

CORPORATION OF THE COUNTY OF LANARK
 BY-LAW NO. 81-34
 A BY-LAW TO RESTRICT AND REGULATE THE
 DESTRUCTION OF TREES BY CUTTING, BURNING
 OR OTHER MEANS

WHEREAS it is deemed expedient for the general welfare of the Corporation of the County of Lanark to maintain and improve the forest, soil, game and fish resources of the County by preserving and improving the woodlands of the County,

AND WHEREAS pursuant to Section 4 of The Trees Act, R.S.O. 1980 Chapter 510, the Council of a County may pass by-laws:

- (a) Restricting and regulating the destruction of trees by cutting, burning or other means; and
- (b) Providing for the appointment of officers to enforce the provisions of any by-law passed under this section.

NOW THEREFORE the Council of The Corporation of the County of Lanark enacts as follows:

1. In this by-law the following words and phrases shall have the meanings attributed to them as follows:
 - (a) "OWN USE" shall be deemed not to include any sale, exchange or other disposition of the trees that are cut;
 - (b) "DBH" means the diameter of the stem of a tree measured at a point that is 1.37 meters (4½') above the ground;
 - (c) "WOODLOT" means a treed area having not less than:
 - i. 400 trees per acre of any size;
 - ii. 300 trees per acre measuring more than two inches DBH;
 - iii. 200 trees per acre measuring more than five inches DBH; or
 - iv. 100 trees per acre measuring more than eight inches DBH;
2. 1. Except as hereinafter provided, no living tree within the Corporation of the County of Lanark, of the species listed below that shall not have attained the measurements specified below, such measurement to be taken at a height above the ground as specified herein, shall be destroyed by cutting, burning, bulldozing, application of chemicals or other means:

SPECIES	12" OR 30 CM ABOVE GROUND
Pine (White, Red, Jack, Austrian)	35.6 cm (14")
Spruce (White, Norway)	diameter or
Hemlock, Maple (Sugar, Red)	111.8 cm (44")
Basswood, Yellow Birch	circumference
White Elm, Oak (Red, White)	
Black Cherry, Beech	

SPECIES

	12" or 30 CM <u>Above Ground</u>
Poplar, Birch, Tamarack (Larch) Cedar	15.2 cm (6") diameter or 48 cm (18.8") circumference

- (2) Every person who by himself or through any other person destroys trees listed in subsection (1), which have not attained the measurements specified therein, contravenes this by-law.

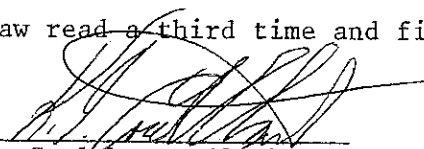
3. This by-law shall not:

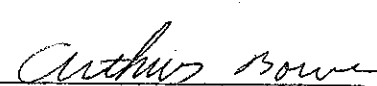
- (a) Interfere with the right of a person who has been the registered owner of land for at least two years to cut trees thereon for his own use;
- (b) Interfere with any rights or powers conferred upon a municipality by The Municipality Act;
- (c) Interfere with any rights or powers of Ontario Hydro or of any agency, board or commission that is performing its functions for or on behalf of the Crown;
- (d) Apply to trees growing upon any highway or upon any opened road allowance;
- (e) In the case of the erection of any building, structure or thing in respect of which a building permit is issued apply to the destruction of trees growing where the building, structure or thing is to be erected or the destruction of trees growing within 50 feet of any exterior wall of such building structure or thing;
- (f) Apply to trees planted for the production of Christmas trees;
- (g) Apply to trees cut by an Ontario Land Surveyor registered under The Surveyors Act, or any person in his employ while making a survey;
- (h) Apply to trees on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under The Pits and Quarries Control Act;
- (i) Apply to trees destroyed in order to lawfully establish and operate or enlarge any pit or quarry on land that has not been designated under Section 2 of The Pits and Quarries Control Act;
- (j) Apply to trees that are cut in accordance with good forestry practice which shall include:
 - i. Trees that have been damaged by disease, insects, wind, ice, fire, lightning or other natural causes to an extent that the content of merchantable timber in such trees is not likely to increase;
 - ii. Diseased or insect infested trees that should be cut or removed to prevent disease or insects from spreading to other trees;
 - iii. Trees of poor form and quality and other trees that should be cut to improve the health and development of the trees selected to remain and be developed in the stand;
- (k) Apply to trees growing in a woodlot that is two acres or less in area;
- (l) Apply to trees destroyed pursuant to a by-law or resolution of the Council for The Corporation of the County of Lanark and authorizing such destruction as a minor exception from this by-law.

4. Upon the application of the owner of any trees affected by this by-law, or any person authorized in writing by the owner, the Council of the County may, by by-law or resolution authorize such minor exception from the by-law in respect of such trees as in its opinion is desirable for the appropriate development or use of the land on which such trees are situate, if in its opinion, the general intent and purpose of the by-law is maintained.
5. Officers appointed to enforce the provisions of this by-law shall:
 - (a) Not be a member of the Council of The Corporation of the County of Lanark;
 - (b) Hold office at the pleasure of the said Council;
 - (c) Report to the Agriculture and Reforestation Committee at least two times per year or as often as may be specified by resolution of the Council.
6.
 - (a) The person or persons named in Schedule "A" hereto attached shall be appointed as officers to enforce the provisions of the by-law.
 - (b) An officer appointed under this by-law and any person acting under his instructions may at all reasonable times enter upon the land of any person for the purpose of:
 - (a) Enforcing this by-law;
 - (b) Determining compliance with an order made under the statute as outlined under Section 8 of this by-law;
 - (c) Examining trees that might be affected by a minor exception authorized under Section 4 of this by-law.
7. Every person who obstructs, hinders or interferes with an officer appointed under this by-law, or any other person acting under his instructions in the discharge of his duties contravenes this by-law.
8. Every person who contravenes any of the provisions of this by-law is guilty of an offence and on summary conviction, is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than three months, and in addition, may be ordered to replant or to have replanted and to adequately maintain trees upon the lands from which the trees have been destroyed.
9. That By-Law Number 73-12 of The Corporation of the County of Lanark be and the same is hereby repealed effective on the coming into force of this by-law.
10. This by-law shall come into force and take effect immediately upon the approval by the Minister of Natural Resources.

By-Law read a first and second time this 28th day of October, 1981.

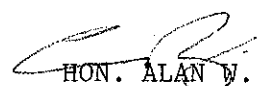
By-Law read a third time and finally passed this 28th day of October, 1981.


K. I. Coulthart, Clerk

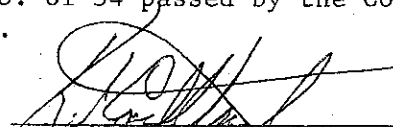

Arthur Bowes, Warden

PURSUANT TO THE TREES ACT R.S.O. 1980, c.510, I hereby approve of the above by-law as passed by the Council of The Corporation of the County of Lanark.

Dated this 22 day of FEBRUARY 1982.


HON. ALAN W. POPE
MINISTER OF NATURAL RESOURCES

I, K.I. Coulthart, Clerk-Treasurer of the Corporation of the County of Lanark, do hereby certify that the foregoing is a true copy of By-Law No. 81-34 passed by the Council of the said Corporation on the 28th day of October, 1981.


K. I. Coulthart
Clerk-Treasurer