

**THE CORPORATION OF THE
TOWNSHIP OF ZORRA**



BY-LAW NO. 13-19

**BEING A BY-LAW TO AUTHORIZE AND REGULATE
THE PLANTING, MAINTENANCE, PROTECTION,
PRESERVATION AND REMOVAL OF TREES ON
TOWNSHIP PROPERTY OR OVER OR ADJACENT TO
HIGHWAYS UNDER THE JURISDICTION OF THE
MUNICIPALITY AND TO REPEAL BY-LAW 21-01, AS
AMENDED.**

WHEREAS subsection 11(2) 5. of the *Municipal Act 2001*, S.O. 2001, c. 25, as amended (the "Act") authorizes a municipality to pass by-laws respecting the economic, social and environmental well-being of the municipality;

AND WHEREAS subsection 62(1) of the Act authorizes a municipality, at reasonable times, to enter upon land lying along any of its highways to inspect trees, and to conduct tests on trees, and to remove decayed, damaged or dangerous trees or branches of trees, if, in the opinion of the municipality, the trees or branches pose a danger to the health or safety of any person using the highway;

AND WHEREAS subsection 62(2) of the Act provides that an employee or agent of the municipality may remove a decayed, damaged or dangerous tree or branch of a tree immediately and without notice to the owner of the land upon which the tree is located, if, in the opinion of the employee or the agent, the tree or branch poses an immediate danger to the health or safety of any person using the highway;

AND WHEREAS section 135 of the Act authorizes a municipality to prohibit or regulate the destruction or injuring of trees;

AND WHEREAS section 141 of the Act provides that a municipality may provide trees to the owners of land adjacent to any highway and may plant the trees on the owner's land with consent;

AND WHEREAS section 429 of the Act authorizes a municipality to establish a system of fines for offences under a By-law of the municipality passed under the Act;

AND WHEREAS the Council of the Corporation of the Township of Zorra desires to repeal and replace the Planting and Removal of Trees By-law No. 21-01, as amended with this By-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ZORRA ENACTS AS FOLLOWS:

1. Short Title

1.1. This By-law shall be known and referred to as the "Township of Zorra Tree By-law".

2. Definitions:

- (a) "**Adjacent Tree**" means a tree on private property, which directly abuts and/or impacts Township property or Township operations;
- (b) "**Arborist**" shall mean an expert in the care and maintenance of trees including an arborist qualified by the Ontario Training and Adjustment Board Apprenticeship and Client Services Branch, a certified arborist qualified by the International Society of Arboriculture, a consulting arborist registered with the American Society of Consulting Arborists, a registered professional forester or a person with other similar qualifications as approved by the General Manager, Parks, Forestry and Recreation.
- (c) "**Boulevard**" means the grassed or landscaped area within the public road allowance between the barrier curb and/or hard surfaced edge of a roadway and a public sidewalk.
- (d) "**Council**" means the Council of the Corporation of the Township of Zorra;
- (e) "**Deface**" includes but is not limited to painting or carving of words, figures, symbols or any other markings to the bark of a tree;
- (f) "**Destroy**" shall mean to change the structure or condition of a tree such that it cannot reasonably be returned to its original structure or condition;
- (g) "**Director**" means the Director of Public Works or any person designated to act on their direction;
- (h) "**Highway**" or "**highways**" means all allowances for roads made by the Crown Surveyors, all highways laid out or established under the authority of any statute, all roads on which public money has been expended for opening them or on which status labour has been usually performed, all roads dedicated by the owner of the land to public uses, and all alterations and deviations of and all bridges over any such allowance for road, highway or road, are common and public highways in the Township of Zorra.
- (i) "**Improved highway**" means a **highway** that has been reconstructed or rebuilt and shall be determined by the Director of Public Works.
- (j) "**Rural area**" means the area located outside of the Urban Boundary, as shown in the Official Plan.
- (k) "**Site Triangle**" refers to the area on a corner lot within the triangular space formed by the street lines and a line drawn from a point on one street line to a point in the other street line, each such point being **9.0 m**, measured along the street line from the point of intersection of the street lines, no building, structure, planting or vehicle shall be located in such a manner as to impede vision between a height of **0.6. m** and **3.0. m** above the centreline grade of the intersecting streets.
- (l) "**Township**" means the Corporation of the Township of Zorra;
- (m) "**Township Property**" includes but is not limited to Township parks and Township streets;
- (n) "**Township Street**" includes but is not limited to a common or public highway, road, street, lane or other road allowance or any portion thereof under the jurisdiction of the Township of Zorra;
- (o) "**Township Tree**" means any species of woody perennial plant including its root system with its trunk located, either wholly or in part, on Township property, which has reached or can reach a height of at least 4.5 metres at

physiological maturity

- (p) **"Tree"** means any species of woody perennial plant, including its root system, which has reached or can reach a height of at least 4.5 metres (14.8 ft) at physiological maturity.

3. Administration

- 3.1. The Township of Zorra Council hereby authorizes the Director of Public Works to regulate, supervise and carry out the planting, care and maintenance, trimming, protection, preservation and removal of all Township Trees.

4. Exemption from By-law

- 4.1. In accordance with section 135(12) of the Municipal Act, 2001, this by-law does not apply to:

- (a) Activities or matters undertaken by a municipality or a local board of a municipality;
- (b) Activities or matters undertaken under a licence issued under the Crown Forest Sustainability Act, 1994;
- (c) The injuring or destruction of trees by a person licensed under the Surveyors Act to engage in the practice of cadastral surveying or his or her agent, while making a survey;
- (d) The injuring or destruction of trees imposed after December 31, 2002 as a condition to the approval of a site plan, a plan of subdivision or a consent under section 41, 51 or 53, respectively, of the Planning Act or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
- (e) The injuring or destruction of trees imposed after December 31, 2002 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;
- (f) The injuring or destruction of trees by a transmitter or distributor, as those terms are defined in section 2 of the Electricity Act, 1998, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- (g) 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; or
- (h) The injuring or destruction of trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land,
 - i. That has not been designated under the Aggregate Resources Act or a predecessor of that Act, and
 - ii. On which a pit or quarry is a permitted land use under a by-law passed under section 34 of the Planning Act.

- 4.2. Notwithstanding the provisions of this By-law, any person may apply to the Director for an exemption to any provision of this By-law with respect to trees and the Director may grant such exemption, grant an alternative exemption or refuse such exemption, and may set out conditions to be met as the Director sees fit for any exemption granted. Every person applying for an exemption under this section shall provide the Director an application in writing, as per Schedule "A".

- 4.2.1. A breach of any of the terms or conditions of an exemption granted by the Director under section 4.2. of this By-law shall render the exemption null and void.

5. General Provisions for Director

Township Trees

- 5.1. Without limiting the generality of Section 3, the Director is hereby authorized to take or cause the following action:
- (a) To plant or cause to be planted, trees on Township property in accordance with the tree species laid out in Schedule "B";
 - (b) To care for and maintain trees on Township property, including watering, fertilizing, spraying, trimming or causing to be watered, fertilized, sprayed or trimmed any tree growing on municipal lands, or on private property where the branches extend over a highway;
 - (c) To remove or cause to be removed without notice or compensation to any person, any object or thing that adversely affects a tree or part of a tree located on Township property;
 - (d) To remove or cause to be removed any tree or part of a tree which in his or her opinion is decayed, diseased or hazardous to the public;
 - (e) To stop any work causing injury or destruction to a tree located on Township property that is taking place without the permission or approval of the Director;
 - (f) To impose such terms and conditions he or she deems necessary in granting authorization; and
 - (g) To take whatever measures deemed necessary in his or her judgement to extend the useful life of a tree without impacting on public liability.

Adjacent Trees

- 5.2. The Director is hereby authorized to prune adjacent trees where branches extend over a Township street which are hazardous or which create an unsafe condition.
- 5.3. The Director is hereby authorized, upon notification to a property owner, to enter land adjacent to a Township street to remove decayed, damaged or dangerous trees or branches of trees extending over a Township street, if in the opinion of the Director, the trees or branches pose a danger to the health or safety of any person using the Township street.
- 5.4. The Director is hereby authorized to remove decayed, damaged or dangerous trees or branches of trees extending over a Township street immediately and without notice to the owner of land upon which the tree is located if, in the opinion of the Director, the trees or branches pose an immediate danger to the health or safety of any person using a Township street.

6. Restrictions and Prohibitions against Injury, Destruction or Interference with Trees on Township Property

- 6.1. No person shall, without the prior authorization of the Director, do or cause or permit to be done, any of the following in relation to trees on municipal property;
- (a) Injure or destroy, or cause to be injured or destroyed, a tree growing on Township property;
 - (b) Remove or cause to be removed a tree or any part of a tree growing on Township property;
 - (c) Spray, fertilize, prune, trim, disturb or alter a tree or any part of a tree on

Township property;

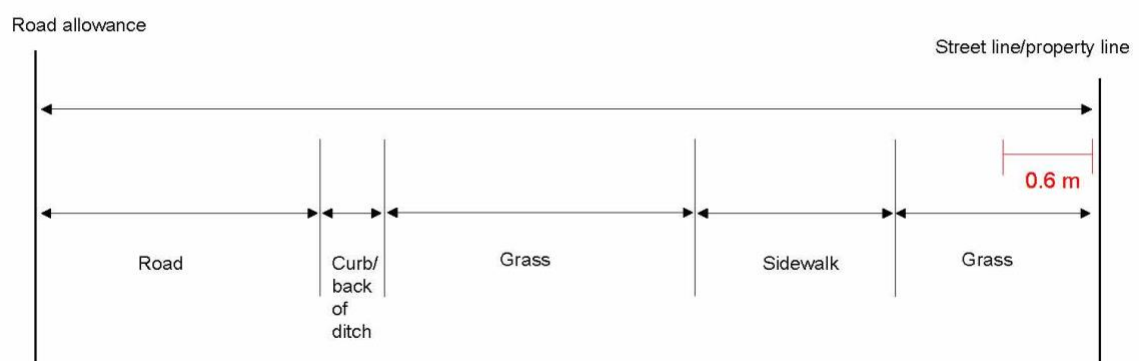
- (d) Deposit, place, store or maintain on any property, any stone, brick, sand, concrete, soil, equipment or other materials that may impede the free passage of water, air or nutrients to the roots of any tree on Township property;
- (e) Alter or change soil levels, excavate any ditches, tunnels or trenches, or lay any stone, walkway or driveway, if it will likely result in the damage to a tree on Township property;
- (f) Deface, tack, paste or otherwise attach a bill or note to any other thing or object to a tree growing on Township property, or to a stake, post, guard or other object supporting such tree;
- (g) Allow any gaseous, liquid or solid substance which is harmful or toxic to trees to come into contact with any tree on Township property;
- (h) Plant or cause to be planted any tree or any part of a tree on Township property without permission of the Director and subject to such terms and conditions as the Director considers appropriate.

6.2. Should a person do or cause or permit to be done any of the conditions laid out in subsection 6.1., said person shall be subject to a fine as determined by the Township of Zorra in this By-law (see Schedule "C").

7. Planting of Trees

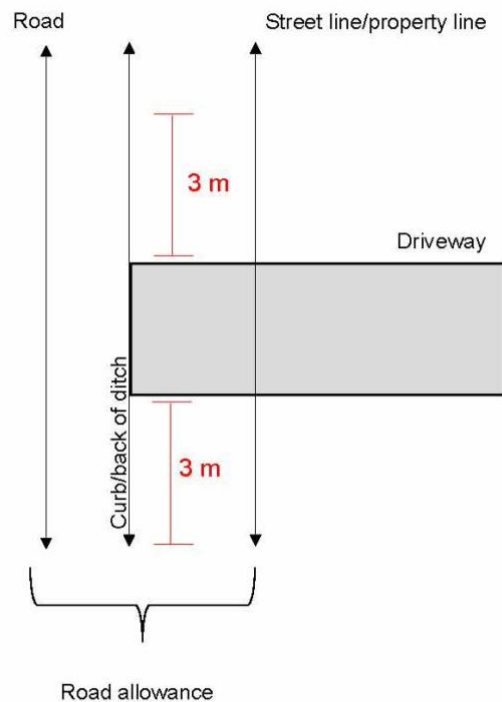
7.1. The following conditions shall be met when planting a tree on Township property, as authorized by the Director and at his/her discretion:

- (a) Trees planted for shade or ornamental purposes along any improved highway shall be no more than 0.6 metres inside the property line marking the boundary of the road allowance (see diagram below).



- (b) Trees shall not be planted so that the tree or branches of the tree impedes the sight triangle at an intersection.
- (c) Along improved highways in rural areas, trees should be planted at spacing of 25 metres – 30 metres, depending on available space.
- (d) Planting of trees will be prohibited in areas that present future maintenance problems, such as overhead wires or underground services. No trees shall be planted on the same side of a road allowance where hydro or communication lines are located.
- (e) Planting of trees will be prohibited within 50 metres of any known Municipal, Award or Private Drainage System.

- (f) Planting of trees will be prohibited within 4 metres of a streetlight or fire hydrant.
- (g) Tree species will be in accordance with Schedule “B” attached hereto and forming part of this By-law.
- (h) No person shall plant or cause to be planted a tree on a boulevard without written permission of the Director.
- (i) Planting of trees will be prohibited within 3 metres of a driveway (see diagram below) or an underground vault.



7.2. Where a person has received prior authorization from the Director to plant, or cause to be planted, a tree on municipal property, such planting shall be done under the supervision and to the satisfaction of the Director and in accordance with the terms and conditions of this By-law.

7.3. The Township may, with the consent of the owner, plant and maintain shade or ornamental trees adjacent to any highway under the jurisdiction of the Township or any land owned by the Township, at the expense of the Township, provided that the Township shall not be liable for the maintenance or otherwise in respect of any tree so planted.

8. Maintenance, Trimming and/or Removal of Township Trees

8.1. The Director shall authorize the Public Works Department staff to maintain, trim and remove Township trees at his or her discretion and in accordance with the provisions in this By-law.

8.2. Township tree(s) and branches shall only be trimmed/removed to:

- (a) Remove dead, decayed, damaged, dangerous or diseased tree(s) and/or tree branches;
- (b) Remove tree(s) and/or tree branches which seriously obstruct the vision or otherwise present a hazard to the travelling public;
- (c) Remove tree(s) and/or tree branches which interfere with road construction, utilities, or private developers, but only when no other reasonable alternative can be found; and

(d) Remove tree(s) and/or tree branches growing on Township property, contrary to any Council approved By-laws or agreements.

8.3. Where a Township tree, or the branches of a Township tree, has been designated for removal by the Township under section 5.1. notice shall be provided by the Township to the adjacent property owners. The notice may include a Notice of Removal form (see Schedule "D").

8.4. Should the Director remove a tree on Township property in front of or adjacent to private property, the owner of the affected private property may request that the Director provide a replacement tree.

9. Maintenance, Trimming and/or Removal of Adjacent Trees

9.1. Every owner of an adjacent tree shall ensure that the adjacent tree is maintained in good condition and state of repair, free of decay and damage, such that the adjacent tree does not pose a danger to persons using Township property.

9.2. Without limiting section 9.1., every owner of an adjacent tree shall:

- (a) Ensure that all low hanging branches including live branches are trimmed or removed to a height of 4.5 meters from ground level; and
- (b) Ensure that all low hanging branches including live branches are trimmed or removed to clear any obstructions and to improve visibility of regulatory signs, warning signs or traffic movement.

9.3. The Director has authority to request maintenance, trimming and/or removal of adjacent trees when deemed to have a detrimental impact on public safety and/or public works operations at his/her discretion.

9.4. Where an adjacent tree, or the branches of an adjacent tree, has been designated for removal by the Township under section 5.3., notice shall be provided by the Township to the property owner. The notice may include a Notice of Removal form (see Schedule "D").

9.5. Where a property owner has received a notice of designation for removal of tree/tree branches under section 9.4., the property owner shall,

- (a) Request that the Township remove the adjacent tree or branches as set out in the notice of designation; or
- (b) Remove the adjacent tree or braches within a reasonable time as agreed to by the Township; or
- (c) Dispute the notice of designation for removal of tree or branches by filing an objection with the Director within fourteen (14) days of the date of the notice of designation for removal.

10. Removal of Adjacent Tree by Property Owner

10.1. No person shall remove an adjacent tree without written notice to and approval of the Director.

10.2. The Director's approval to remove an adjacent tree may be given after an inspection of the adjacent tree and a determination of the limit of the road allowance.

11. Stump Removal

11.1. The Township may remove tree stumps if any portion of the stump is located on a

municipal road allowance or right-of-way, if:

- (a) The tree was removed by the Township of Zorra; and
- (b) The stump is deemed to interfere with an adjacent sidewalk or municipal utility (as determined by the Director of Public Works or his/her designate).

- 11.2. Tree stumps located on non-residential properties are to be left at the height at which the tree was cut down, unless otherwise indicated by the Director.
- 11.3. The Director shall authorize Public Works staff to grind a tree stump when a stump is located directly in front of a residential property. Top soil and seed are to be provided when the stump is removed.
- 11.4. Site restoration shall be the responsibility of the landowner consenting to the removal of the stump.

12. Wood from Removed Adjacent Tree

- 12.1. As a courtesy, the wood from the removed trees will be offered to those property owners adjacent to the tree removal.
- 12.2. If the property owners would not like the wood, the Township will leave the wood stacked in a safe distance from the road way and properly mark the wood as available. The wood will be available for any resident to claim at their own risk for a minimum of 10 business days, after which time, municipal staff will remove and dispose of the wood.

13. Replacement Trees

- 12.1. Following the removal and/or damage of any adjacent tree(s) by municipal staff during public works operations, adjacent property owners shall be contacted by Township staff to determine if a replacement tree(s) is desired.
- 12.2. Should the property owner request a replacement tree(s), the property owner must fill out a Tree Replacement Form (see Schedule "E"). The Tree Replacement Form is available on the Township's website or at the Township office.
- 12.3. The Township shall supply a replacement tree for the owner to plant, the variety being one from the approved tree replacement list, and at an appropriate location and size as determined by the Director.
- 12.4. Replacement trees shall be planted within the year of request and as weather permits.
- 12.5. All replacement trees shall be limited to a quantitative ratio of two-for-one, and be placed at a location on the property in question as determined by the Director.
- 12.6. Once planted, a replacement tree on private property or an adjacent tree is the sole responsibility of the property owner.

14. Enforcement

- 14.1. In addition to the Director, the administration and enforcement of this By-law may be performed by persons designated by Council, as Municipal Law Enforcement Officers.

14.2. No person shall hinder or obstruct or attempt to hinder or obstruct the Director or Municipal Law Enforcement Officers in the exercise of his or her powers and performance of duties under this By-law.

14.3. The Township may require the direction from an arborist. Any arborist costs incurred will be at the cost of the party who requested the arborist's direction.

15. Penalty

15.1. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.

16. Repeal – Enactment

16.1 That By-law 21-2001 and amending By-law 39-2007 are hereby repealed in entirety.

16.2 This By-law shall come into force and take effect from and after the date of final passing thereof.

READ A FIRST AND SECOND TIME THIS 3RD day of APRIL, 2019.

READ A THIRD TIME AND FINALLY PASSED TIME THIS 3RD day of APRIL, 2019.



**MAYOR
MARCUS RYAN**



**CLERK
KAREN MARTIN**

SCHEDULE "A"
TOWNSHIP OF ZORRA
TREE BY-LAW 13-19
EXEMPTION TO TREE BY-LAW FORM



TOWNSHIP OF ZORRA

**APPLICATION FOR EXEMPTION TO
TREE BY-LAW**

1. REGISTERED PROPERTY OWNER(S):

Name: _____ Phone: Residence: _____
Address: _____ Business: _____
_____ Fax: _____
Postal Code: _____ E-mail: _____

2. APPLICANT (if other than registered owner):

Name: _____ Phone: Residence: _____
Address: _____ Business: _____
_____ Fax: _____
Postal Code: _____ E-mail: _____

3. DATE OF APPLICATION: _____

4. ADDRESS AND LOCATION OF PROPOSED TREE(S):

5. EXPLAIN WHY EXISTING BY-LAW PROVISIONS CANNOT BE ADHERED TO (please attach further information if required):

Signature of Owner/Applicant/Agent

Date

For the purposes of the Municipal Freedom of Information and Protection of Privacy Act, I authorize and consent to the use by or the disclosure to any person or public body any information contained in respect to this application for the purposes of processing this application.

Please return completed form to:

Submit to: Township of Zorra
P.O. Box 306
Ingersoll, ON N5C 3K5

SCHEDULE "A"
TOWNSHIP OF ZORRA
TREE BY-LAW 13-19
EXEMPTION TO TREE BY-LAW FORM

For use by the Township	
Roll number	
Date received	
Status of application:	<input type="checkbox"/> Denied <input type="checkbox"/> Approved <input type="checkbox"/> Approved with conditions <i>If application is approved with conditions, list said conditions below:</i>
Date approved/denied	

SCHEDULE "B"
TOWNSHIP OF ZORRA
TREE BY-LAW 13-19
TREE SPECIES

Large Native Shade Trees (large frontage lots – 50' +, boulevards with no utility wires or buried services)

Ash – Green	FRAXINUS PENNSYLVANICA
– White	FRAXINUS AMERICANA
Sugar Maple	ACER SACCHARUM
Bur Oak	QUERCUS MACROCARPA
Red Oak	QUERCUS RUBRA
Black Oak	QUERCUS VELUTINA
White Oak	QUERCUS ALBA

**SCHEDULE “C”
TOWNSHIP OF ZORRA
TREE BY-LAW 13-19
FINES**

Part I Provincial Offences Act

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Injuring or destroying a Township tree without authorization	6.1.(a)	\$300.00
2	Removing a Township tree or any part of a township tree without authorization	6.1.(b)	\$300.00
3	Spraying, fertilizing, pruning, trimming, disturbing or altering a tree on Township Property without authorization	6.1.(c)	\$300.00
4	Depositing, placing, storing or maintaining on any property any material that may impede the free passage of water, air or nutrients to the roots of any Township tree without authorization	6.1.(d)	\$300.00
5	Altering or changing soil levels, excavating any ditches etc. or laying any stone, walkway or driveway that will damage a Township tree without authorization	6.1.(e)	\$300.00
6	Defacing a Township tree or its supporting object(s) without authorization	6.1.(f)	\$300.00
7	Allowing any toxic or harmful substance to trees come into contact with a Township tree without authorization	6.1.(g)	\$300.00
8	Planting a tree on Township property without authorization	6.1. (h)	\$300.00

“Note: The general penalty provision for the offences listed above is Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33.”

**SCHEDULE "D"
TOWNSHIP OF ZORRA
TREE BY-LAW 13-19
NOTICE OF REMOVAL FORM**

NOTICE OF REMOVAL

THIS NOTICE WAS POSTED ON: _____

**THIS TREE IS SCHEDULED TO BE REMOVED
ON: _____**

THIS TREE WILL BE REMOVED IN:

WHOLE

PART

REASONS FOR REMOVAL:

**IN ACCORDANCE WITH BY-LAW 13-19, OBJECTIONS
MAY BE RAISED TO THE DIRECTOR OF PUBLIC
WORKS NO LATER THAN 14 DAYS AFTER THIS
NOTICE HAS BEEN POSTED.**

Township Contact Information:

Director of Public Works

519-485-2490 Ext 227

SCHEDULE "E"
TOWNSHIP OF ZORRA
TREES BY-LAW 13-19
Tree Replacement Form



TOWNSHIP OF ZORRA

274620 27th Line, PO Box 306 Ingersoll, ON, N5C 3K5
Ph. 519-485-2490 • 1-888-699-3868 • Fax 519-485-2520
Website www.zorra.on.ca • Email admin@zorra.on.ca

Owner: _____

Phone: _____

Property Address: _____

Recently Township of Zorra Staff or a contractor authorized by the Township removed _____ tree(s) near your property. As a result, we are offering you two replacement trees for each one removed should you desire it.

We intend to deliver replacement trees to you in the spring of each year. We will be contacting you once we are aware of the delivery date.

Any trees planted must comply with Township of Zorra By-Law 13-19. If you wish, we can provide you with copy of this by-law. Should you not wish to have a tree planted, we will plant a replacement tree in another location in the Township.

Please note that the trees provided will be bare root and will require immediate TLC until they take root. Due to the resources it would require, we will not guarantee the survival of the tree so your assistance is appreciated.

Once you have completed this form, please forward it to the Township office by fax 519-485-2520 or email admin@zorra.on.ca.

Thank you,

Director of Public Works
