trees, natural vegetation, habitat and natural areas;
- Regulating and controlling the *removal*, maintenance and protection of trees and natural vegetation;
- Reduction of negative impacts on the environment;
- Protecting significant and sensitive natural areas of natural and significant interest;
- Contributing to human health and quality of life;
- Maintaining water quality;
- Reducing airborne pollution;
- Maintaining and enhancing natural habitat;
- Preventing *soil* erosion and water run-off;
- Preventing topographical changes to the properties in the *shoreline* areas;
- Protecting, promoting and enhancing the aesthetic values of land;
- Protecting fish habitat as defined in the *Fisheries Act*, Revised Statute of Canada 1985; and
- Minimizing stress on watercourses and waterbodies.

And Whereas the Municipality of Hastings Highlands is entitled to pass bylaws for such purposes above, and for regulating, prohibiting and requiring persons to do things respecting the subject matter

of its bylaws pursuant to the *Municipal Act* 2001, S.O. 2001, c.25, as amended, sections 2, 8, 9 and 11, and in particular clauses 5, 6 and 8 of subsection 2;

And Whereas it has become expedient for the general and long term welfare of the inhabitants of the Municipality of Hastings Highlands to maintain and improve all *shoreline* areas within the Municipality by conserving in a natural vegetative state and/or improving the natural state of the shoreline area, 30 metres (98.4 ft.) inland from the highwater mark of all waterbodies in the Municipality;

Now Therefore The Council Of The Corporation Of The Municipality Of Hastings Highlands Enacts As Follows:

1.0 Definitions

1.1 In this Bylaw:

Access Corridor: shall mean that part or parts of a *lot* having a cumulative width not greater than 5 metres (16.4 ft.) passing through a *vegetative buffer* that provides access between the *permitted* uses of the *lot* and the abutting *waterbody*;

Adjacent: shall mean abutting or contiguous;

Adverse effects: shall mean, as defined in the *Environmental Protection Act*, one or more of:

- a) Impairment of the quality of the natural environment for any use that can be made of it;
- b) Injury or damage to property or plant or animal life;
- c) Harm or material discomfort to any *person*;
- d) An adverse effect on the health of any *person*;
- e) Impairment of the safety of any *person*;
- f) Rendering any property or plant or animal life unfit for human use; and
- g) Loss of enjoyment of normal use of property;

Alteration or Site Alteration (alter, altered and altering): shall mean a change in elevation from *Existing Grade* or *Finished Grade* resulting from:

- The *placing* or *dumping* of *fill*;
- The removal of topsoil;
- *Placing, dumping, removal, or blasting* of rock;
- Any other action that *alters* the *Grade* of land including the *Altering* in any way of a *Natural Drainage Course* on a *Site*; or
- Any combination of the above activities.

Authorized Agent: shall mean a *person* acting on behalf of the *owner* as designated on the application;

Building: shall mean:

- a structure occupying an area greater than 10 square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems at appurtenant thereto,
- a structure occupying an area of 10 square metres or less that contains plumbing, including the plumbing appurtenant thereto,
- plumbing not located in a structure,

- i) a sewage system, or
- d) structures designated in the building code.

Building Permit: shall mean a *building permit* (noun) issued under the *Building Code Act*, 1992, S.O. 1992, c. 23, as amended;

Council: shall mean the Council of The Corporation of the Municipality of Hastings Highlands;

County: shall mean The Corporation of the County of Hastings;

Destroy: shall mean the removal of trees, shrubs and ground cover or harm resulting in the death, ruin or removal of trees, shrubs and ground cover by cutting, burning, uprooting, chemical application or other means including irreversible injury that may result from neglect, accident or design and the term “destruction” shall have a corresponding meaning; and means the removal of natural vegetation or harm resulting in the death, ruin or removal of natural vegetation by any means that may result from accident or design or *site alteration*;

Development: shall mean the construction, erection, or placing of a building or structure of any kind or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof, and includes such related activities as site grading and the placing or dumping of *fill* and/or any other operations that disrupt the natural environment in, on, over or under land or water;

Diameter: shall mean the width measured outside the bark at a specified point of a tree stem or trunk;

DBH: (refers to “*Diameter* at Breast Height”) shall mean the *diameter* of the stem of a tree measured at a point 1.37 meters (4.5 feet) from the ground;

Domestic Waste: shall mean any article, thing, matter or any effluent belonging to or associated with a dwelling or household or concerning or relating to the dwelling or family and for greater certainty, but not so as to restrict the generality of the foregoing terms of this clause it is hereby declared that *domestic waste* extends to the following classes of material:

- Accumulations, deposits, leavings, litter, remains, rubbish, trash;
- Refrigerators, freezers or other appliance, any attached hinges or latching, locking or other closing mechanism or device;
- Furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
- *Derelict vehicles*, vehicle parts and accessories;
- Paper, cartons;
- Broken Furniture;
- Crockery;
- Sewage.

Drainage: shall mean the movement of water to a *place* of disposal, whether by way of the natural characteristics of the ground surface or by artificial means;

Dumping or Dump: shall mean the depositing of *fill* in a location other than where the *fill* was obtained or the movement and depositing of *fill* from one location on a property to another location;

Erosion: shall mean the detachment and movement of *soil*, sediment or rock fragments by water, wind, ice or gravity;

Fill: shall mean any type of material capable of being *removed* from or placed on lands, including, but not limited to *soil*, stone, sod, turf, concrete, wood, stumps, rock, asphalt, granular material, either singularly or in combination;

Fish Habitat: shall mean spawning grounds and any other areas including nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes;

Forest Management Plan: Forest management planning is used to ensure that publicly owned lands remain healthy and vibrant and are managed sustainably. Everyone must submit a forest management plan and have the plan approved by the Provincial Government before any alterations can begin on public lands;

Grade: shall mean the elevation of the ground surface;

Highwater Mark: shall mean the mark made by the action of water under natural conditions on the shore or bank of a body of water, which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark;

Industrial Waste: shall mean any article, thing, matter or any effluent belonging to or associated with industry or commerce or concerning or relating to manufacture or concerning or relating to any trade, business, calling or occupation and for greater certainty, but not so as to restrict the generality of the foregoing terms of this clause it is hereby declared that industrial waste extends to the following classes of material:

- a) Articles, things, matter, effluent which in whole or in part or fragments thereof, are derived from or are constituted from or consist of,
 - i) agricultural, animal, vegetable, paper, lumber, or wood products, or
 - ii) mineral, metal, or chemical products, whether or not the products are manufactured or otherwise processed;
- b) Automotive parts, *derelect vehicles*, vehicle parts, mechanical equipment, mechanical parts, accessories or adjuncts to the vehicles and mechanical equipment;
- c) Piping, tubing, conduits, cable and fittings or other accessories, or adjuncts to the piping, tubing, conduits or cable;
- d) Containers of any size, type or composition;
- e) Material resulting from, or as part of, construction or demolition projects;
- f) Rubble, inert *fill*;
- g) Bones, feather, hides; and
- h) *Sewage*;

Injure: shall mean to harm, damage or impair trees, shrubs and ground cover and includes but is not limited to, harm, damage or impairment caused by changing *grades* around trees, shrubs and ground cover, compacting *soil* over root areas, severing roots, improper application of chemicals, improper *pruning* or the *removal* of branches and bark and the term “injury” and “injuring” shall have corresponding meaning;

Litter: shall include any material left or abandoned in a *place* other than a receptacle or *place* intended, or approved for receiving such material;

Land (Lot): shall mean a parcel of land, the boundaries of which are defined in the last registered instrument by which legal or equitable title to the said parcel was lawfully and effectively conveyed or which is a whole lot as shown on a Registered Plan of Subdivision subject to the provisions of the *Planning Act*;

Municipality: shall mean The Corporation of the Municipality of *Hastings Highlands*.

Natural Drainage Course: shall mean a valley or elongated depression created by naturally flowing water that varies in size and may be dry or contain intermittent, ephemeral or perennial running water, including a lake, river, stream, creek, spring, ravine, swamp and gulch with well-defined banks and a bed that gives direction to a water course, but excludes roadside ditches, *drainage* ditches and irrigation works;

Officer: shall mean a *person* designated by *Council* as an *Officer* for the purposes of enforcing bylaws and for the purposes of exercising any power of entry under this Bylaw;

Order: shall mean a directive requiring a *person* to stop the injuring or destruction of trees, rehabilitate the land or plant or replant trees, shrubs and ground cover in such a manner and within such a period as the *Officer* considers appropriate, including any treatment necessary to re-establish the trees, shrubs and ground cover and the natural vegetation of the shoreline;

Owner includes:

- The *person* who, for the time being, receives the rent of, or manages or pays the Municipal taxes on the property in question whether on their own account or as agent or trustee of any other *person*; or
- Any *person*, firm or corporation having control over any portion of the building or property under consideration and includes the *persons* in the building or property; or
- A purchaser of such land under an agreement for sale who has paid any Municipal taxes thereon after the date of execution of the agreement by both the vendor and purchaser; or
- A lessee, tenant or other occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.

Permit (permitted, permitting) (verb): shall mean to allow (an activity) without opposing or prohibiting;

Person: shall mean any human being, association, firm, partnership, commercial enterprise, private club, incorporated company, corporation, contractor, agent, or trustee and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law, and the singular shall include the plural;

Placing (place or placed): shall mean the distribution of *fill* on lands;

Proposed Grade: shall mean the proposed elevation of ground surface of land upon which *fill* is proposed to be *placed* or *dumped*, the *grade altered*, topsoil or rock *removed*;

Pruning: shall mean the cutting away of parts of a *tree*, shrub and ground cover for reasons including but not limited to safety concerns, maintenance of legislated clearances, *tree* health and vitality, disease control, and the *removal* of deadwood or crown thinning for *tree* health;

Public Land: shall include horticultural landscapes and hard landscapes located on land which is owned or under the control of the Crown, County, or Municipality, including a right of way, shore road allowance or road allowance;

Refuse: includes debris, rubbish or material of any kind, includes a vehicle that appears by reason of its appearance, mechanical condition or lack of current *licence* plates and validation sticker to be inoperative, inoperative mechanical equipment, automotive and mechanical parts, disused furniture, garden debris, earth or rock *fill*, old or decayed lumber, or materials from construction or demolition projects;

Remove (removing, removes or removal): shall mean to move from a *place* or position occupied; or

- To transfer or convey from one *place* to another; or
- To take off; or
- To take away; withdraw; or
- To do away with; eliminate.

****Note: "Removing"** in reference to *site alteration* means any type of material extracted and taken away from lands and includes, but is not limited to, sand, *soil*, rock, stone, granular material, concrete, asphalt, either singularly or in combination;

Shoreline: shall mean an area within 30 metres (98.4 ft.) measured over a horizontal distance inland from the *highwater* mark of a *body of water*;

Shoreline Activity Area: shall mean an area located on a *shoreline* and within an *access corridor* or the extension of the *access corridor* into the *waterbody* that is designed and used for one or a combination of the following: a boathouse, private; boat launch; dock; marine facility; a float plane hangar; or a beach;

Silt Fence (Sediment) Barrier: A temporary sediment barrier made of porous fabric, held up by wooden or metal posts driven into the ground and used as a barrier to movement of sediment overland;

Site: shall mean the area of land located within a *shoreline*:

- Containing any trees, shrubs and ground cover proposed to be *injured*;
- Containing natural or native vegetation; and/or
- Where *alteration* will occur;

Soil: shall mean material commonly known as earth, topsoil, loam, clay, subsoil, sand or gravel;

Steep slope: shall mean an area of land with a grade greater than 10% and includes but is not limited to natural swales, ravines and manmade areas such as those created for road grading or mining for sand, gravel or *fill*;

Straw Bale (Sediment) Barrier: A temporary sediment barrier consisting of a row of entrenched and anchored straw bales and used as a barrier to movement of sediment overland;

Swale: a low-lying or depressed and often wet stretch of land;

Tree: shall mean any species of woody perennial plant, including its root system;

Vegetation: The plants of an area or a region;

Vegetative Buffer: shall mean an area consisting of *trees*, shrubs, ground cover or other form of vegetation located within 30 metres (98.4 ft.) measured over a horizontal distance inland from the *highwater mark* of a *body of water*.

Waste (domestic or industrial): shall mean material or effluent that;

- Appears to have been cast aside or discarded or abandoned, or
- Appears to be worthless or useless or of no practical value, or
- Appears to be used up, in whole or in part, or expended or worn out in whole or in part,

**notwithstanding that the *owner* of such material intends to repair it or render it fit for a useful purpose.

Waterbody (Body of Water): shall mean a lake, pond, river, stream, or any other area which is permanently covered by water but does not include a human-made drainage or irrigation channel, lands that are seasonally covered by water or lands which may be subject to intermittent flooding;

Watercourse: shall mean a natural or man-made channel or swale in which water flows either continuously or intermittently with some degree of regularity;

Wetland: shall mean land such as a swamp, marsh, bog or fen not including land that is being used for agricultural purposes and no longer exhibits wetland characteristics that:

- a) Is seasonally or permanently covered by shallow water or has the water table close to or at the surface; and
- b) Has hydro-soils and vegetation dominated by hydrophytic or water-tolerant plants.

2.0 Application of this Bylaw

2.1 This Bylaw shall apply to all lands within the Municipality of *Hastings Highlands* situated within a *vegetative buffer* located within 30 metres (98.4 ft.) measured over a horizontal distance inland from the *highwater mark* of a *body of water*.

3.0 Prohibitions

General

3.1 No *person* shall *remove*, damage or *destroy* any *tree*, shrub, ground cover, or other forms of vegetation or *permit* or cause any other *person* to damage or *destroy* any *tree*, shrub, ground cover, or other forms of *vegetation* located within a *vegetative buffer* unless exempt by Section 4.0 of this Bylaw.

3.2 No *person* shall carry out or conduct *development* or *permit* another *person* to carry out or conduct *development* within a *vegetative buffer*.

3.3 Despite the definition of *vegetative buffer* provided in Section 1.0, the Municipality may require that a *vegetative buffer* of more than 30 metres (98.4 ft.) from the *highwater mark* of a *body of water* be established or maintained if required by any legislation or bylaw.

3.4 No *person* shall leave, throw or deposit any *refuse*, waste or *litter* on any public or private *shoreline*.

3.5 No *person* shall continue to engage in any type of activity prohibited by this Bylaw when directed to stop by an *Officer* or the occupier of the property.

3.6 No *person* shall obstruct, hinder or otherwise interfere with an *Officer* while carrying out an investigation, making inquiries, or performing an inspection for the purposes of enforcing this Bylaw.

3.7 No *person* shall fail to comply with an *Order* issued under this Bylaw.

3.8 No *person* shall *remove* or deface an *Order* posted under this Bylaw.

Environmental Well-Being

3.9 This Bylaw shall not apply with respect to the minimal pruning of any *tree*, shrub, ground cover or other forms of vegetation or the removal of any hazardous, dead or diseased *tree* and/or noxious vegetation.

Site Alteration

3.10 No *person* shall *place* or *remove fill*, or cause or *permit* any *site alteration* on lands within the area defined as the *shoreline* in this Bylaw, except as noted in Section 4.0.

3.11 No *person* shall construct or install an *access corridor* in a manner which results in the *erosion* of *soil*, ground, gravel, rock or sand into a *waterbody*, except for:

a) The placing of *fill* for the purposes of minor landscaping, provided that; there is no change in the location, direction or elevation of any natural or artificial *watercourse*, open channel, *swale* or ditch flow rate; and there is control of any sediment runoff.

b) The maintenance or replacement of any existing landscaping, existing driveways and existing beaches (both natural beaches or beaches that have been permitted by the appropriate approval authority).

3.12 No person shall permit any *site alterations* within any areas designated as *Provincially Significant Wetland, Areas of Natural or Scientific Interest, Wetlands, Significant Wildlife Habitat, Habitat of Endangered or Threatened Species Environmental Protection or Hazard Land* as identified by the Province, Official Plan or Municipality.

3.13 No *person* shall *permit* or cause to be permitted any *site alteration* activities contrary to this Bylaw, unless exempt by Section 4.0 of this Bylaw.

3.14 Where a *person* has carried out a *site alteration* activity contrary to this Bylaw, that *person* or the *owner* shall be responsible for, and/or each be jointly responsible for the restoration of the *site* to the pre-existing conditions or to the satisfaction of the Municipality;

3.15 No *person* shall carry out any *site alteration* adjacent to or within 30 metres (98.4 ft.) of wetlands, *fish habitat*, significant wildlife habitat, habitat of endangered or threatened species, areas of natural or scientific interest and *body of water* unless authorized by authorities having jurisdiction.

3.16 No *person* shall *permit* or cause to be permitted any *site alteration* activities or proposed *site alterations* that will result in:

a) *Soil erosion*;

b) Blockage of a storm *drainage* system;

c) Blockage of a *natural drainage* system or *watercourse*;

d) Siltation or pollution in a *body of water*;

e) Flooding or ponding caused by a *watercourse* overflowing its banks;

f) Flooding or ponding on a neighbouring property or adverse effect on the amenities *adjacent* to a neighbouring property;

g) A negative impact on any environmental protection area, area of natural or scientific interest, *wetlands* or *fish habitat*;

h) The contamination of *soil* or groundwater; and

i) Any adverse effect to archaeological, cultural and historically significant features.

3.17 No *person* shall *permit* or cause to be permitted any *site alteration* activities or proposed *site alterations* adjacent to or within 30 metres (98.4 ft.) of any *shoreline* without the use of a *sediment barrier* as per *Appendix A and B* of this bylaw.

**See *Appendix A and B* of this Bylaw for the *Ontario Provincial Standards* drawings on Silt Fence Barriers and Straw Bale Barriers.

Trees

3.18 No person shall destroy or injure any tree or *permit* or cause any other person to destroy or injure any tree located in an area described in Section 2.0 of this Bylaw unless exempt by Section 4.0 of this Bylaw.

3.19 No person shall destroy or injure any tree or *permit* or cause any other person to destroy or injure any tree located on municipally owned road allowance or shore road allowance unless exempt by Section 4.0 of this Bylaw.

4.0 Exemptions

4.1 The provisions of Section 3.0 of this Bylaw do not apply to:

a) Activities or matters undertaken by the *County*, Municipality or a local board of the *County* or Municipality;

b) Activities or matters authorized by the *County*, Municipality or a local board of the *County* or Municipality;

c) 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;

d) Activities or matters undertaken by the provincial government or federal government or their *authorized agents*;

e) Activities or matters authorized by the provincial government or federal government or their *authorized agents*;

f) The destruction or injuring of *trees* that is reasonably required in order to install and provide utilities to the construction of a building, in respect of which a *Building Permit* has been issued;

g) The destruction or injuring of *trees* that is reasonably required in order to construct a building where a *Building Permit* has been issued;

h) The destruction or injuring of *trees* that is reasonably required in order to construct a structure up to 10 square metres, that does not require a building permit.

i) The destruction or injuring of *trees* that is reasonably required in order to install an access corridor no wider than 5m to gain access to the water, and an approved *shoreline activity area*;

- j) 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;
- k) The injury or destruction of severely damaged *trees* in the interest of public safety, health and general welfare and with the consent of a Municipal Official, following any man-made or natural disasters, storms, high winds, floods, fires, snowfalls, freezes, or as a result of insects, disease or wildlife;
- l) In areas of steep slopes, anything in this bylaw shall only apply when stumps and root systems are not disturbed or removed; and
- m) Despite the foregoing, in areas adjacent to fish habitat, Section 4(f), (g), (h) and (i) shall not apply.
- n) Lands for which an approved Forest Management Plan has been prepared by a qualified person, provided any activities are in accordance with the Forest Management Plan.

5.0 Orders

5.1 Where an *Officer* is satisfied that a *person* has contravened any provision of this Bylaw, the *Officer* may make an *Order*:

- a) Requiring the *person* to stop the injuring or destruction of *trees* and shall set out the particulars of the contravention; and/or
- b) Requiring the *person* to rehabilitate the land or plant or replant trees in such a manner and within such a period as the *Officer* considers appropriate, including any treatment necessary to re-establish the *trees* including terms for maintenance until a *tree* reaches 5 cm *DBH*.

5.2 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*.

5.3 Where service of an *Order* is made by registered mail, the *Order* shall be deemed to have been served on the fifth day after the *Order* is mailed.

5.4 Where service cannot be made under the preceding sections of this Bylaw, 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 *Order* shall be deemed to be sufficient service of the *Order* on the *person* to whom the *Order* is directed.

5.5 If a *person* fails to comply to an *Order*, the Municipality may carry out the work, enter the property for that purpose and recover the cost with interest all in accordance with Section 446 of the *Municipal Act*, 2001.

6.0 Inspections

6.1 In accordance with the conditions set out in sections 435, 436 and 437 of the *Municipal Act*, an *Officer* may enter on a property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- (a) this Bylaw;
- (b) a direction, requirement or *Order* made under this Bylaw; or

(c) an *Order* made under section 431 of the *Municipal Act, 2001* in respect of a contravention of this Bylaw.

7.0 Offences and Penalties

7.1 Every *person* who contravenes any provision of this Bylaw is guilty of an offence and upon conviction shall be liable to a fine prescribed and recoverable under the provisions of the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended, for each offence committed.

7.2 The Administrative Monetary Penalty System Bylaw applies to each administrative penalty issued pursuant to this Bylaw.

7.3 Each *person* who contravenes any provision of this Bylaw shall, upon issuance of a penalty notice in accordance with the Administrative Monetary Penalty System Bylaw, be liable to pay to the Municipality an administrative penalty.

7.4 Any person who contravenes any provisions of the Bylaw is guilty of an offence, and for the purposes of this Bylaw, each day that a breach of this Bylaw continues shall constitute a separate offence and on summary, the offender shall be liable to be fined under the provisions of the *Provincial Offences Act* or Administrative Monetary Penalty System.

7.5 The conviction of an offender upon the breach of any of the provisions of this Bylaw shall not operate as a bar to a prosecution against the same offender upon any continued or subsequent breach of any such provision and any court of competent jurisdiction may convict any offender repeatedly for repeated breaches of the Bylaw.

7.6 If any term or provision of this Bylaw or the application thereof to any *person* shall to any extent be held to be invalid or unenforceable, the remainder of this Bylaw or the application of such term or provision to all *persons* other than those to whom it was held to be invalid or unenforceable, shall not be affected thereby and each term and provision of this Bylaw shall be separately valid and enforceable to the fullest extent *permitted* by law.

8.0 Interpretation

8.1 The provisions in Part VI of the *Legislation Act, 2006*, S.O. 2006, c.21, Sched. F, shall apply to this Bylaw.

8.2 Any reference in this bylaw to any statutes, regulations or bylaws shall be deemed to be a referenced to such statutes, regulations or bylaws, as amended, restated or replaced from time to time.

9.0 Heading

9.1 The headings used in this Bylaw are included solely for the convenience of reference and are not to be considered part of this Bylaw and are not intended to be full or accurate descriptions of the contents of any section, clause or provision of this Bylaw.

10.0 Severability

10.1 Nothing in this Bylaw shall exempt any *person* from complying with the requirements of any other Bylaw or legislation in force or from obtaining any license, permission, Permit (noun), authority or approval required under any other Bylaw or legislation.

10.2 Where a provision of this Bylaw conflicts with the provisions of another Bylaw in force within the Municipality, the provision that establishes the higher standard to protect the health, safety and welfare of *persons* or the environmental well-being of the Municipality shall prevail.

10.3 In the event any Court of competent jurisdiction should adjudge that any section or sections of this Bylaw may not be valid for any reason, such section or sections shall be deemed to be severable from the remainder of the Bylaw and the remainder of the Bylaw shall stand and be enforceable to the same extent as if the offending section or sections had not been included therein.

10.4 Any schedule attached to this Bylaw forms part of this Bylaw.

11.0 Short Title

11.1 This bylaw may be cited as the “Shoreline and Tree Preservation Bylaw”.

12.0 Effective Date

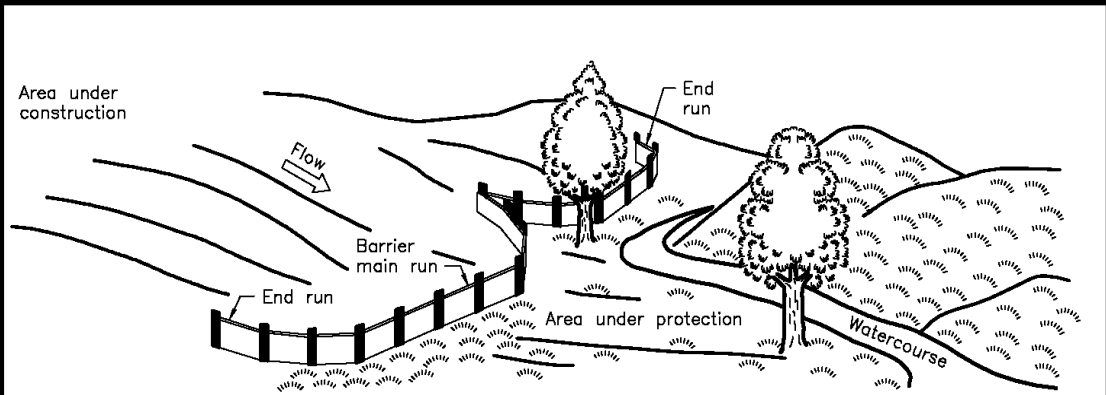
12.1 **That** this Bylaw shall come into effect on the day it was passed.

Read a first time in Council on the 3rd day of February 2021.

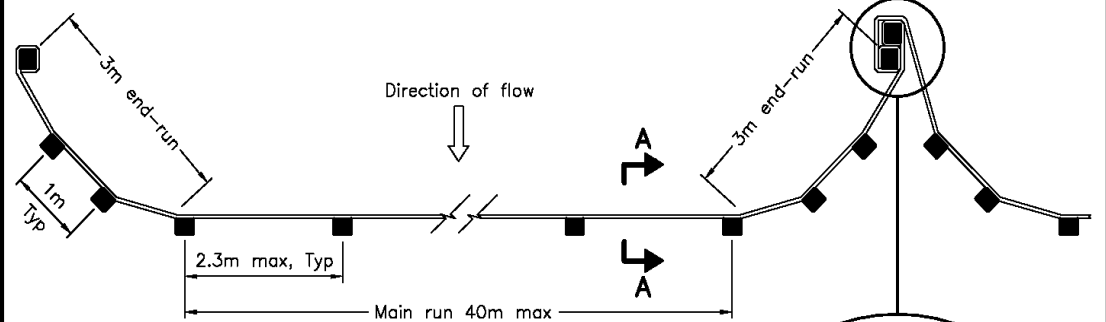
Read a second time, **Enacted** and **Passed** in Council this _____ day of _____ 2021.

Vic A. Bodnar, Mayor

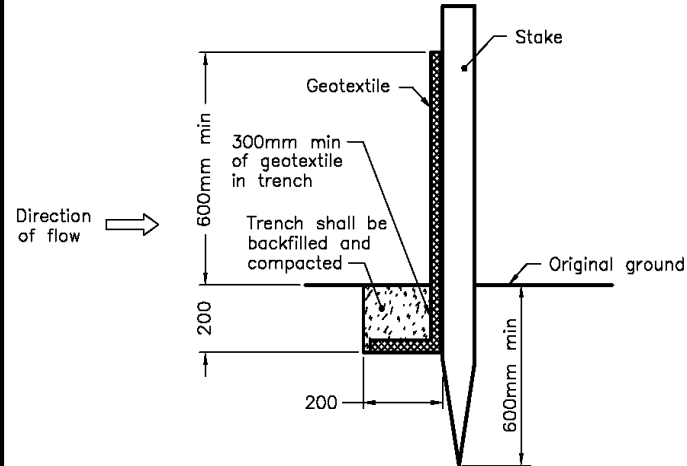
Suzanne Huschilt, Municipal Clerk



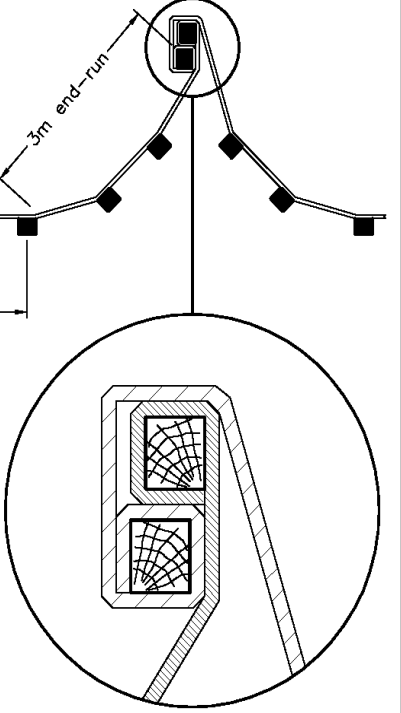
PERSPECTIVE VIEW



PLAN




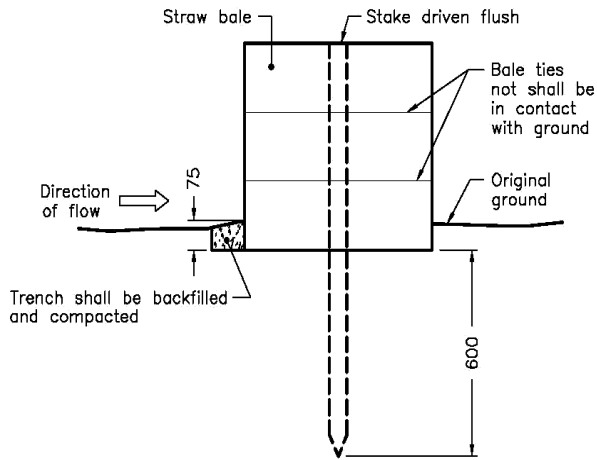
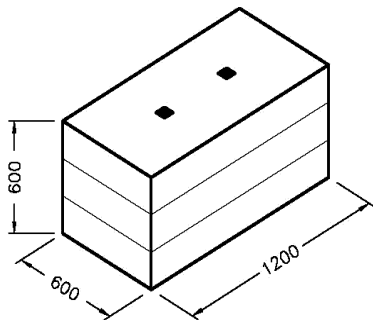
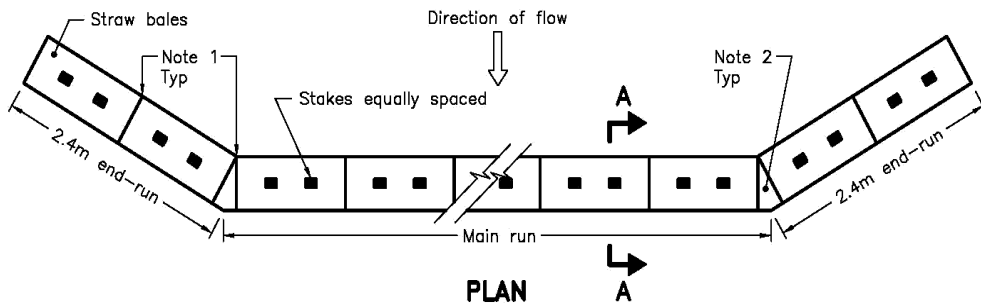
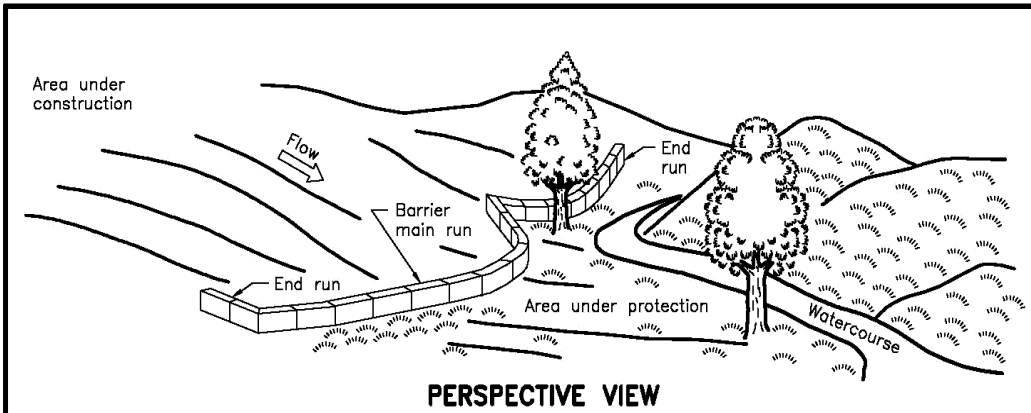
SECTION A-A



JOINT DETAIL


NOTE:
 A All dimensions are in millimetres unless otherwise shown.

ONTARIO PROVINCIAL STANDARD DRAWING	Nov 2015	Rev 2	
LIGHT-DUTY SILT FENCE BARRIER			
OPSD 219.110			



NOTES:

- 1 Straw bales shall be butted tightly against adjoining bales to prevent sediment flow through barrier.
 - 2 Caulk and compact gaps with loose straw.
- A All dimensions are in millimetres unless otherwise shown.

ONTARIO PROVINCIAL STANDARD DRAWING	Nov 2015	Rev 2	
LIGHT-DUTY STRAW BALE BARRIER			
OPSD 219.100			