

CORPORATION OF THE TOWN OF HUNTSVILLE

BY-LAW NO 2002-18

**A by-law to prohibit or regulate the injuring or
destruction of trees on municipal lands in the
Town of Huntsville**

WHEREAS section 223.2 of the *Municipal Act*, R.S.O. 1990, c. M.45, as amended, authorizes the council of a local municipality with a population greater than 10,000 to pass by-laws to prohibit or regulate the injuring or destruction of trees

AND WHEREAS the Council of The Corporation of the Town of Huntsville recognizes the ecological and aesthetic value of trees and is desirous of managing the injury and destruction of trees;

NOW THEREFORE the Council of the Corporation of the Town of Huntsville ENACTS AS FOLLOWS:

Definitions:

- 1.1 “Tree” means and includes any live Deciduous or Coniferous tree that has a minimum height of 2.0 metres (6.5 feet) and a minimum diameter of 45 millimetres (1.7 inches) at a point of one metre above ground level.
- 1.2 “Destroy” means the removal, harm, or ruin of trees by cutting, burning, uprooting, chemical application or other means including irreversible injury which may result from neglect, accident or design.
- 1.3 “Injure” means to harm, damage, or impair and includes the injury of trees by changing grades around trees, compacting soils over root areas, severing roots, the improper application of chemicals, improper pruning or removal of bark.

Prohibition:

- 2.1 That it shall be an offence to injure or destroy any tree on Municipal Lands in the Town of Huntsville without written approval from Manager of Parks or the Director of Physical Services or their agents. Each live, injured or destroyed tree shall be considered a separate offence.

Exceptions:

3. This by-law shall not interfere with any right or power of the Provincial, Federal or Municipal governments or their agents, licensed Ontario Land Surveyors, or utilities, to carry out their day-to-day operations. However, all employees and contractors shall exercise reasonable care and diligence and shall endeavour to preserve and protect trees where possible.

Penalties:

4. ANY person convicted of an offence under this by-law shall be liable to a fine of not less than \$500.00 and not more than \$5,000.

Validity:

5. If a court of competent jurisdiction declares any provision or part of this by-law to be invalid or of no force or effect, it is the intention of the Council in enacting this by-law that each and every other provision of this authorized by-law be applied and enforced in accordance with its terms to the extent possible according to law.

Effective Date:

6. This By-law shall come into effect immediately upon third reading of Council.

READ a first time this 28th day of February A.D., 2002.

Mayor (Hugh Mackenzie)

Clerk (Kathleen Gilchrist)

READ a second and third time and finally passed this 28th day of February A.D., 2002.

Mayor (Hugh Mackenzie)

Clerk (Kathleen Gilchrist)