

## **BY-LAW NUMBER 131-22**

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### **THE CORPORATION OF THE COUNTY OF BRANT**

To amend the Good Forestry Practices By-Law #70-21 as amended by By-Law #81-22

**WHEREAS** pursuant to Section 135(1) of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, hereinafter referred to as the *Act* the County of Brant enacted a Good Forestry Practices By-Law to prohibit and regulate the destruction and injuring of trees;

**AND WHEREAS**, it is deemed necessary to amend certain sections of the Good Forestry Practices By-Law to update and clarify wording in the By-Law to help ensure the purpose of the By-Law is achieved;

**NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE COUNTY OF BRANT ENACTS as follows:**

1. **THAT** the definition of "Agricultural Operation" in SECTION 1 DEFINITIONS be deleted and replaced with the following wording:

**"Agricultural Operation** means an agricultural, aquacultural, or horticultural operation that is carried on in the expectation of gain or reward. The lands must be assessed as farmland, having a valid Farm Business Registration number."

2. **THAT** the definition of "Certified Arborist" in SECTION 1 DEFINITIONS be deleted and replaced with the following wording:

**"Certified Arborist** means an individual who is currently certified by the International Society of Arboriculture and/or by the Province of Ontario unless a suspension, term, condition, or limitation of certification applies which would restrict the individual from carrying out responsibilities under this By-Law."

3. **THAT** the definition of "Christmas Tree Plantation" in SECTION 1 DEFINITIONS be deleted and replaced with the following wording:

**"Christmas Tree Plantation** means the intentional planting of *trees* that are maintained or established for the purpose of producing Christmas trees as part of an *agricultural operation*, but does not include plantations that have ceased to be harvested for such purposes for a period of ten years or more."

4. **THAT** the definition of "Environmental Implementation Plan" in SECTION 1 DEFINITIONS portion m) be deleted and replaced with the following wording:

**"Environmental Implementation Plan"**

m) A proposal for *replacement trees* outlining if the *applicant* will provide *replacement trees* on lands subject to the clearing, on alternate lands approved by the *County*, and/or as cash-in-lieu to the *Replacement Tree Planting Fund*. The proposal must include the total area of the canopy of *trees* to be *injured* or *destroyed*, and the aerial extent of *replacement trees* required to be planted. The aerial extent of *replacement trees* required to be provided by the *applicant* shall be at a ratio equal to the greater of: two times the aerial extent of the *canopy of trees injured* or *destroyed*; a ratio approved through an *Environmental Impact Study*; or a ratio as established by the County's *Designated Official*;

5. **THAT** the definition of “Hazard Tree” in SECTION 1 DEFINITIONS be added after “Good Forestry Practices”.

**“Hazard Tree** means any tree or other growth that is dead, decayed or damaged and the branches and limbs thereof which create an unsafe condition to the life or health of any person.”

6. **THAT** the definition of “Owner’s Own Use” in SECTION 1 DEFINITIONS be deleted in its entirety.
7. **THAT** the definition of “Replacement Trees” in SECTION 1 DEFINITIONS portion m) be deleted and replaced with the following wording:

**Replacement Trees** means planting non-invasive native trees and plants through reforestation or afforestation to replace *trees injured* or *destroyed*. The aerial extent of the *replacement trees* shall be at a ratio equal to the greater of: two times the aerial extent of the *canopy of trees injured* or *destroyed*; a ratio approved through an *Environmental Impact Study*; or a ratio as established by *Designated Official*. The *applicant* has the option of providing replacement trees in the form of planting on lands subject to the clearing, on alternate lands approved by the *County*, and/or as cash-in-lieu to the *Replacement Tree Planting Fund*. Replacement trees may include a mixture of native trees. Other vegetation such as, potted shrubs, perennials, grasses and ground covers or seed mixes, may be included in the reforestation but will not count as the reforested aerial extent calculation or tree replacement ration. The minimum density of *replacement trees* must meet the number of *trees* per hectare required to meet the definition of a *woodland* or a *woodlot*. Replacement trees shall have a minimum height of 1.0 metres and circumference of three inches, unless otherwise approved by the *Designated Official*.

8. **THAT** the definition of “Unsafe Condition” in SECTION 1 DEFINITIONS be added after “Unforested Corridor”.

**“Unsafe Condition** shall mean a condition that poses or constitutes an undue or unreasonable hazard or risk to life, limb or health of any person on or about the property.”

9. **THAT** the words “Hazard Trees within areas otherwise regulated by this By-Law” be added after in SECTION 2 a) iii.
10. **THAT** the words “Removal of a *hazard tree* as defined in SECTION 1 of this By-Law.” be added in SECTION 2 c) iv.
11. **THAT** the words “This By-Law shall apply to all *trees* in *natural heritage features and areas* in the County.” Replace existing language in SECTION 2 a).
12. **THAT** the words “tree listed as a” be removed in SECTION 2 c) ii.
13. **THAT** the words “Removal of a *hazard tree* approved by designate” be added in SECTION 2 c) iv.
14. **THAT** the words “o *person* through their own actions or through the actions of others under the care and control of that *person*, shall fail to comply with the terms or conditions of a permit issued pursuant to Section 5 or Section 6 of this By-Law.” be added in SECTION 3 b).
15. **THAT** the words “The provision of this By-Law shall not apply to the following” replace the existing statement “This By-Law does not apply to and a *permit* is not required for” in SECTION 4-EXEMPTIONS.

16. **THAT** the words “an existing” be added after “within 2 metres of” and that “driveway, sidewalk, parking lot” be added after “building,” in SECTION 4 o).
17. **THAT** the words “for the owner’s own use” be removed from SECTION 4 p) iii.
18. **THAT** SECTION 4 u).be deleted and replaced by the words “The *injury or destruction of hazard trees* as approved by the *Designated Official*.”.
19. **THAT** the words “County approved guidelines” be deleted and replaced by the words “*Designated Official*” in SECTION 6 vii).
20. **THAT** this By-Law comes into force and takes effect upon the date of approval.

**READ** a first and second time, this 20<sup>th</sup> day of December, 2022.

**READ** a third time and finally passed in Council, this 20<sup>th</sup> day of December, 2022.

**THE CORPORATION OF THE COUNTY OF BRANT**

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David Bailey, Mayor

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Alysha Dyjach, Clerk