

The Corporation of the Town of Saugeen Shores

By-law 96-2025

Being a by-law to conserve, protect, prohibit and regulate the Destruction and Injury of Trees on Private Property within the Settlement Area Boundary

Whereas the Council of the Town of Saugeen Shores is authorized, without limiting its broad municipal powers, by subsection 11(2) and sections 135 and 139 to 141 of the *Municipal Act, 2001*, S.O. 2001 c.25, as amended (the "*Municipal Act, 2001*"), to regulate the destruction and injuring of trees by requiring a permit to be obtained, and to impose such conditions related to the manner in which the destruction or injury occurs, and the qualifications of the persons authorized to injury or destroy trees; and

Whereas section 23.2 of the *Municipal Act, 2001* permits a municipality to delegate certain legislative and quasi-judicial powers; and

Whereas section 391 of the *Municipal Act, 2001* provides that a municipality may impose fees and charges on persons; and

Whereas sections 425, 426, 429, 431, 433, 434.1 and 434.2, 435, 436, 438, 440, 441.1, 444, 445 and 446 of the *Municipal Act, 2001* authorize a municipality to create offences and to establish a system of fines and other enforcement orders; and

Whereas the Council of the Town of Saugeen Shores has determined that not all Trees on Private Property are adequately regulated through other laws, by-laws, policies and procedures and desires to regulate the Injury or Destruction of specific trees and to encourage the preservation and planting of trees within the Settlement Area Boundary, as identified herein;

Now Therefore Be it Resolved that, the Council of the Town of Saugeen Shores enacts as follows:

Part 1: Short Title

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

Part 2: Definitions

2.1 For the purpose of this by-law, the following definitions apply:

"Administrative Monetary Penalty System By-law" or **"AMPS By-law"** means the current Town of Saugeen Shores Administrative Monetary Penalty System By-law.

"Administrator" means a Manager within the Department with responsibility for administering this By-law or their Designate.

"Applicant" means an Owner of a Lot or the Owner's authorized representative.

"Application" or **"Tree Permit Application"** means a complete Tree Permit Application.

"Application Processing Fee" means the Fee charged by the Town for the administration of a Tree Permit Application under this By-law as may be prescribed from time to time in the Fees and Charges By-law.

"Arborist Report" means a technical report prepared by a Qualified Tree Professional which details specific and accurate information and mapping regarding Trees, including but not limited to location, species, size, condition, structural integrity, disease, infestations and vitality, and identifies the nature of work to be undertaken as well as appropriate Tree protection and preservation measures to be implemented according to

the Guidelines for Tree Protection and Planting.

“Compliance Inspection Fee” means the Fee charged by the Town for an inspection to confirm compliance with this By-law or any Order issued under this By-law as may be prescribed from time to time in the Fees and Charges By-law.

“Council” means the Council for the Corporation of the Town of Saugeen Shores.

“Dead” means void of living tissue.

“Deface” includes but is not limited to the painting or carving of words, figures, symbols or any other markings on the bark of a tree.

“Designate” means any Person acting with express authority conferred in writing by the Administrator or Director, as the case may be, and may include but is not limited to Town employees or Qualified Tree Professionals hired by the Town.

“Destroy”, “Destruction” or “Destroyed” means to remove, cut down or otherwise cause significant physical harm or damage to a Tree, including but not limited to girdling, poisoning, or burning, to such extent that the Tree is Dead or no longer viable and unlikely to regain vitality.

“Diameter at Breast Height” or “dbh” means the:

- (b) measurement of the diameter of the trunk of a tree from the outside bark at a height of 1.37 meters above the existing ground adjoining its base; or,
- (b) where there are multiple stems of a tree, means the square root of the sum of each stem diameter squared measured from the outside bark at a height of 1.37 meters.

“Director” means the Director of the Department with responsibility for administering this By-law or their Designate.

“Emergency Tree Work” means:

- (a) any work requiring the Destruction of a Tree where the likelihood of Tree failure is imminent or a Tree or part of Tree is in active failure; or
- (b) where a Tree must be Injured or Destroyed to conduct work in Order to address an immediate danger to the health and safety of any Person or property.

“Fee” or “Fees” means the fees and charges referred to herein and are prescribed in the Fees and Charges By-law.

“Fees and Charges By-law” means the current Town of Saugeen Shores Charges By-law to impose fees and charges passed pursuant to section 391 of the *Municipal Act, 2001*.

“Good Arboricultural Practice” means the removal, planting and Tree maintenance activities in accordance with the most recent techniques or methods of Tree management recommended by the International Society of Arboriculture or their successor, conducted to the satisfaction of the Administrator.

“Guidelines” includes the Tree Protection and Planting Guidelines and any other guidelines, policies, specifications and/or processes followed by the Town involving trees.

“Hazardous Materials” includes any contaminant that can or has the potential to harm the natural environment and is capable of posing a risk to the health of a tree, including but not limited to fertilizers, pesticides or other chemicals or substances.

“High-Risk Tree” means a destabilized or structurally compromised Tree where there is a high-risk of failure, but the failure is not imminent

“Injure” or “Injury” or “Injured” means any act or omission that physically harms or damages or has the potential to physically harm or damage a Tree’s health or structure in any manner, including but not limited to any of, or a combination of, the following:

- (a) Removing, carving, drilling, cutting, girdling, or smothering of a Tree or its roots;
- (b) Pruning that does not follow Good Arboricultural Practice;
- (c) Interfering with the water supply to a Tree;
- (d) Setting fire to a Tree;
- (e) Transplanting a Tree;
- (f) Compaction, excavation, re-grading or performing any operations within the Tree Protection Zone; and
- (g) Any other damage resulting from neglect or by design.

“Invasive Tree” means any Tree that is classified as prohibited or restricted as defined in the *Invasive Species Act*, 2015, SO 2015, c. 22, or if the Tree is listed as a noxious weed as defined by the *Weed Control Act*, RSO 1990, c. W.5.

“Lot” means a parcel of land having specific boundaries and is capable of legal transfer.

“Notices” means a notice of revocation issued by the Administrator in accordance with this By-law.

“Nursery” means a Lot on which the principal active business is the selling of plants, shrubs and Trees to the public.

“Officer” means a Person appointed pursuant to the *Police Services Act*, or any successor legislation, as a municipal law enforcement Officer; a By-law Enforcement Officer retained or employed by the Town; a Person appointed under this By-law to administer or enforce this By-law, including a Person employed by the Town whose duties are to administer or enforce this By-law, or other By-laws enacted by the Town from time to time.

“Orchard” means a Lot on which the principal active business is the growing of fruit for sale to the public.

“Order” means an Order to Discontinue Activity or an Order to Remedy, as the context requires.

“Owner” means all registered owners of the Lot as identified in the Land Registry Office for Bruce County (LRO#3) and includes any successors and assigns in title.

“Permit Extension Fee” means the Fee charged by the Town to extend a Tree Permit under this By-law in the Fees and Charges By-law.

“Permit Holder” means:

- (a) the Owner of a Lot for which a Tree Permit has been issued; or
- (b) the Owner’s authorized representative that has obtained a Tree Permit on behalf of the Owner.

“Permit Issuance Fee” means the Fee charged by the Town under this By-law when a Tree Permit is issued as may be prescribed from time to time in the Fees and Charges By-law.

“Permit Transfer Fee” means the Fee charged by the Town to transfer or assign a Tree Permit under this By-law as may be prescribed from time to time in the Fees and Charges By-law.

“Person” means an individual, sole proprietorship, partnership, association, company or corporation.

“Private Property” means any and all real property or land, other than Town Property or real property or land that is in the care and/or control of either the Corporation of the County of Bruce, Province of Ontario, Government of Canada (including First Nations Reserves) or Saugeen Valley Conservation Authority Crown.

“Pruning” means the removal of branches from a Tree in accordance with Good Arboricultural Practice.

“Qualified Tree Professional” means a professional who has gained recognized certifications, qualifications and expertise in the care and management of Trees. Recognized certifications and qualifications for Qualified Tree Professionals include:

- (a) Registered Consulting Arborist (RCA) with the American Society of Consulting Arborists (ASCA);
- (b) Certified Arborist, Board Certified Master Arborist, or Arborist Municipal Specialist with the International Society of Arboriculture (ISA); or
- (c) Registered Professional Forester (RPF) as defined in the *Professional Foresters Act, 2000*, SO 2000, c.18, with urban forestry experience.

“Replacement Tree” or **“Replacement Trees”** means a tree(s) of a particular size and species as determined by the Administrator, in accordance with Schedule 1, that is required to be planted to replace a Tree approved for Destruction pursuant to a Tree Permit.

“Replacement Tree Schedule” means the table attached as ‘Schedule 1’, which is used by the Administrator to calculate the number of Replacement Trees, or cash in lieu of a Replacement Tree, that is to be planted or paid by a Tree Permit Holder when a Tree is Destroyed pursuant to a Tree Permit.

“Replacement Tree Security” means the Fee charged by the Town, to be held as a security deposit, pending compliance with a Tree Replacement Plan submitted under this By-law, as may be prescribed from time to time in the Town’s Fees and Charges By-law.

“Reserve Fund” means a reserve fund established by Council for the purpose of tree planting initiatives within the Town of Saugeen Shores.

“Settlement Area Boundary” means the lands identified in Schedule C- Built-Up Area of the Towns Official Plan. .

“Terminal Condition” means the advanced and irreversible decline in physiological and/or structural condition of a Tree, that has resulted in the majority of crown die- back or failure, due to abiotic or biotic factors and/or severe insect infestation or infection by a pathogen.

“Town” means The Corporation of the Town of Saugeen Shores.

“Town Property” means any and all real property or land owned by the Town or within the Town’s jurisdiction located within the geographical boundaries of the Town of Saugeen Shores.

“TRAQ Report” means a report prepared by a Qualified Tree Professional who is a qualified Tree risk assessor in accordance with the ISA Tree Risk Assessment Qualification.

“Tree Protection By-law – Town Property” means Town of Saugeen Shores By-law 95-2025.

“Tree Protection and Planting Guidelines” means the most recent version of the Town of Saugeen Shores’ Guidelines for Tree Protection and Planting, as amended and replaced from time to time.

“Tree” or “Trees” means any species of woody perennial plant, including its root system that can reach or has reached a height of at least 4.5 m (15 feet) at physiological maturity.

“Tree Permit” means a permit issued under this By-law.

“Tree Protection Zone” means the minimum setback from a Tree (including above and below ground level) required to protect the health and structural integrity of a Tree as prescribed by the Tree Protection and Planting Guidelines.

“Tree Replacement Plan” means a scaled two-dimensional plan that identifies the location, species, and size of Trees proposed for planting and illustrates planting details.

“Tree Retention Plan” means a document outlining how existing trees on an existing site approved through a development application will be protected during development, as required by the Town during a development process.

Part 2: By-Law Title

2.1 The short title of this By-law shall be the “Urban Tree Conservation By-law”.

Part 3: Application

3.1 This By-law applies to Trees on Private Property of 1 hectare (2.47 acres) or greater within the Settlement Area Boundary and zoned Planned Development (PD) or Environmental Protection (EP).

3.2 Nothing in this By-law shall exempt any Person from complying with any other By-law or requirement of the Town, including but not limited to obtaining any certificate, licence, permission, permit, authority or approval required by the Town.

3.3 Nothing in this By-law, or a Tree Permit issued pursuant to this By-law, is to be construed as permitting anything which is prohibited under federal or provincial legislation, and where there is a conflict in this respect between federal or provincial legislation and this By-law, the federal or provincial legislation shall prevail.

Part 4: Exemption From By-Law

4.1 This By-law does not apply to:

- (a) Trees located on Town Property;
- (b) Trees located in a Nursery or Orchard;
- (c) In connection with activities or matters undertaken by the Town or an affiliated local board or committee;
- (d) In connection with activities or matters undertaken under a licence issued under the *Crown Forest Sustainability Act, 1994*, SO 1994, c.25;
- (e) By a Person licensed under the *Surveyors Act*, RSO 1990, c.S.29 to engage in the practice of cadastral surveying or his or her agent, while making a

survey;

- (f) Any Trees outlined in an Environmental Impact Study in support of any applications or agreements pursuant to the *Planning Act*, RSO 1990, c.P.13, as it relates to satisfying the conditions to the approval of a site plan, a plan of subdivision, or consent under sections 41, 51 or 53 of the *Planning Act*, or as a requirement of a site plan, subdivision agreement entered into under those sections of the *Planning Act*;
- (g) For the purpose of satisfying a condition to a development permit authorized by regulation made under section 70.2 of the *Planning Act*, as a requirement of an agreement entered into under the regulation with the Town and on the condition that the Person remains in compliance with the issued permit, including remaining within the approved area;
- (i) A Tree subject to a Tree Retention Plan;
- (j) By a transmitter or distributor as defined in the *Electricity Act, 1998*, SO 1998, c.15, Sched. A and is for the purpose of constructing and maintaining a transmission system or a distribution system as defined under that Act;
- (k) 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*, RSO 1990, c.A.8;
 - (i) To lawfully establish and operate or enlarge any pit or quarry on land designated under the *Aggregate Resources Act* or a predecessor of that Act, or on which a pit or quarry is a permitted land use under a by-law passed under section 34 of the *Planning Act*;
 - (l) If the Tree is under the care and/or control of either the Corporation of the County of Bruce, Province of Ontario, Government of Canada (including First Nations Reserves) or Saugeen Valley Conservation Authority; and
- (m) The Injury or Destruction of a Tree is necessary for the installation of a driveway in accordance with an issued permit by the Town of Saugeen Shores, Ministry of Transportation or other relevant authorities and on the condition that the Person remains in compliance with the issued permit, including remaining within the approved area.

Part 5: Authority

5.1 The Director is authorized to:

- (a) prescribe the form of any notices, applications, permits, policies, guidelines, and documents required or permitted pursuant to this By-law, and to amend or revise such notices, applications, permits, policies, guidelines or documents from time to time;
- (b) impose, amend or revise the Town's standards and specifications relating to this By-law; and
- (c) conduct reviews under Part 7 of this By-law.

5.2 The Administrator is authorized to:

- (a) carry out inspections;
- (b) issue Notices and Orders under this By-law;
- (c) issue, refuse, revoke, extend, transfer, or assign Tree Permits; and
- (d) establish conditions related to Tree Permits.

- 5.3 Officers are authorized to enforce this By-law and shall have the authority to:
- (a) carry out inspections;
 - (b) issue Orders or impose other requirements as authorized under this By-law; and
 - (c) give immediate effect to any Orders or other requirements made under this By-law.

Part 6: Prohibitions

- 6.1 No Person shall do any of the following, or cause or permit to be done to a Tree or a Replacement Tree, within the Settlement Boundary Area and zoned Planned Development (PD) or Environmental Protection (EP) on Private Property of 1 hectare (2.47 acres) or greater, without obtaining a Tree Permit, the following:
- (a) Injure or Destroy all or part of a Tree; or
 - (b) Deface, tack, paste or otherwise attach a sign or note or any other thing or object to a Tree; or
 - (c) Store Hazardous Materials around the Tree Protection Zone of a Tree; or
 - (d) Apply Hazardous Materials to a Tree; or
 - (d) Spill Hazardous Materials within the Tree Protection Zone of a Tree.
- 6.2 No Person shall contravene, or cause or permit a contravention, either directly or indirectly, a Tree Permit issued pursuant to this By-law.
- 6.3 No Person shall fail to comply with an Order issued under this By-law.
- 6.4 No Person shall hinder or obstruct or attempt to hinder or obstruct, either directly or indirectly, the Director or their Designate, the Administrator or their Designate, or an Officer, or any other person who is exercising a power or performing a duty under this By-law.
- 6.5 No Person shall pull down, remove or Deface an Order posted under this By-law.
- 6.6 No Person shall fail to produce or post a Permit, as required under this By-law.
- 6.7 No Person shall, after the Destruction or Injury of Diseased Tree(s), fail to produce an Arborist Report immediately upon the request of the Director, Officer or their Designate.
- 6.8 No Person shall fail to comply with an Order that has been issued pursuant to section 431 of the *Municipal Act, 2001*.

No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under an order issued by a provincial judge or justice of the peace under section 438 of the *Municipal Act, 2001*.

Part 7: Tree Permits And Tree Conservation

Tree Permits - Applications

- 7.1 A Person seeking to Injure or Destroy a Tree shall apply for a Tree Permit by submitting to the Administrator the following:

- (a) a completed Tree Permit Application in the Town's prescribed form;
- (b) a non-refundable Application Processing Fee, subject to section 7.4 of this By-law;
- (c) a drawing or sketch showing the location of the Tree(s) to be Injured or Destroyed or retained; ;
- (d) if the Person who is applying for the Tree Permit is not the Owner of the Lot where the subject Tree is located, the written consent of the Owner;
- (e) if the Tree is a Boundary Tree, the written consent of the adjacent property Owner;
- (i) if seeking to Destroy a Tree, a Tree Replacement Plan in a form satisfactory to the Administrator;
- (f) an Arborist Report, if required by the Administrator;
- (g) a report completed by a Qualified Tree Professional, which may include, but is not limited to, a TRAQ Report, for the purpose of determining if the proposed work is able to proceed to the satisfaction of the Administrator;
- (h) any revised or additional information or documentation that may be required by the Administrator to determine if a Tree Permit should be issued; and
- (i) a written commitment that the removal of any healthy Trees will be compensated with either the planting Replacement Trees on the subject property in accordance with the Replacement Tree Schedule, or payment in lieu of compensation at a rate determined by the Administrator.

7.2 Upon completion of those requirements outlined in section 7.1 above, which are at the Administrator's sole discretion, and prior to the issuance of a Tree Permit, the Applicant shall do the following:

- (a) pay the applicable Permit Issuance Fee;
- (b) pay the applicable Replacement Tree Security, as determined by the Administrator;
- (c) pay the Replacement Tree Fee, if applicable; and
- (d) sign or produce any additional documentation requested by the Administrator, acting reasonably.

7.3 Upon satisfaction of those conditions contained in sections 7.1 and 7.1 above, which are at the Administrator's sole discretion, the Administrator shall deem the Tree Permit Application Complete and, within thirty (30) days, shall do one of the following:

- (a) issue a Tree Permit with or without conditions, in accordance with section 7.6 of this By-law;
- (b) refuse to issue a Tree Permit for any of the reasons stated in section 7.7 of this By-law;
- (c) advise the Applicant that no Tree Permit is required for the work proposed in the Application, and in that case, no further fee shall be payable; or
- (d) where an application for rezoning or building permit, official plan amendment, a consent, a minor variance, a plan of subdivision or a site plan to the Lot on which the Tree is located has been submitted to the Town, but has not received final approval, inform the Applicant that any Tree Permit Application(s) associated with the subject Lot will be

considered together with and will be dependent upon any final approvals associated with those other types of applications.

7.4 If an Applicant for a Tree Permit:

- (a) does not provide the information or documents required under sections 7.1 and 7.2 within the time specified by the Administrator; or
- (b) has not taken any active steps to complete the Tree Permit Application process within one (1) year, the Tree Permit Application shall be deemed incomplete and withdrawn. The Applicant shall not be entitled to a refund of any prescribed Fees paid. The Administrator may close the Tree Permit Application file when the Applicant withdraws or is deemed to have withdrawn the Application.

Tree Permits - Fee Exemptions

7.5 The Application Processing Fee and Permit Issuance Fee are waived for a Tree Permit Application if any of the following conditions apply:

- (a) the Tree is Dead, as determined to the satisfaction of the Administrator;
- (b) the Tree has a Terminal Condition, as determined to the satisfaction of the Administrator;
- (c) the Tree is Invasive, as determined to the satisfaction of the Administrator;
- (d) the Tree is a High-Risk Tree, as determined to the satisfaction of the Administrator;
- (e) the Injury or Destruction of the Tree is undertaken or required by a recognized not-for-profit organization in association with a shared interest or agreement in the planning and development of housing, to the satisfaction of the Administrator; or
- (f) the Tree is in conflict with work or activities that are necessary to remedy or prevent a deficiency affecting a Person or property associated with underground infrastructure or the structural integrity of a building, as confirmed through the supply of supporting documentation including, but not limited to, reports from contractors and/or engineers, as determined to the satisfaction of the Administrator.

Tree Permits – Reasons To Issue (May Waive Requirement For A Tree Permit – Arborist Report).

7.6 Upon deeming a Tree Application complete in accordance with Part 7 of this By-law, the Administrator may issue a Tree Permit for the Injury or Destruction of a Tree if one of the following are present:

- (a) the Tree is Dead, as determined to the satisfaction of the Administrator;
- (b) the Tree has a Terminal Condition, as determined to the satisfaction of the Administrator;
- (c) the Tree is a High-Risk Tree, as determined to the satisfaction of the Administrator;
- (d) the Tree is Invasive, as determined to the satisfaction;

- (e) despite subsections 7.7(b) and (c) of this By-law, where there will be no negative impacts to flood or erosion control or slope stability that cannot be adequately mitigated and:
 - (i) the Tree is in conflict with a pool enclosure, and the Administrator determines that there are no reasonable alternatives to the Injury or Destruction of the Tree; or
 - (ii) the Tree is causing or is likely to cause damage to underground infrastructure or the structural integrity of a building; or
 - (iii) the Tree is to be relocated and the Administrator is satisfied that the Tree will be sufficiently prepared for relocation; or
 - (iv) the Owner has submitted an Arborist Report to the satisfaction of the Administrator, and it is reasonably determined by the Administrator that
 - i. the Injury is minor in nature;
 - ii. the remedial and/or mitigative measures proposed by the Applicant are satisfactory; and
 - iii. the Tree is likely to continue to survive in good condition; or
 - (v) none of subsections 7.6(e)(i) –(iv) are applicable however the Administrator determines that there are no reasonable alternatives to the Injury or Destruction of the Tree.

Tree Permit - Conditions

- 7.7 The Administrator may impose conditions as a requirement of obtaining or continuing to hold a Tree Permit under this By-law, which may include, but are not limited to, one or more of the following:
- (a) to plant Replacement Tree(s) in accordance with the Tree Replacement Plan and Guidelines within the time specified on the Tree Permit;
 - (b) that any Replacement Tree(s) shall be planted and maintained in good condition for a minimum of three (3) years from the date of planting;
 - (c) that any work conducted on a Tree shall be in accordance with the Guidelines;
 - (d) in the event any Replacement Tree(s) required under subsection 7.7(a) of this By-law should die within three (3) years of planting, to plant new Replacement Tree(s) and maintain such Replacement Tree(s) in good condition for a minimum of two (2) years from the date of planting;
 - (e) to deliver Replacement Tree Security in a form satisfactory to the Administrator, to cover the cost of the Replacement Tree(s). The Replacement Tree Security shall be released without any interest thereon upon confirmation by the Administrator that any Replacement Tree(s) have been planted as required. In the event the Permit Holder fails to plant Replacement Tree(s), as required, the Replacement Tree Security shall be permanently forfeited by the Permit Holder and shall be deposited by the Treasurer into the Reserve Fund;
 - (f) where a Replacement Tree(s) cannot physically be located on the Lot on which the Tree will be Injured or Destroyed, the Applicant is to pay the Replacement Tree Fee, which shall be deposited by the Treasurer into the Reserve Fund;

- (g) to perform any work authorized by a Tree Permit under the supervision of a Qualified Tree Professional;
- (h) to provide a report completed by a Qualified Tree Professional following the completion of the work authorized or required by the Tree Permit;
- (i) to contact the Town's Development Services Department for inspection as required by the Tree Permit;
- (j) to restore the site of where the subject Tree is/was located to its original condition;
- (k) to establish a Tree Protection Zone and install and maintain protective fencing around any Tree including horizontal (on grade) root protection in accordance with the Guidelines, the approved Tree Protection Zone, and Arborist Report to the satisfaction of the Administrator;
- (l) to conduct work authorized by the Tree Permit in accordance with the Guidelines; and/or
- (m) to comply with such other reasonable conditions that the Administrator deems necessary for the purpose of regulating the Injury or Destruction of a Tree.

Tree Permit – Refusals or Suspension, Alternation or Revocation

7.8 The Administrator may refuse to issue a Tree Permit on any of the following grounds:

- (a) the Tree Permit Application is incomplete;
- (b) one (1) year has lapsed since the Tree Permit Application process commenced;
- (c) the Tree Permit Application is for the Destruction or Injury of a healthy Tree and there are reasonable alternatives to the Injury or Destruction of the Tree;
- (d) the methods proposed in the Tree Permit Application or the results to be achieved are, in the opinion of the Administrator, not in accordance with Good Arboricultural Practice;
- (e) a Person or property will be adversely affected;
- (f) a nuisance may occur;
- (g) as a result of the removal of a Tree, flood or erosion control, slope stability or the ecological integrity of a natural area may be negatively affected; or
- (h) any permissions or approvals required by this By-law have not been obtained.

7.9 The Administrator may immediately suspend, alter, or revoke a Tree Permit where:

- (a) any term or condition of a Tree Permit, or Guidelines, are not complied with;
- (b) on recommendation from a Qualified Tree Professional;
- (c) any Order issued under this By-law has not been complied with;
- (d) a situation of immediate threat or danger to any Person or property exists;
- (e) any of the reasons for which the Administrator could have refused to issue a Tree Permit under this By-law arise; or
- (f) the Tree Permit was issued because of mistaken, false or incorrect

information received by the Administrator.

- 7.10 If the Administrator refuses to issue a Tree Permit, or alters, suspends or revokes a Tree Permit, the Administrator shall give written notice of its decision to the Applicant or Permit Holder, as the case may be, by electronic mail or regular mail in accordance with the contact information provided on the Tree Permit Application and shall be deemed to have been given on the day it is emailed or the third (3rd) day after it is mailed. If written notice is to a corporation, the notice shall be sent by registered mail to the address of the corporation's registered head office, or by electronic mail if requested by the corporation.
- 7.11 Any notice of decision by the Administrator shall include the grounds for the decision, reasonable particulars of the grounds, and be signed by the Administrator or their Designate.
- 7.12 Upon receipt of a notice of a revocation of a Tree Permit, the Permit Holder shall immediately cease all activities being conducted under the Tree Permit or ensure the immediate termination of all activities for which a Tree Permit had been issued.

Tree Permit – Miscellaneous

- 7.13 A Tree Permit is non-transferable or assignable unless written consent has been obtained from the Administrator, at their sole discretion, and upon payment of the prescribed Permit Transfer Fee.
- 7.14 A Tree Permit expires on the earlier of:
- (a) the expiry date indicated on the Tree Permit;
 - (b) one (1) year from the date of issuance; or
 - (c) on service of a Notice of Revocation by the Administrator.
- 7.15 Notwithstanding subsection 7.14(a) and (b) of this By-law:
- (a) on request of the Permit Holder by completing the prescribed request form and payment of the prescribed Permit Extension Fee, the Administrator may extend the expiration date of a Tree Permit up to a maximum of one (1) year;
 - (b) in determining whether to grant a request to extend under subsection 7.15(a), the Administrator may consider:
 - (i) the extent of completion of work authorized by a Tree Permit;
 - (ii) the Permit Holder's compliance with this By-law; and
 - (iii) any conditions of the Tree Permit;
 - (c) a Permit Holder can only apply for one extension of a deadline in a Tree Permit.
- 7.16 A Permit Holder shall immediately inform the Administrator of any change to the following:
- (a) information contained in the Tree Permit Application;
 - (b) information contained in a Tree Permit that has been issued;
 - (c) the characteristics of the work for which the Tree Permit has been issued; or
 - (d) the cancellation of the work for which the Tree Permit was obtained,

and the Administrator may require further additional information or documentation from the Permit Holder, as well as additional Fees, or a new Tree Permit Application.

- 7.17 When undertaking any work under a Tree Permit, the Permit Holder shall at all times post the Tree Permit in a conspicuous place on the Lot on which the work under the Tree Permit is being conducted for the duration of the work.

Tree Permit – Exceptions

- 7.17 In circumstances where a Tree Permit is required, but Emergency Tree Work is or was necessary, the Owner of the Lot on which the subject Tree is or was located, shall:
- (a) notify the Administrator in writing within one (1) business day of the Emergency Tree Work being performed;
 - (b) remit payment of any applicable Fee to the Administrator had a Tree Permit Application been completed;
 - (c) provide documentation requested by the Administrator, which may include, but is not limited to, an Arborist Report, engineering reports, work orders, locates, photographs, including those associated with the size and height of the subject Tree(s), and measurement of the distance to any nearby building or structure; and
 - (d) complete a Tree Permit Application, if required by the Administrator.

Tree Permits – Appeal To Director

- 7.18 A Person who has received a notice of refusal or revocation, or an Applicant who objects to a condition attached to the Tree Permit, or an Applicant who has not received a decision from the Administrator within thirty (30) days pursuant to Section 7.3, may request a review by the Director.
- 7.19 Such review shall be made by written notice received by the Town Clerk within seven (7) days after the date of the refusal or revocation or the issuance of the conditional Tree Permit, as the case may be.
- 7.20 Upon considering the review, the Director may recommend that the Manger or their Designate refuse the Tree Permit, revoke the Tree Permit, issue the Tree Permit or issue the Tree Permit upon such conditions as the Director considers appropriate.
- 7.21 The Director's decision under this Part 7 is final.

Part 8: Enforcement, Remedial Actions and Recovery of Expenses

Entry and Inspections

- 8.1 A Person authorized to enforce this By-law may enter on any land, including Private Property, at any reasonable time and in accordance with the conditions set out in the *Municipal Act, 2001* for the purpose of carrying out an inspection to determine

whether or not the following are being complied with:

- (a) an Order or other requirement under this By-law, including any policy

or guideline made or issued in connection to this By-law;

- (b) the Tree Permit or a condition of a Tree Permit issued under this By-law; or
- (c) an Order made under section 431 of the *Municipal Act, 2001*.

8.2 For the purposes of the inspection under section 8.1 and in accordance with the conditions set out in section 436 of the *Municipal Act, 2001*, a Person authorized to enforce this By-law may:

- (a) require the production for inspection of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) require information in writing or otherwise as required by an Officer from any Person concerning a matter related to the inspection; and
- (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.

8.3 Any Person authorized to enforce this By-law may undertake an inspection pursuant to an Order issued by a provincial judge or justice of the peace under section 438 of the *Municipal Act, 2001*, in accordance with the conditions set out in that section, where they have been prevented or is likely to be prevented from carrying out an inspection under this By-law.

8.4 Any Person who is alleged to have contravened any of the provisions of this By-law shall identify themselves to the Officer upon request, failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of their duties.

Power To Make Orders – Remedial Action

Order To Discontinue Activity

8.5 If an Officer is satisfied that a contravention of this By-law or a Tree Permit has occurred, they may issue an Order to Discontinue Activity requiring the Person who contravened the By-law or the Tree Permit, or who has caused or permitted the contravention, to discontinue the contravening activity.

8.6 An Order to Discontinue Activity under section 8.5 shall set out:

- (a) reasonable particulars of the contravention sufficient to identify the contravention and the location of the Lot on which the contravention occurred; and
- (b) the date or dates by which there shall be compliance with the Order, which may be of immediate effect should the Officer determine that the circumstances warrant.

Order To Remedy

8.7 If an Officer is satisfied that a contravention of this By-law or a Tree Permit has occurred, they may issue an Order to Remedy requiring the Person who has

contravened this By-law or the Tree Permit or who caused or permitted the contravention or the Owner or any Person occupying the subject property on which the contravention occurred, to do work to correct or rectify the contravention.

8.8 An Order to Remedy issued pursuant to section 8.7 shall set out:

- (a) reasonable particulars of the contravention sufficient to identify the contravention and the location of the Lot on which the contravention occurred;
- (b) the work to be completed by the Owner or any other Person who caused or permitted the contravention in order to rectify the contravention, which may include but is not limited to requiring the following:
 - (i) that prior to performing any additional work or activities, all necessary permits or other approvals be applied for and obtained;
 - (ii) compliance with any of the conditions set out in section 7.7 of this By-law;
 - (iii) that any Injured or Destroyed Tree be replaced on the Lot with a Replacement Tree(s), and further specify the species and location of any Replacement Tree(s), or require payment of the prescribed Replacement Tree Fee in lieu of planting a Replacement Tree(s), which Replacement Tree Fee the Treasurer shall deposit into the Reserve Fund;
- (c) the date or dates by which the work required by the Order to Remedy must be completed;
- (d) a notice that if the work is not completed in compliance with the Order to Remedy within a specified time period, then the work may be done at the expense of the Person ordered to do the work; and,
- (e) the contact information of the Town's representative.

Orders – General

8.9 An Order under this By-law may require the Permit Holder, an Owner or any other Person who caused or permitted the contravention, to pay a prescribed Compliance Inspection Fee, or any other prescribed applicable Fee, by a specified date and time.

8.10 If an Officer is satisfied that a contravention of this By-law or a Tree Permit has occurred, the Owner of the Lot on which the subject Tree is located shall be presumed to have or permitted the Injury or Destruction of the Tree or caused or permitted the contravention of the conditions of a Tree Permit issued under this By-law, as the case may be, which presumption may be rebutted by the Owner by evidence to the contrary on a balance of probabilities.

Orders - Service

8.11 Any Order issued under this By-law may be served personally or may be sent by registered mail to the Person contravening the By-law or may be posted in a conspicuous place on the Person's property where the contravention occurred.

8.12 Where service of an Order under this By-law is served personally, it shall be deemed to have been served on the date of delivery to the person or persons named in the Order.

8.13 Where an Order issued under this By-law is sent by registered mail, it shall be sent to the last known address of one or more of the following, as applicable:

- (a) the Person contravening the By-law;
- (b) the Person who caused or permitted the contravention;

and shall be deemed to have been served on the fifth (5th) day after the Order was mailed.

8.14 Where an Order is posted at the subject Lot of the Person contravening the By-law or who caused or permitted the contravention and it shall be deemed served on the same day that the Order is posted.

8.15 An Order shall be served upon the Owner and upon, if known, any other Persons responsible for the Injury or Destruction of the Tree.

Town-Initiated Remedial Action

8.16 If a Person is required under an Order or a Tree Permit under this By-law, to do a matter or thing, then in default of it being done by the Person so required to do it, the matter or thing may be done at the Person's expense under the direction of the Director.

8.17 Where a Person does not comply with a requirement of this By-law or an Order or a condition of a Tree Permit, the Administrator, with such assistance by others as may be required, may carry out such requirement or condition at the Person's expense.

8.18 The Administrator is authorized to give immediate effect to any requirement or condition where the costs of carrying out the requirement or condition do not exceed \$10,000.00 and, where the costs do exceed \$10,000.00, as Council may authorize.

8.19 The Town may recover the costs of doing any matter under sections 8.16 to 8.18 by means of any one or more of:

- (a) Commencing an action in the Superior Court of Justice;
- (b) Adding the costs to the tax roll of the Lot where the work was done and collecting them in the same manner as property taxes and such costs shall include an interest rate of 1.5 per cent commencing on the day the Town incurs the costs and ending on the day the costs, including the interest, are recovered in full;
- (c) Realizing on any security provided for this purpose; or,
- (d) Charging a prescribed Fee, where applicable, or as otherwise set and approved by Council from time to time.

8.20 The amount of the Town's costs incurred pursuant to sections 8.16 to 8.18, including interest at an interest rate of 15 percent commencing on the day the Town incurs the costs and ending on the day the full costs including interest are recovered in full, constitutes a lien on the land upon the registration in the Land Registry Office for Bruce County (LRO#3) of a notice of lien.

Part 9: Offences And Penalties

Offences

9.1 Any Person who contravenes any provision of this By-law, or an Order issued pursuant to this By-law, is guilty of an offence.

- 9.2 Every director or officer of the corporation who knowingly concurs in the contravention of any provision of this By-law is guilty of an offence.
- 9.3 All contraventions of any provision of this By-law or an Order issued pursuant to this By-law are designated as multiple offences and continuing offences pursuant to section 429(2) and (5) of the *Municipal Act, 2001*.

Penalties

Penalties – Minimum and Maximum

- 9.4 Upon conviction of an offence under this By-law, every Person may be liable to a fine, as follows, and any such other penalties as provided for in this By-law, the *Municipal Act, 2001* and by the *Provincial Offences Act*, RSO 1990, c. P. 33:
- (a) a Person, other than a corporation, is liable for every day or part thereof upon which such offence occurs or continues to a minimum fine of \$250.00 and a maximum fine of \$25,000.00 for a first offence, where the fine is not a set fine, and a minimum fine of \$500.00 and a maximum fine of \$50,000.00 for a subsequent offence; and
 - (b) a Person that is a corporation, is liable for every day or part thereof upon which such offence occurs or continues to a minimum fine of \$500.00 and a maximum fine of \$50,000.00 for a first offence, where the fine is not a set fine, and a minimum fine of \$1,000.00 and a maximum fine of \$100,000.00 for a subsequent offence; and
 - (c) in the case of multiple offences, for each offence included in the multiple offence, a fine of not less than \$500.00 and no more than \$10,000 and the total of all fines for each included offence is not limited to \$100,000.00.

Penalties – Continuing Offence

- 9.5 A Person who contravenes an Order made under this By-law, or an officer or director of a corporation who knowingly concurs in such a contravention by the corporation, is guilty of a continuing offence, and upon conviction is liable to a daily fine or penalty to a fine not exceeding \$1,500.00 for each day or part of a day that the offence continues, and despite section 9.4, the total of all the daily fines imposed for an offence is not limited by the fine amounts listed in those sections.

Penalties - Special Fines

- 9.6 A Person who is convicted of an offence under this By-law may be liable, in addition to the fines established under sections 9.4 and 9.5, to a special fine, which may exceed \$100,000.00, designed to eliminate or reduce any economic advantage or gain from contravening this By-law or failing to comply with an Order made under this By-law.

Court Order – Additional Order To Discontinue Or Remedy – S.431 *Municipal Act, 2001*

- 9.7 Under section 431 of the *Municipal Act, 2001*, when a Person has been convicted of an offence under this By-law, in addition to any other remedy and to any penalty

imposed by the By-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order:

- (a) prohibiting the continuation or repetition of the offence by the Person convicted; and
- (b) in the case of a by-law described in section 135 of the *Municipal Act, 2001*, requiring the Person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

9.8 Any costs payable or associated with an order of the court are in addition to, and not in substitution for, the payment of any penalty imposed by the court for the commission of an offence under this by-law or any other applicable legislation.

Administrative Monetary Penalty System

9.9 Each Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with the Administrative Monetary Penalty System By-law, be liable to pay the Town an Administrative Monetary Penalty.

Part 10: Miscellaneous Provisions

10.1 Schedule 1 shall form part of this By-law.

10.2 Council may impose fees and charges to recover its costs in relation to the administration and enforcement of this By-law through the Fees and Charges By-law.

10.3 Should a court of competent jurisdiction declare a part or whole of any provision of this By-law to be invalid or of no force and effect, then the particular provision or part thereof is deemed severable from this by-law, and it is the intention of Council that the remainder survive, and be applied and enforced in accordance with its remaining terms to the extent possible under law.

10.4 References in this By-law to any legislation or by-law means as may be amended or replaced from time to time and include any regulations thereunder.

10.5 Headings are inserted for ease of reference only and are not to be used as interpretation aids.

10.6 This By-law shall come into force and effect on April 1, 2026.

Read and Finally Passed and Sealed this 27th day of October, 2025.

Luke Charbonneau, Mayor

Dawn Mittelholtz, Clerk

By signing this By-law on October 27, 2025, I, Mayor Luke Charbonneau, will not exercise the power to veto this by-law pursuant to subsection 284.11 (4)(a).

Luke Charbonneau, Mayor

The Corporation of The Town Of Saugeen Shores
Schedule 1 to By-law 96-2025

Urban Tree Conservation By-law

Replacement Tree Schedule

The number of Replacement Trees required or the Replacement Tree Fee to be paid in lieu of the diameter at breast height (dbh) of the Tree that is Injured, Destroyed or removed. The following table outlines the Replacement Tree ratio and the corresponding fee if Replacement Trees cannot be accommodated.

Diameter at Breast Height (cm)	Replacement Tree Ratio – If Replacement Tree(s) can be accommodated	Replacement Tree Fee - If Replacement Tree cannot be accommodated
<10	Not Applicable	Not Applicable
10-20	1:1	\$500 per tree
21-35	2:1	
36-50	3:1	
51-65	4:1	
>65	5:1	

NOTE: The calculation is based on Diameter at Breast Height (dbh) of a single Tree. If more than one Tree is Injured, Destroyed or removed, the average dbh of up to ten (10) trees, considered as one ecological unit, will determine the number of Replacement Trees or the Replacement Tree Fee to be paid to the Tow

