THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2020-79

A BY-LAW TO PROHIBIT OR REGULATE THE DESTRUCTION OR INJURING OF TREES IN WOODLANDS IN THE REGIONAL MUNICIPALITY OF NIAGARA

WHEREAS Section 135(2) of the *Municipal Act*, *2001,* S.O. 2001, c. 25, (the "Act"), as amended, provides that Regional Council may by bylaw prohibit or regulate the destruction or injuring of trees in woodlands designated in the by-law;

AND WHEREAS Section 135(7) of the *Municipal Act* provides that the by-law may require that a permit be obtained to injure or destroy trees in woodlands as designated in the by-law and impose conditions on a permit, including conditions relating to the manner in which destruction occurs and the qualification of persons authorized to injure or destroy trees;

AND WHEREAS Regional Council deems it desirable to enact such a by-law for the purposes of:

- conserving and improving the Woodlands in the Regional Municipality of Niagara through Good Forestry Practices;
- promoting Good Forestry Practices that sustain healthy Woodlands and related natural habitats and environments;
- Ensuring the long- term health and productivity of Woodlands;
- regulating and controlling the removal, maintenance and protection of trees in Woodlands;
- protecting, promoting and enhancing the values of Woodlands;
- contributing to human health, recreation, enjoyment and quality of life through the maintenance of Woodland cover;
- enhancing biodiversity and forest resilience to help our communities adapt to climate change;

WHEREAS on April 10, 2008 By-law No. 30-2008 was passed by Regional Council and this by-law has been in place to prohibit or regulate the destruction or injuring of trees in Woodlands in the Region;

AND WHEREAS Regional Council wishes to repeal By-law No. 30-2008 and replace same with an updated By-law regulating the destruction or injuring of trees in Woodlands in the Region;

NOW THEREFORE Regional Council enacts as follows:

1. DEFINITIONS

In this By-law:

1.1 " Agricultural Use" means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated onfarm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

1.2 "Area Municipality" means any one of the municipalities of the Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland, and the Township of West Lincoln;

1.3 “Building Permit” means a building permit issued by an Area Municipality under the *Building Code Act, 1992,* S.O. 1992, c.23, as amended;

1.4 “Bumper Tree” means a poor quality, low value tree that grows in close proximity to higher value trees and is located along skid roads to protect residual trees from damage during logging and skidding operations;

1.5 “Coppice growth” means clump growth where more than one tree stem grows from a single tree stump and the point of measurement for such growth means that point on each stem measured immediately above the point of fusion, provided such point of fusion is less than 1.37 metres above the highest point of undisturbed ground at the base of the coppice or clump growth;

1.6 “DBH” or “Diameter at Breast Height” means the diameter of the stem of a tree measured at a point that is 1.37 metres above the ground;

1.7 "Diameter" means the diameter of the stem of a tree measured at a specified Point of Measurement with such measurement including the bark of the stem;

1.8 “Farmer” means a person who has a current and valid farm registration number under the *Farm Registration and Farm Organizations Funding Act, 1993,* S.O. 1993, c. 21, as amended;

1.9 “Forest Management Plan” means a course of forest management action prescribed for a particular woodland area after specific assessments and evaluations have been made by a Qualified OPFA Member in accordance with the Ministry of Natural Resources document “A Silvicultural Guide to Managing Southern Ontario Forests”, as amended from time to time;

1.10 “Good Forestry Practices" means:

1.10.a 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 aesthetic and recreational opportunities of the landscape;

1.10.b the cutting and removal of hazardous, severely damaged, diseased and insect-infested trees which must be removed in order to prevent contamination or infestation of other trees or because they no longer contribute to the achievement of forest values;

1.10.c in the case of hazardous, damaged, diseased or insect-infested trees, the maintenance of a Woodland after the cutting and removal is completed unless it is determined through a report prepared by Qualified OPFA Member that trees must be removed and a Woodland would not be maintained; and,

1.10.d the forestry management practices as set out in the Ministry of Natural Resources document “A Silvicultural Guide to Managing Southern Ontario Forests”;

1.11 “Harvesting” means the Injury or Destruction of a Tree through cutting or other mechanized means. The term “Harvested” shall have a corresponding meaning;

1.12 “Heritage Tree” means a Tree identified and designated by the Council of an Area Municipality as having heritage significance;

1.13 “Injury” or “Destruction” means lasting damage to a Tree, that has the effect of inhibiting or terminating growth and which may include, but is not limited to:

1.13.a broken branches in the crown of a Tree;

1.13. b the breaking off or splitting of the stem of any Tree and the noticeable tipping of any Tree;

1.13.c the splitting of, removal of or damage to the bark of a Tree; or

1.13.d damage to the root structure of a Tree;

but does not include damage to Bumper Trees, or pruning or removing branches for maintenance purposes. The terms “Injury”, “Injured”, “Injuring”, “Destroy”, “Destroying” or “Destroyed” shall have a corresponding meaning.

1.14 "Officer" means an individual appointed by Regional Council for the administration and enforcement of this By-law;

1.15 “Owner” means any Person having control over any portion of land that contains Woodland or Woodlands and specifically includes any Person having any right, title, interest or equity in the land and any Person lawfully permitted on the land;

1.16 “Own Use” means use that does not include a commercial sale, exchange or other disposition of trees Injured or Destroyed;

1.17 “Permit” means a permit to Injure or Destroy Trees issued under this By-law;

1.18 “Person” means an individual or a corporation and their respective heirs, executors, administrators or other duly appointed representatives;

1.19 "Point of Measurement" means the point on a tree trunk measured above the highest point at which the ground meets the tree. For Coppice Growth the Point of Measurement shall be at the point on the tree trunk where the tree stems separate provided that such point of separation is less than 1.37 metres from where the ground meets the tree;

1.20 “Qualified OPFA Member” means a Registered Professional Forester or Associate Member of the Ontario Professional Foresters Association under the *Professional Foresters Act* 2000, c.18, as amended, certified to practice professional forestry, unless a suspension, term, condition or limitation of certification applies which would restrict the Member from carrying out responsibilities under this By-law;

1.21 “Qualified Tree Marker” means:

1.21.a An individual who is currently certified through the Ontario Ministry of Natural Resources Certified Tree Marker Program; or

1.21.b A Qualified OPFA Member qualified to do tree marking.

1.22 “Region” means The Regional Municipality of Niagara;

1.23 “Regional Council” means the Council of The Regional Municipality of Niagara;

1.24 “Regional Official Plan” means the Official Plan of The Regional Municipality of Niagara;

1.25 "Sensitive Natural Area" means lands that are in a Woodland and:

1.25.a within a Provincially Significant Wetland, Provincial Life Sciences Area of Natural Scientific Interest, or Significant Woodland, as those terms are defined in the Regional Official Plan, or, in the case where there is no Regional Official Plan, as defined in the Official Plan of the relevant Area Municipality; or

1.25.b within a Natural Area as designated in the Niagara Escarpment Plan.

1.26 “Significant Community Tree” means a Tree identified and designated by the Council of an Area Municipality as having community significance;

1.27 “Silviculture” means the theory and practice of controlling forest establishment, and the composition, growth and quality of forests to achieve the objectives of forest management. The term “Silvicultural” shall have a corresponding meaning;

1.28 “Silvicultural Prescription” means the site specific operational plan, signed and sealed by a Qualified OPFA Member (unless otherwise exempted under the *Professional Foresters Act*), that describes the existing forest conditions and the forest management objectives for an area, and which prescribes the methods for Harvesting the existing forest stand and a series of silvicultural treatments that will be carried out to establish a free-growing stand in a manner that accommodates other resource values as identified;

1.29 "Tree" or “Trees” means any living 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;

1.30 “Tree Preservation Plan” means a plan, prepared by a Qualified OPFA Member or Certified Arborist, for the purpose of protecting and preserving trees on properties where development or disturbance of the natural forest cover is to occur;

1.31 “Wildlife Habitat” means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species;

1.32 "Woodland" or “Woodlands” means land on one or more properties with a density of at least:

1.32.a 1,000 Trees, of any size, per hectare;

1.32.b 750 Trees, measuring over five (5) centimetres in Diameter at DBH, per hectare;

1.32.c 500 Trees, measuring over twelve (12) centimetres, in Diameter at DBH, per hectare; or

1.32.d 250 Trees, measuring over twenty (20) centimetres, in Diameter at DBH, per hectare;

but does not include:

1.33.f a cultivated fruit or nut orchard;

1.33.g a plantation established for the purpose of producing Christmas trees and which is being actively managed and Harvested for the purposes for which it was planted, except that this does not refer to plantations that have ceased being managed or Harvested for their intended purpose for a period of 15 years or more; or

1.33.h a bona fide tree nursery that is being actively managed and harvested for the purposes for which it was planted;

1.33.i a hedgerow or windrow less than 20 meters in width.

2. APPLICATION OF THE BY-LAW

This By-law shall apply to:

2.1 all Woodlands having an area of one (1) hectare or more;

2.2 all Woodlands having an area of less than one (1) hectare upon delegation of such authority by an Area Municipality to the Region; and

2.3 Heritage Trees and Significant Community Trees identified and designated by the Council of an Area Municipality, upon delegation of such authority by an Area Municipality to the Region.

3. GENERAL PROHIBITIONS

3.1 No Person through their own actions or through any other Persons shall Injure or Destroy any Tree located in Woodlands:

3.1.a Unless exempted under Section 4 of this By-law; or

3.1.b Unless in possession of a valid Permit issued under this By-law and in accordance with its terms or conditions.

3.2 No Person through their own actions or through any other Person shall:

3.2.a Contravene the terms or conditions of a Permit issued under this By-law;

3.2.b Fail to comply with an Order issued under this By-law; or

3.2.c Remove or deface any Order that has been posted pursuant to this By-law.

3.3 No Person through their own actions or through any other Person shall Injure or Destroy any Tree that has been designated by the Council of an Area Municipality as a Heritage Tree or a Significant Community Tree, provided that the authority to regulate such Trees has been delegated to the Region by the Area Municipality.

3.4 An Owner is deemed to have knowledge of, to have permitted, and to be liable for actions that violate this By-law that occur on the portion of land over which the Owner has control.

3.5 A Person is not liable under Section 3.4 of this By-law if such Person establishes, on a balance of probabilities, that the actions that violate this By-law occurred before or after such Person was an Owner.

4. EXEMPTIONS

Despite Section 3 of this By-law, this By-law does not apply to:

4.1 Activities or matters undertaken by a municipality or a local board of a municipality;

4.2 Activities or matters undertaken under a licence issued under the *Crown Forest Sustainability Act, 1994*, S.O. 1994, c.25, as amended;

4.3 The Injuring or Destruction of Trees by a Person licensed under the *Surveyors Act,* R.S.O. 1990, c. S.29, as amended, to engage in the practice of cadastral surveying or his or her agent, while making a survey;

4.4 The Injuring or Destruction of Trees imposed after December 31, 2002:

4.4.a as part of a Tree Preservation Plan required as a condition of approval in a plan of subdivision that has received draft approval under Section 51 of the *Planning Act;*

4.4.b as part of a Tree Preservation Plan required as a condition on a consent approved under Section 53 of the *Planning Act;*

4.4.c as a condition to the approval of a site plan or a plan of subdivision under Sections 41 and 51, respectively, of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;

4.4.d in a development agreement between an Owner and an Area Municipality;

4.4.e as a condition to a development permit authorized by regulation made under Section 23(b) of the *Niagara Escarpment Planning and Development Act*, R.S.O 1990, c. N.2, as amended; or

4.4.f 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.

4.5 The Injuring or Destruction of Trees by a transmitter or distributor, as those terms are defined in Section 2 of the *Electricity Act*, *1998*, S.O. 1998, c.15, Sched. A, as amended, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;

4.6 The Injuring or Destruction of Trees undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*; R.S.O 1990, c. A.8, as amended;

4.7 The Injuring or Destruction of Trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land:

4.7.a that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act; and

4.7.b on which a pit or quarry is a permitted land use under a by-law passed under Section 34 of the *Planning Act*.

4.8 The Injuring or Destruction of Trees that is required in order to erect any building, structure or thing, including yard areas, 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 removed that is located more than 15 metres from the outer edge of the building, structure or thing, and that only those Trees necessary to accommodate the building structure or thing, including yard areas, are removed;

4.9 The Injuring or Destruction of Trees that is reasonably required in order to install and provide utilities, including a private waste disposal system, to the construction or use of the building, structure or thing in respect of which a Building Permit has been issued;

4.10 The Injuring or Destruction of Trees that is required in order to install, provide or maintain a driveway of sufficient width for vehicular access to the building, structure or thing in respect of which a Building Permit has been issued;

4.11 The Injuring or Destruction of Trees on lands, including buffer lands, used for the purpose of a licenced waste disposal site that has been approved, where applicable, under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended, the *Ontario Water Resources Act,* R.S.O. 1990, c. O.40, as amended, the *Environmental Assessment Act*, R.S.O. 1990, c. E.18, as amended, the *Planning Act*, and/or the *Niagara Escarpment Planning and Development Act;*

4.12 The Injuring or Destruction of Trees for the construction of drainage works under the *Drainage Act*, R.S.O. 1990, c. D.17, as amended;

4.13 The Injuring or Destruction of Trees that:

4.13.a are dead;

4.13.b are diseased, as identified in a Silvicultural Prescription or Forest Management Plan; or

4.13.c pose a hazard to human safety or property.

4.14 The Injuring or Destruction of Trees by an Owner of a Woodland who may Harvest, Destroy or Injure Trees for his or her Own Use on his or her property provided that:

4.14.a Good Forestry Practices are employed in accordance with the Ministry of Natural Resources document "A Silvicultural Guide to Managing Southern Ontario Forests"; and

4.14.b the Injuring or Destruction, in that part of the Woodland where Trees have been Injured or Destroyed, does not reduce the number of Trees per hectare below that necessary to constitute a Woodland.

4.15 The Harvesting, Injuring or Destruction of Trees by a Farmer that involves the clearing of all or part of a Woodland for Agricultural Use on land that is owned by the Farmer doing the clearing provided that:

4.15.a the land upon which the clearing is to occur is part of a farm operation or farm corporation that has existed for at least three (3) years prior to such clearing;

4.15.b the land that is cleared is put into Agricultural Use within three(3) years of the date on which such clearing commences;

4.15.c prior to the clearing, the Farmer advises the Officer of the proposed clearing. For the purposes of this section the marking of Trees, a Forest Management Plan or a Silvicultural Prescription, a fee and a Permit are not required;

4.15.d the land being cleared for Agricultural Use is

(i) outside the Urban Area; and
(ii) is designated and zoned for Agricultural Use, with no Environmental Overlays,

in the Official Plan and Zoning By-law of the Area Municipality, and, where applicable, in the Niagara Escarpment Plan;

4.15.e the Injuring or Destruction of Trees does not involve a Sensitive Natural Area.

4.16 The Injuring or Destruction of Trees as a result of a 'Normal Farm Practice' carried on as part of an 'Agricultural Operation' as such terms are defined in the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c.1, as amended, or any successor legislation;

4.17 The Harvesting, Injuring or Destruction of non-native/invasive Trees in a Woodland for the purpose of restoring the tree cover to native species as per an approved Forest Management Plan or Silvicultural Prescription.

4.18 The Injuring or Destruction of Trees in a Woodland for the purpose of conducting site rehabilitation activities to remove and/or treat contaminated soils. A reforestation plan must be prepared and approved by the Officer prior to Tree removal.

5. GOOD FORESTRY PRACTICES PERMITS

5.1 The Niagara Region hereby delegates to an Officer the authority to issue a Good Forestry Practices Permit under this By-law, and to impose such terms and conditions in accordance with Good Forestry Practices.

5.2 An application for a Good Forestry Practices Permit shall be submitted at least four (4) weeks prior to the commencement date of Harvesting and shall include the following:

5.2.a a complete signed application form as provided by the Region;

5.2.b a copy of the Silvicultural Prescription sealed by a Qualified OPFA Member; and,

5.2.c A signature from a Qualified OPFA Member confirming proof that the marking of the Trees to be cut has been carried out by a Qualified Tree Marker in accordance with a Silvicultural Prescription or Forest Management Plan. Tree marking must include clean, legible paint marks at breast height, visible from any direction,and 40 centimetre stump marks that are in crevices (if available) and run right to the ground.

5.3 A Good Forestry Practices Permit issued under this By-law shall be subject to the following terms and conditions:

5.3.a Trees which are to be harvested are cut in accordance with Good Forestry Practices, and as described in a Silvicultural Prescription sealed by a Qualified OPFA Member;

5.3.b the Harvesting, Injuring or Destruction of Trees will not reduce the number of Trees per hectare below the minimum number of Trees per hectare required to be considered a Woodland;

5.3.c The Permit-holder must notify the Officer at least 48 hours before start of cutting and again upon resumption of activities after any four (4) week period of inactivity; and

5.3.d Any other terms and conditions deemed appropriate and imposed by the Officer.

5.4 Notwithstanding Sections 5.2 and 5.3, a Good Forestry Practices Permit may be issued where an exclusion provision under the *Professional Foresters Act* c.18, as amended, applies and a qualified member of the Ontario Professional Foresters Association provides an opinion that the Harvesting of Trees is consistent with Good Forestry Practices.

6. PERMIT APPLICATION PROCESS

6.1 Every Person who intends to Injure or Destroy Trees personally or through another Person, where a Permit to do so is required under this By-law, shall first complete and submit an application for a Permit in the form approved by the Region from time to time.

6.2 Applications for Permits will be processed only if:

6.2.a the appropriate application form, approved by the Region from time to time, has been completed in full, duly signed and submitted to the Officer;

6.2.b the requirements that must be submitted with an application have been included; and

6.2.c applications are in keeping with the general purpose and intent of this By-law.

6.3 A Permit application that does not meet the requirements of clauses 6.2.a, 6.2.b and 6.2.c will be returned to the applicant within 30 days.

6.4 A Permit may be:

6.4.a issued by the Officer to the Owner for a term of up to one (1) year from the date of issue and shall not be transferable; and,

6.4.b may be renewed by the Officer for up to two (2) additional one (1) year terms contiguous with the expiry date of the original Permit and after a written request from the Owner for renewal is made to the Officer, who must be satisfied that there are reasonable grounds for the renewal.

6.5 In addition to those terms and conditions listed in section 5.3, the Officer may impose conditions to a Permit that relate to, but which are not restricted to:

6.5.a the manner and timing in which Harvesting, Injuring or Destruction is to occur;

6.5.b the species, size, number and location of Trees to be Injured or Destroyed, or to be planted;

6.5.c the marking of Trees to be cut with paint;

6.5.d the qualifications of Persons authorized to Injure or Destroy Trees;

6.5.e the submission of additional information required before the Permit becomes effective;

6.5.f measures to be implemented to mitigate the direct and indirect effects of the Injuring or Destruction on Sensitive Natural Areas; and

6.5.g a follow-up fuelwood (firewood) harvest.

6.7 When denying a Permit, the Officer will notify the applicant in writing by registered mail. The Officer shall provide written reasons for their decision to the applicant.

6.8 A Permit issued under the By-law does not relieve the Owner of any other applicable property boundary, municipal, provincial, or federal by-laws, regulations or requirements.

7. APPEALS TO REGIONAL COUNCIL

7.1 An applicant for a Permit under this By-law may be appealed to Regional Council if:

7.1.a the Officer refuses to issue a Permit; such an appeal must be made within 30 days after the refusal; or

7.1.b if the applicant objects to a condition in the Permit; such an appeal must be made within 30 days after the issuance of the Permit.

7.2 A request by an applicant for a hearing shall be made in writing and filed with the Regional Clerk.

7.3 Regional Council shall hold a hearing on the issue and shall give the applicant an opportunity to make representations at the hearing. The Regional Clerk shall mail a notice of hearing to the applicant at least seven (7) days before the hearing.

7.4 Regional Council may:

7.3.a Uphold the decision of the Officer;

7.3.b Vary any condition on a Permit; or

7.3.c Issue a Permit with conditions as Regional Council considers appropriate.

7.5 Regional Council will provide reasons for its decision. The decision of the Regional Council is final.

8. ORDERS TO DISCONTINUE ACTIVITY

8.1 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:

8.1.a the municipal address or the legal description of the land;

8.1.b reasonable particulars of the contravention; and

8.1.c the period within which there must be compliance with the Order.

8.2 An Order issued under this By-law may be served personally or by registered mail to the last known address of:

8.2.a the Owner of the Woodland; and

8.2.b the person identified as Injuring or Destroying Trees.

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

8.4 Where service cannot be carried out under subsection 8.2, the Officer shall place a placard containing the terms of the Order in a conspicuous place on the affected lands. The placing of the placard shall be deemed to be sufficient service of the Order on the Person to whom the Order is directed. The placard shall not be removed without the approval of the Officer.

9. WORK ORDERS

9.1 Where an Officer believes that a contravention of this By-law has occurred, the Officer may issue an Order requiring the Person to rehabilitate the land or Woodlands, or to plant or replant Trees.

9.2 The Order shall set out:

9.2.a the name and the Owner and the municipal address or the legal description of the land;

9.2.b reasonable particulars of the contravention;

9.2.c the work to be done and the date by which the work must be done;

9.2.d a statement that if the work is not done in compliance with the Order within a specified time period, the Region may have the work done at the expense of the Owner; and,

9.2.e contact information of the Officer.

9.3 The Order may be served in accordance with the service provisions contained in section 8.

10. PENALTY

10.1 Any Person who contravenes any provision of this By-law, or an Order issued under this By-law is guilty of an offence and is liable:

10.1.a on first conviction, to a fine of not more than $10,000 or $1,000 per Tree, whichever is greater; on any subsequent conviction for the same offence, to a fine of not more than $25,000 or $2,500 per Tree, whichever is greater; and,

10.1.b on conviction for a continuing offence, to a fine of not less than $100 and not more than $10,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed $100,000.

10.2 Despite subsection 10.1, where the Person convicted is a corporation:

10.2.a the maximum fines in clause 10.1.a are $50,000 or $5,000 per Tree; and

10.2.b the maximum fines in clause 10.1.b are $100,000 or $10,000

per Tree.

10.3 If a Person is convicted of an offence for contravening this By-law or an Order is issued under this By-law, 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.

10.4 If an Order has been issued under this bylaw or by the court, and the order has not been complied with, the contravention of the Order shall be deemed to be a continuing offence for each day or part of the day that the Order is not complied with.

10.5 The destruction of two or more Trees without or in contravention of a Permit shall be deemed to be a “multiple offence” as provided in the *Municipal Act* and shall be subject to the per tree penalties prescribed in section 10.1 and 10.2.

11. ENFORCEMENT

11.1 The provisions of this By-law may be enforced by an Officer.

11.2 An Officer or any person authorized by an Officer may, at any reasonable time, enter upon and inspect any land for the purposes of enforcing this By-law, determining compliance with this By-law, determining compliance with terms and conditions of a Permit issued under this By-law, determining compliance with an Order issued under this By-law or laying charges under this By-law.

11.3 An Officer exercising a power may be accompanied by a Person under his or her direction.

11.4 Any Person who obstructs or interferes with an Officer, or any Person or agent authorized by an Officer, in the discharge of his or her duties under this By-law, shall be considered in violation of this By-law.

11.5 Any Person who provides false information to an Officer shall be deemed to have obstructed or interfered with the Officer in the execution of their duties.

12. **ADMINISTRATION**

12.1 If any section or part of this By-law is found by any court of competent jurisdiction to be illegal or beyond the power of Regional Council to enact, such section or part shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such.

12.2 The short title of this By-law is the “Woodland Conservation By-law”.

12.3 Despite subsection 12.3, By-law 30-2008, as amended, shall continue to apply to:

12.3.a proceedings in respect of offences that occurred before its repeal; and,

12.4 That this by-law shall come into force and effect on January 31, 2021.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: October 22, 2020