

The Corporation of the Town of Grand Valley

By-law 2019- 10

Protecting and Enhancing Grand Valley's Tree Canopy and Natural Vegetation

A By-law to state the manner in which the Town of Grand Valley will protect and enhance the tree canopy and natural vegetation in the Town.

WHEREAS section 270(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (the "Act"), provides that the council of a local municipality shall adopt and maintain a policy with respect to the manner in which the municipality will protect and enhance the tree canopy and natural vegetation in the municipality;

AND WHEREAS section 135 of the Act states that a municipality may prohibit or regulate the destruction or injuring of trees, with the ability to require that a permit be obtained to injure or destroy trees under conditions to that permit relating to the manner in which destruction occurs and the qualifications of persons authorized to injure or destroy trees;

AND WHEREAS the Corporation of the Town of Grand Valley deems it expedient to pass a by-law to preserve trees and natural vegetation within the Town of Grand Valley (the "Town");

AND WHEREAS the Corporation of the Town of Grand Valley deems it expedient to prohibit the injuring, destroying, removal or cutting down of trees located or partially located upon any highway within the Town;

NOW THEREFORE the Council of the Corporation of the Town of Grand Valley enacts as follows:

1. In this by-law, "Highway" shall have the same meaning as "highway" in section 26 of the Act, or as amended hereafter.
2. Every owner of a tree within the Town shall take steps to preserve the tree canopy and natural vegetation on their property. If a property owner wishes to remove a tree located on their own property (i.e., not on municipal property), they are encouraged to replace the tree on their property at a location of their

choosing. Clear-cutting is strongly discouraged. The planting of native species is also encouraged.

3. No person shall injure, destroy, remove or cut down a tree located upon any highway or located partially upon any highway within the Town, unless the authority of the Council of the Town of Grand Valley is obtained by resolution.
 - a. In accordance with the Act, this section does not apply to activities or matters undertaken by the municipality, a local board of the municipality, a license issued under the *Crown Forest Sustainability Act, 1994*, a person licensed under the *Surveyors Act* to engage in the practice of cadastral surveying or their agent while making a survey, or the injuring or destruction of trees by a transmitter or distributor as defined under section 2 of the *Electricity Act, 1998* for the purpose of constructing and maintaining a transmission system or a distribution system, as defined.
4. Under the authority granted to the Town in section 425 of the Act, any person who contravenes section 3 above is guilty of an offence and shall, upon conviction, be liable to a fine of not more than \$3,000.00.
5. The Town may provide trees to the owners of land adjacent to any highway and may plant the trees on the owner's land with their consent.
6. The Town shall maintain a Property Standards By-law to state requirements for landscaping on private property, and to state enforcement provisions of said by-law. The Town encourages property owners to care for their lawn, garden and property by giving new owners information on lawn care and gardening methods.
7. The Town shall monitor the health of its trees in parks, along highways and on municipally-owned property. If a tree appears to be in poor health, the Public Works Superintendent shall work with an arborist to review the tree's condition and will have the arborist treat or remove the tree, as needed.
8. The Town shall use its Official Plan to encourage the protection and enhancement of the Town's tree canopy and natural vegetation, in the Plan's mission, principles and objectives, and with specific standards within the general development criteria to which all land use applications will be subject.

9. The Town shall require developers to include provisions for preserving, replacing and enhancing trees and natural vegetation in the approved plans for development or mineral aggregate licenses.
10. If any section or portion of this by-law is found by a court of competent jurisdiction to be invalid, it is the intent of the Council of the Corporation of the Town of Grand Valley that all remaining sections and portions of this by-law continues in force and effect.
11. That By-law 85-11 and all by-laws or parts of by-laws inconsistent with this by-law are hereby repealed.

SHORT TITLE

This By-law may be cited as the "Tree By-law."

EFFECTIVE DATE

This By-law comes into full force and effect on the date it is enacted.

Read a first, second and third time, and finally passed this 12th day of February, 2019.



Steve Soloman, Mayor



Jane M. Wilson, CAO/Clerk-Treasurer