



**The Corporation of the Town of Fort Erie
By-law 33-2024**

**Being a By-law to Regulate the Destruction or
Injuring of Trees within the Town of Fort Erie**

Whereas subsection 5(3) of the Municipal Act, 2001, S.O. 2001, c.25, as amended (“Municipal Act, 2001”) provides that a municipal power shall be exercised by by-law; and

Whereas section 9 of the Municipal Act, 2001 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act, 2001 or any other Act; and

Whereas pursuant to subsection 135(1) of the Municipal Act, 2001, without limiting sections 9 and 10, a municipality may prohibit or regulate the destruction or injuring of Trees; and

Whereas pursuant to subsection 135(7) of the Municipal Act, 2001, without limiting sections 9 and 10, a municipality may require that a permit be obtained to injure or destroy Trees, and impose conditions to a permit, including conditions relating to the manner in which destruction occurs and the qualifications of persons authorized to injure or destroy Trees; and

Whereas subsection 391(1) of the Municipal Act, 2001 provides that a municipality may impose fees and charges on persons; and

Whereas section 425 of the Municipal Act, 2001 provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the statute is guilty of an offence; and

Whereas sections 429, 431, 444 and 445 of the Municipal Act, 2001 provide for a system of fines and other enforcement orders; and

Whereas section 434.1 of the Municipal Act, 2001 authorizes a municipality to establish a system of administrative monetary penalties to assist the municipality in promoting compliance with its by-laws; and

Whereas the Council of The Corporation of the Town of Fort Erie has determined that it is desirable to enact a By-law to generally prohibit the Injury and Destruction of Protected Trees, and to allow for the Injury and Destruction of such Trees in limited circumstances with a Permit, and to encourage preservation and planting of Trees throughout the Town of Fort Erie;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1 SHORT TITLE

1.1 The short title of this By-law is the “Tree By-law”.

2 DEFINITIONS

2.1 The following terms are defined for the purposes of this By-law:

“**Administrative Penalty**” means a monetary penalty administered pursuant to Town By-law No. 111-2019, as amended from time to time.

“**Agricultural Operation**” has the same meaning as in the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1.

"**Agricultural Use**" ~~means the~~ means farm-related commercial and farm-related industrial uses that are small in scale, directly related to agriculture and requiring proximity to farm operations and includes such uses as animal husbandry services, produce or grain storage facilities or farm machinery sales and service outlets.

"**Applicant**" means the Owner or the Owner's authorized representative who, ~~pursuant to - submits an Application under this By-law, - applies for a permit.~~

"**Application**" means an application for the purpose of obtaining a Permit under this By-law.

"**Application Fee**" means the fee in effect, amended from time to time, required in connection with the submission of an Application.

"**Arborist**" means a person who is:

- a) qualified as an arborist under the Ontario Ministry of Training, Colleges and Universities;
- b) certified by the International Society of Arboriculture;
- c) a consulting arborist registered with the American Society of Consulting Arborists;
- d) a Registered Professional Forester; or
- e) otherwise qualified to the satisfaction of the Director of Planning

"**Arborist Report**" means a written report by an Arborist that shall contain the following:

- a) the location, species, size, Tree Protection Zone and condition of Trees that will be Injured or Destroyed Trees and those Trees located within one Tree length of the Tree to be Injured or Destroyed, included in tabular format and as shown on a map;
- b) a drawing of the Site showing any proposed development, construction, works, excavation or site alteration that may require the Tree Injury or Destruction, and a schedule for this proposed activity, including start and end dates;
- c) the Arborist's opinion why a Tree should be Injured or Destroyed, and whether it represents Good Arboricultural Practices or Good Forestry Practices;
- d) description of how the Tree is proposed to be Injured or Destroyed;
- e) an analysis and description of any reasonable alternatives to the Tree Injury or Destruction or an analysis and description as to why there are no reasonable alternatives to the Tree Injury or Destruction;
- f) confirmation of any other matters (past or present Planning applications or otherwise affecting the land upon which the Tree or Trees are to be Injured or Destroyed);
- g) calculation of the number of Replacement Trees that can be planted on the Site based on Schedule B, and suggest the species and location;
- h) if Trees are to be Injured but not Destroyed, description of maintenance strategies and protection measures to be implemented;
- i) the professional accreditation of the Arborist.

"**Boundary Tree**" means a Tree having any part of its trunk located on the property line between adjoining lands, and for the purpose of this definition a 'trunk' means that part of the Tree from its point of growth away from its roots up to where it branches out to limbs and foliage.

"**Building Permit**" means a building permit issued by the Town of Fort Erie under the Building Code Act, 1992, S.O. 1992, c.23, as amended.

"**Cash-in-lieu**" means a monetary contribution required in place of replanting trees, where physical replanting on-site or nearby is not feasible due to site constraints or insufficient planting capacity.

“**Consent Application**” is a term used in Provincial Planning Legislation to describe the approval process to sub-divide land.

“**Conservation Authority**” has the same meaning as defined in the Conservation Authorities Act, R.S.O. 1990 c.C.27.

“**Construction**” means the erection, alteration, repair, dismantling, demolition, structural maintenance, land clearing, earth moving, grading, excavating, laying of pipe and conduit (whether below or above ground level), street and highway building, application of concrete, equipment installation and alteration, and structural installation of construction components and materials, in any form or for any purpose.

“**Coppice Growth**” means clump growth where more than one Tree stem grows from a single Tree stump and the point of measurement for such growth means that point on each stem measured immediately above the point of fusion, provided such point of fusion is less than 1.37 metres above the highest point of undisturbed ground at the base of the coppice or clump growth.

“**Council**” means the Council of The Corporation of the Town of Fort Erie.

“**Critical Root Zone**” means the distance from the trunk of the Tree that equals one centimeter for every centimeter of the tree's diameter.

“**DBH**” or “**Diameter at Breast Height**” means the diameter of the stem of a Tree measured at a point that is 1.37 metres above the ground.

“**Dead Tree**” means a Tree that as a result of any cause, is dead or, is in advanced and irreversible decline in health or condition.

“**Destroy**” means to cut down, remove, uproot, unearth, topple, burn, bury, shatter, poison, or in any way cause a Tree to die or be killed, or where the extent of Injury caused to a live Tree or disturbance of any part of its Critical Root Zone is such that it is likely to die or be killed, excepting where a Tree and/or its roots are killed by natural causes. The terms “Destroyed” and “Destruction” shall have a corresponding meaning.

“**Developer**” is a term for an applicant who may be a landowner, corporation or individual who is applying for a Planning Act Application to develop land.

“**Diameter**” means the diameter of the stem of a Tree measured at the Point of Measurement with such measurement including the bark of the stem.

“**Director**” means the Town's Director of Planning, ~~Building and By-law and Development~~ Services or any person appointed or otherwise delegated the authority of administration of this by-law.

“**Emergency Services**” means the fire, police, ambulance or any Town services when responding to an emergency event.

“**Exemption Letter**” means a letter issued by the Town confirming that a specific instance of Tree Injury or ~~eD~~estruction is exempt from the requirements of this By-law.

“**Farmer**” means a person who has a current and valid farm registration number under the Farm Registration and Farm Organizations Funding Act, 1993, S.O. 1993, c. 21, as amended.

“**Good Arboriculture Practices**” means the proper implementation of maintenance renewal and removal activities known to be appropriate for individual trees to minimize detrimental impacts on urban forest value.

“**Good Forestry Practices**” means:

- a) the proper implementation of harvest, renewal and maintenance activities known to be appropriate for the forest and environmental conditions under which they are being applied and that minimize detriments to forest values, including: significant ecosystems; important fish and Wildlife Habitat; soil and

water quality and quantity; forest productivity and health; and the aesthetic and recreational opportunities of the landscape;

- b) the cutting and removal of hazardous, severely damaged, diseased and insect-infested trees which must be removed in order to prevent contamination or infestation of other trees or because they no longer contribute to the achievement of forest values;
- c) in the case of hazardous, damaged, diseased or insect-infested trees, the maintenance of a Woodland after the cutting and removal is completed unless it is determined through a report prepared by Qualified OPFA Member that trees must be removed and a Woodland would not be maintained; and,
- d) the forestry management practices as set out in the Ministry of Natural Resources document "A Silvicultural Guide to Managing Southern Ontario Forests";

"Harvesting" means the Injury or Destruction of a Tree through cutting or other mechanized means. The term "Harvested" and "Harvest" shall have a corresponding meaning.

"Hazardous" means destabilized or structurally compromised to an extent that an imminent danger of death, injury or structural damage exists.

"Heritage Tree" means a Tree having historical or community significance and designated by Council under Part IV of the Ontario Heritage Act (R.S.O.1990, Chapter O.18).

"Imminent Threat" means a condition or circumstance posing an immediate and substantial risk of serious harm to persons or significant damage to property.

"Injury" or **"Destruction"** means to cut down, remove, uproot, unearth, topple, burn, bury, shatter, poison, or in any way cause a Tree to die or be killed, or where the extent of Injury caused to a live Tree or disturbance of any part of its Critical Root Zone is such that it is likely to die or be killed, excepting where a Tree and/or its roots are killed by natural causes. The terms "Injury", "Injured", "Injuring", "Destroy", "Destroying" or "Destroyed" shall have a corresponding meaning.

"Inspector" means an inspector appointed by the Town for the purpose of enforcing the Building Code Act, 1992, S.O 1992, c. 23.

"Landscape Plan or Planting Plan" means a plan prepared by or under the direction of a Landscape Architect who is a full member in good standing with the Ontario Association of Landscape Architects (or equivalent), which illustrates proposed and existing vegetation, planting details, and landscape features as required by this by-law and associated development applications.

"Natural Heritage System" means a system of natural features and areas, including wetlands, woodlands, valleylands, watercourses, wildlife habitat, and associated components such as linkages, buffers, supporting features and enhancement areas, as identified in the Town's Official Plan or other applicable planning document. For clarity, where trees are located on lands identified as part of the Town's Natural Heritage System in the Official Plan or other applicable planning documents, such trees shall be deemed to be part of the Natural Heritage System and are subject to the applicable provisions of this by-law, regardless of whether the lands are in the Urban or Rural Area.

"Normal Farm Practice" means a practice that is recognized by the Normal Farm Practices Board which is conducted in a manner consistent with proper and acceptable customs and standards, as established and followed by similar Agricultural Operations under similar circumstances, or makes use of innovative technology in a manner consistent with proper advanced farm management practices.

"Officer" means a Municipal Law Enforcement Officer, a member of the Niagara Regional Police Service, a member of the Ontario Provincial Police and any other Provincial Offences Officer designated under the Provincial Offences Act, R.S.O. 1990,

c. P.33 (“Provincial Offences Act”) or any person appointed or otherwise delegated the authority of enforcement of this by-law.

“**Official Plan**” means the Official Plan of The Town of Fort Erie.

“**Order**” means an Order to Discontinue Activity or an Order to Comply.

“**Owner**” or “**Property Owner**” means the registered owner of a property.

“**Permit**” means a permit to Injure or Destroy Trees issued under this By-law.

“**Permit Holder**” means the property owner to whom a Permit has been issued.

“**Person**” or “**Persons**” means an individual, corporation, partnership or association and their respective heirs, executors, administrators or other duly appointed representatives.

“**Personal Use**” means use that does not include a commercial sale, exchange or other disposition of Trees Injured or Destroyed.

“**Point of Measurement**” means the point on a Tree trunk measured above the highest point at which the ground meets the Tree. For Coppice Growth the point of measurement shall be at the point on the Tree trunk where the Tree stems separate provided that such point of separation is less than 1.37 metres from where the ground meets the Tree.

“**Pre-Consultation Meeting**” means a meeting held between the Town and a Property Owner or their designate where information is provided regarding a proposed development and the Town has issued a formal agreement

“**Property**” means any land or premises within the Town.

“**Pruning**” means the removal of live or dead branches from a tree.

“**Qualified Person**” means a person who, in the opinion of the Director, has satisfactory qualification, experience, education or knowledge to be an expert in the matter.

“**Region**” means The Regional Municipality of Niagara.

“**Replacement Tree**” means a Tree of a size and type determined by the Town that is required to be planted to replace a Tree Destroyed or Injured pursuant to a Permit.

“**Security**” means a financial deposit in a form of an irrevocable letter of credit or other type(s) of financial security acceptable to the Town from a financial institution to specify and submit a sum of money to the Town as determined by the Director as a condition of a Permit.

“**Sensitive Natural Areas**” means *areas within a Provincially Significant Wetland, Provincial Life Sciences Area of Natural Scientific Interest, or Significant Woodland, as defined in the Town or Regional Official Plan*

“**Site**” means the Property where activities subject to this By-law are planned or executed, and in the case of a tract of land that extends over multiple landholdings, each separate landholding is a separate “Site.”

“**Town**” means The Corporation of the Town of Fort Erie or the geographic area of the municipality, as the context requires.

“**Tree**” or “**Trees**” means any living species of woody perennial plant, including its root system, which has reached or can reach a height of at least 4.5 meters at physiological maturity.

“**Tree Preservation and Replacement Guide**” means a non-binding reference document prepared by the Town of Fort Erie that provides plain-language guidance on the interpretation and application of By-law 33-2024, including the tree permit application process, preservation measures, and replacement requirements.

"Tree Preservation Plan" means a plan, prepared by a Qualified OPFA Member or Certified Arborist, for the purpose of protecting and preserving Trees on properties where development or disturbance of Trees is to occur.

"Tree Protection Zone" means the area around a tree that must be protected from disturbance to preserve the tree's health and structural stability, measured as a minimum radial distance from the outside edge of the trunk in accordance with the requirements set out in Schedule "F".

"Tree Stump" means the remaining base portion of a tree trunk and its roots that is left in the ground after the main stem and canopy have been removed or have fallen and includes situations where a tree has been removed in its entirety, including the base and root system.

"Urban Boundary" means the Urban Growth Boundary as shown on Schedule A of the Town's Official Plan.

"Woodland" or **"Woodlands"** means land on one or more properties with a density of at least:

- a) 1,000 Trees, of any size, per hectare; or
- (a) 750 Trees, measuring over five (5) centimetres in Diameter at DBH, per hectare; or
- (b) 500 Trees, measuring over twelve (12) centimetres, in Diameter at DBH, per hectare; or
- (c) 250 Trees, measuring over twenty (20) centimetres, in Diameter at DBH, per hectare;

but does not include:

- (a) cultivated fruit or nut orchard;
- (b) a plantation established for the purpose of producing Christmas Trees and which is being actively managed and Harvested for the purposes for which it was planted, except that this does not refer to plantations that have ceased being managed or Harvested for their intended purpose for a period of 15 years or more; or
- (c) a bona fide Tree nursery that is being actively managed and Harvested for the purposes for which it was planted;
- (d) a hedgerow or windrow less than 20 meters in width.

"Zoning By-law" means the Town's Zoning By-law.

3 SCOPE

3.1 This By-law applies to private Property in the Town in respect of:

- (a) ~~To~~ ~~+~~ Trees ~~over~~ greater than 10 ~~cm~~ centimetres DBH located within the Natural Heritage System; (Note the underlined words are further suggested amendments)
- (b) ~~To~~ Trees greater than or equal to 30 ~~cm~~ centimetres DBH located within the Urban Boundary;
- (c) ~~To~~ Trees designated as a Heritage Tree under Part IV or Part V of the Ontario Heritage Act;
- (d) ~~To~~ Trees of any size located on lands upon which there is a pending ~~an~~ application for a plan of subdivision, a plan of condominium, a severance or Consent, an Official Plan amendment, a Zoning Bylaw amendment, a minor variance, or a site plan approval;

- (e) ~~To~~ Trees of any size located on lands ~~upon in respect of~~ which ~~there has been~~ a Pre-Consultation meeting has been held with the Town for a plan of subdivision, a plan of condominium, a severance or ~~e~~Consent, an Official Plan amendment, a Zoning Bylaw amendment, a minor variance, or a site plan approval, and provided that the Pre-consultation Meeting ~~was held~~occurred no more than one year prior;
- (f) ~~To~~ Trees of any size identified ~~as a Tree~~ in a Tree Preservation Plan submitted ~~as part of in connection with~~ a development application; and
- (g) ~~To~~ Replacement Trees planted as a ~~condition~~requirement of a ~~p~~Permit issued under the By-law

3.2 This By-law applies to public Property in the Town in respect of:

- (a) ~~To~~ Trees of any size.

4 EXEMPTIONS

4.1 ~~—~~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 ~~i~~njurying or ~~e~~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 ~~i~~njurying or ~~e~~Destruction of Trees imposed after December 31, 2002 as a condition to the approval of a site plan, a plan of subdivision or a ~~C~~ensent 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 ~~i~~njurying or ~~e~~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 ~~i~~njurying or ~~e~~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 ~~i~~njurying or ~~e~~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;
- h) the ~~i~~njurying or ~~e~~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~~;
- j) on which a pit or quarry is a permitted land use under a by-law passed under section 34 of the Planning Act. 2001, c. 25, s. 135 (12); 2002, c. 17, Sched. A, s. 27 (3, 4).
- k) the Injury or Destruction of a Tree that is located within a building, a solarium, a rooftop garden, interior courtyard, actively managed golf course, cemetery, actively managed cultivated orchard, Tree farm or plant nursery;

- l) Woodlands ~~one hectare 4 ha~~ in size or larger as defined by the Niagara Region Woodland Conservation By-law, or any successor by-law regulating the ~~i~~Injury or ~~d~~Destruction of Trees in Woodlands in the Niagara Region;
- m) the ~~Injuring~~ or Destruction of Trees undertaken by a Conservation Authority;
- n) the ~~Injuring~~ or Destruction of Trees at the direction of Emergency Services;
- o) Pruning that is necessary to maintain the health and condition of ~~a~~the Tree ~~and provided the work~~ is carried out in accordance with Good Arboricultural Practices;
- p) ~~A~~Trees ~~located~~ on lands operated by a railway;
- q) ~~Where~~Trees ~~subject to~~ a Property Standards Order or Lot Maintenance Order ~~has been~~ issued by an Officer for the removal of a Hazardous Tree; ~~and~~;
- r) ~~The Harvesting, Injuring or Destruction of Trees by a Farmer that involves the for the purpose of clearing land of Trees for Agricultural Use, provided that: on land that is owned by the Farmer doing the clearing and is part of a farm operation or farm corporation that has existed for at least three (3) years prior to such clearing;~~
 - ~~the land is owned by the Farmer performing the clearing, or by a farm operation or farm corporation that has been in existence for at least three (3) years prior to the clearing;~~
 - ~~i. The clearing shall be is carried out in accordance with Normal Farm Practices, as defined in the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1, as amended, provided that;~~
 - ~~ii. the land that is cleared is put into Agricultural Use within three (3) years of the date on which such clearing commences from the commencement of clearing; and~~
 - ~~iii. the land being cleared for Agricultural Use is located outside the Urban Boundary, and is designated in the Official Plan and zoned for Agricultural Use in the Zoning By-law.~~

5 GENERAL PROHIBITIONS

- 5.1 Subject Section 8.0, and notwithstanding Section 4.0, no person shall injure or destroy a tree, or cause or permit the injury or destruction of a tree, without a ~~p~~Permit or ~~e~~Exemption ~~l~~etter.
- 5.2 No person shall Injure or Destroy a Tree or cause or permit the Injury or Destruction of a Tree that is not in accordance with ~~a permit; this By-law.~~
- 5.3 No person shall fail to protect a Tree in accordance with all conditions of a Permit.
- 5.4 No person shall fail to comply with all conditions of a Permit.
- 5.5 No person shall fail to protect a Tree marked for preservation on an approved Tree Protection Plan submitted as part of a plan of subdivision, a plan of condominium, a severance or ~~e~~Consent, an Official Plan amendment, a Zoning Bylaw amendment, a minor variance, or a site plan approval;
- 5.6 No person shall fail to comply with an Order issued under this By-Law.
- 5.7 No person shall provide false or misleading information on an Application.
- 5.8 No person shall remove an Order that has been posted to the affected land(s) without approval from the issuing Officer.

- 5.9 No person shall fail to notify the Town within 48 hours of the change of registered Ownership of the property within one 4-year ~~of when a~~ from the date that a p Permit has been issued.
- 5.10 No person shall obstruct or hinder, or attempt to obstruct or hinder, an Officer in the exercise of a power or the performance of a duty under this By-law.
- 5.11 No person shall fail to replant a ~~R~~ Replacement ~~T~~ Tree or pay ~~e~~ Cash-in-~~L~~ Lieu as directed in a ~~p~~ Permit ~~condition~~.
- 5.12 No person shall ~~i~~ njure, ~~d~~ Destroy or remove a ~~T~~ Tree ~~S~~ stump of a regulated tree without a ~~p~~ Permit or exemption letter.
- 5.13 Where a ~~T~~ Tree ~~s~~ Stump has been injured, destroyed or removed the measurements will be based on the maximum size requirements for compensation.

6 EXCEPTIONS

- 6.1 Despite Section 5.1, a ~~p~~ Permit is not required under this By-law for the following activities provided that a written ~~Exception-Exemption~~ Letter is ~~provided-issued~~ by the Town:
- a) The Injuring or Destruction of the following invasive species including the following Tree species:
- i. Morus alba (White Mulberry)
 - ii. Rhamnus cathartica (Common Buckthorn)
 - iii. Rhamnus frangula (Glossy Buckthorn)
 - iv. Black Alder (Alnus glutinosa)
 - v. Ailanthus altissima (Tree of Heaven)
 - vi. Acer platanoides (Norway Maple)
 - vii. Acer negundo (Manitoba Maple)
 - viii. Aesculus hippocastanum (Horse Chestnut)
 - ix. Betula pendula (Silver birch or European White birch)
 - x. Elaegmus angustifolia (Russian Olive)
 - xi. Elaegmus umbellate (Autumn Olive)
 - xii. Picea abies (Norway Spruce)
 - xiii. Pinus sylvestris (Scots or Scotch Pine)
 - xiv. Populus alba (White Poplar)
 - xv. Robinia pseudoacacia (Black Locust)
 - xvi. Ulmus pumila (Siberian Elm)
- b) There may be some circumstances where invasive species trees within a wood lot may require compensation, invasive species can provide a large canopy cover and habitat to bird and bat species. Invasive species as listed in 6.1c) will be evaluated on a site-specific basis for Planning Act applications including Zoning By-law Amendments, Official Plan Amendments, Site Plan Control, Consent Applications, Minor Variances or Draft Plan of Subdivision or Condominium.
- c) The Harvesting, Injuring or Destruction of Trees by a Farmer for the purpose of clearing land for Agricultural Use, provided that:
- i. the land is owned by the Farmer performing the clearing, or by a farm operation or farm corporation that has been in existence for at least three (3) years prior to the clearing;
 - ii. the clearing is carried out in accordance with Normal Farm Practices, as defined in the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1, as amended;
 - iii. the land that is cleared is put into Agricultural Use within three (3) years from the commencement of clearing; and

iv. the land being cleared for Agricultural Use is located outside the Urban Boundary, and is designated in the Official Plan and zoned for Agricultural Use in the Zoning By-law.

iv.v. Prior to clearing trees for Agricultural Use, the Farmer must advise the Director of the proposed clearing and obtain an exemption letter.

e)d) The Harvest of Trees located within a Woodland by the Owner of a Property for the ~~for the~~ purpose of heating a dwelling situated on the Property or for personal use on the Property, provided that: maintained on the property which the Trees are located (or part thereof) where the Owner has been the registered Owner of the Property on which the Trees are located for a minimum of 2 years prior to the date of Harvest and provided that:

i. the Owner has been the registered Owner of the Property for a minimum of two years immediately preceding the date of the Harvest;

i.ii. ~~such activity~~the Harvest is conducted ~~consistent~~in accordance with with Good Forestry Practices; and

ii.iii. no more than 10 Trees per hectare are Harvested, ~~i~~njured or ~~d~~estroyed in a calendar year.

7 APPLICATION FOR PERMITS

7.1 ~~If Where~~ an Owner ~~wishes-proposes~~ to ~~Injure or Destroy or Injure~~ one or more ~~Trees-of~~ on the Owner's ~~Property, Trees~~ or ~~wishes~~ to undertake any activity ~~which that~~ may ~~result in the Injury or Destruction~~ ~~or Injure of~~ one or more of the Owner's Trees, and ~~if none of the where no~~ exemptions or exceptions ~~set out in under~~ this By-law ~~applies, are applicable,~~ the ~~e~~Owner shall submit an Application ~~approved by to~~ the Town in accordance with this By-law.

7.2 ~~An~~ Applications for a Permits ~~will only~~shall not be processed ~~if unless:~~

a) the ~~a~~Application form has been completed in full, duly signed and submitted to the Director; and

~~d)e) the requirements that must be submitted with the application have been included; all required supporting documentation and information have been submitted.~~

7.3 Where the Tree is a Boundary Tree, the Applicant ~~must provide shall submit, with the Application,~~ the written consent of the ~~other-adjacent property O~~wner.

7.4 An Application that does not meet the requirements of this By-law shall be deemed incomplete, will shall not be processed, ~~or approved~~ and will shall be returned to the Applicant within 30 days of receipt.

8 PERMIT ISSUANCE

8.1 A ~~p~~Permit ~~shall may~~ be issued to ~~remove or i~~njure or ~~Destroy~~ a ~~t~~Tree including the removal of the ~~Tree s~~Stump ~~when all of the following are satisfied where:~~

a) the Application is complete;

a)b) the Application Fee has been paid; and

b)c) the ~~Town~~Director is satisfied that one or more of the following grounds ~~for permit issuance~~ apply:

- i. the Tree is a Dead Tree or Hazardous Tree;
- ii. based upon the opinion of an Arborist, ~~removal~~ is necessary due to remove unsafe Trees safety concerns;
- iii. based on the opinion of the Director, the Tree ~~or Trees are~~is causing or ~~are~~is likely to cause structural damage to load-bearing ~~structures~~ or roof structures;

- iv. based upon the opinion of a ~~Qualified Person~~ (as defined in the ~~Environmental Protection Act~~), the Tree Injury or Destruction is required to remediate contaminated soil;
- v. the Tree Injury or Destruction is required pursuant to a Building Permit where there are no reasonable alternatives to locating ~~these~~ utilities or infrastructure;
- vi. based on the opinion of an Arborist and/or a Registered Professional Forester, the Tree Injury or Destruction ~~represents~~ is consistent with Good Arboricultural Practices and/or Good Forestry Practices.;
- vii. ~~the Application Fee has been paid to the Town.~~

8.2 For the purposes of Sections 6.1(a) and 8.1, the ~~e~~Oowner of a residential lot may submit an ~~an~~ permit application or request for an ~~Exception~~ Exemption Letter ~~along together~~ with ~~proof~~ evidence of the condition of the tree, in a form satisfactory to the Director, ~~who~~ The Director shall determine whether an ~~a~~Arborist's ~~R~~Report or inspection is ~~necessary~~ required ~~in order~~ to process the ~~a~~Application or request and, ~~if so, where an inspection is required,~~ at the Town ~~a~~Arborist may ~~shall~~ be deployed to inspect the tree and report his/her findings to the Director.

8.3 ~~Following the receipt of a complete application~~ In determining whether to issue a Permit under section 8.1, the Director ~~of Planning~~ shall consider the following criteria: ~~in approving or refusing a Tree Permit:~~

- a. ~~the~~ Ccondition of the Tree, ~~(such as, including~~ but not limited to its diameter, height, health, and structural integrity as assessed by an Arborist, ~~and structural integrity)~~
- b. ~~the~~ Location of the Tree;
- c. ~~the~~ Species of the Tree;
- d. ~~the~~ Crown Coverage of the ground;
- e. ~~T~~he protection of ecological systems and their functions, including the protection of native flora and fauna;
- f. ~~E~~rosion and sedimentation of watercourses and flood control; and
- g. ~~i~~mpacts on surrounding properties including loss of shade, vistas or privacy.

9 PERMIT CONDITIONS

9.1 Every Permit ~~that is~~ issued under this By-law is subject to the following conditions determined by the Director, all of which shall be performed and observed by the Permit Holder:

- a) the requirement for planting of Replacement Tree(s) in accordance with Schedule "B" or as may otherwise be determined appropriate by the Town having regard for the existing canopy coverage on the subject site;
- ~~e~~f) the Permit Holder shall ensure that the number of Replacement Trees, and the species, or choice of species, size and location of Replacement Trees, are planted on the same Site by the date specified on the Permit;
- ~~f~~g) where there is insufficient space on the same Site to plant all the Replacement Trees, the Permit Holder shall plant as many Replacement Trees the Site will allow and the Permit Holder shall forthwith pay the fee in Schedule "C" with respect to the number of Replacement Trees that could not be planted due to insufficient space (Fee for Off-Site Tree Planting);
- ~~g~~h) The minimum tree replacement size is a 35 mm caliper deciduous tree, or a one hundred and fifty (150) centimeter height coniferous tree in a 5-gallon container or balled and bur lapped or in a wire basket;
- ~~h~~i) With the exception of a residential lot where the Permit Holder has agreed in the permit to replace any replacement tree that has failed to survive for a period of two years after planting pursuant to the Permit, security be delivered to the Town to cover the costs of the replacement tree(s), and the maintenance of the tree(s) for a period of up to two (2) years as determined in Schedule "C".

9.2 Notwithstanding any other provision of this By-law, the Director may impose additional special terms and conditions on any Permit at issuance or at any time during the term of the Permit, including ~~special conditions which can include,~~ but ~~are~~ not limited to:

- a) the manner and timing in which the ~~Injuring~~ or Destruction of a Tree is to occur;
- ~~i)j)~~ i)j) the species, size, number and location of Trees to be Injured or Destroyed, ~~—or~~ ~~to be~~ planted;
- ~~j)k)~~ j)k) the marking of ~~T~~rees to be cut with paint;
- ~~k)l)~~ k)l) the forthcoming submission of additional information required before the ~~p~~Permit comes into effect;
- ~~l)m)~~ l)m) measures to be implemented to mitigate the direct and indirect effects of the Tree Injury or Destruction;
- ~~m)n)~~ m)n) where Trees are proposed to be retained, and where an Arborist Report is required, identifying the location, species and size of Trees on the property and a Tree Protection Plan, including but not limited to barriers and hoarding for the purpose of avoiding the Injuring or Destruction of the Trees that are to be retained;
- ~~n)o)~~ n)o) where there is a discrepancy in the health assessment regarding the condition of the Tree to be Injured or Destroyed, and where the Town of Fort Erie so requires, a written evaluation by an Arborist of the condition of the Tree; and
- ~~p)~~ p) a condition recommended by a Qualified Person that the Town of Fort Erie determines is appropriate.
- ~~q)~~ q) that measures be implemented to mitigate the direct and indirect effects of tree injury or destruction on Sensitive Natural Areas. This expands the scope of the by-law to consider broader ecological impacts beyond individual trees.

9.3 A Permit issued under this By-law shall be valid only for the period ~~of time for which it is issued~~specified on the Permit and shall not be transferable. Unless expressly stated on the face of the Permit, all Permits issued under this By-law shall expire ~~six (6)~~ six (6) months after issuance.

9.4 A Permit may be renewed by the Director for up to two (2) additional ~~one (1)~~ one-year terms contiguous with the expiry date of the original Permit and after a written request from the Owner for renewal is made to the Director, who must be satisfied that there are reasonable grounds for the renewal.

9.5 A Permit issued under the By-law does not relieve the Owner of any other applicable municipal, provincial, or federal by-laws, regulations or requirements.

10 RESPONSIBILITY OF THE PERMIT HOLDER

10.1 The Permit Holder shall:

- a) pay all fees associated with this By-Law;
- ~~r)~~ r) ensure the use of the ~~p~~Property is permitted or conforms with the uses permitted under the applicable Zoning By-Law or is a legal non-conforming use;
- ~~s)~~ s) meet all of the conditions of the Permit;
- ~~t)~~ t) ensure that they remain in compliance with applicable law(s), including but not limited to the Migratory Birds Convention Act, 1994, and the Endangered Species Act, 2007;
- ~~u)~~ u) ensure that the Permit is posted in a public location for a time period before, during and after the Tree Injury or Destruction;
- ~~v)~~ v) ensure that measures are implemented to protect any retained Trees;

- ~~u)w)~~ ensure that the Town ~~of Fort Erie~~ is notified within 48 hours of change registered Ownership of the ~~P~~roperty;
- ~~v)x)~~ ensure the posting of Security, that the Town ~~of Fort Erie~~ may draw upon in full if the By-law is contravened or if there is a failure in the proper, complete execution of a Permit and its conditions and the Town has to restore all or part of the ~~p~~roperty;
- ~~w)y)~~ ensure they comply with any requirements to protect or relocate wildlife; and
- ~~x)z)~~ ensure they implement any measures outlined within an Arborist Report submitted with the Application within a period of time specified by the Town of Fort Erie.

11 PERMIT REFUSAL, SUSPENSION, OR REVOCATION

- 11.1 The Town may deny, ~~revoke,~~ suspend or revoke a Permit, or impose additional terms and/or conditions, on a Permit on any one or more of the following grounds:
- a) the Tree is an endangered species or threatened species as defined in the Endangered Species Act, 2007, S.O. 2007, c. 6, or the Species at Risk Act, S.C. 2002, c. 29;
 - ~~y)aa)~~ the Tree is designated under Part IV of the Ontario Heritage Act, R.S.O. 1990, c. O.18;
 - ~~z)bb)~~ migratory birds ~~are making use of the Tree, or migratory bird~~ nests are present in the Tree, as contemplated in the Migratory Birds Convention Act, 1994, S.C. 1994, c. 22;
 - ~~aa)cc)~~ the Tree Injury or Destruction would adversely impact the protection and preservation of ecological systems and their functions, including the protection and preservation of native flora and fauna;
 - ~~bb)dd)~~ the Tree Injury or Destruction would result in erosion, flood control issues and/or sedimentation of watercourses;
 - ~~cc)ee)~~ any information contained in the Application form or any other information provided to the Town or supporting documents contain false, misleading, is or inaccurate information;
 - ~~dd)ff)~~ the Applicant, Owner or any person working under the authority of the Owner fails to comply with any condition of the Permit or this By-law;
 - ~~ee)gg)~~ the Applicant, owner or any person acting under the authority of the Owner is carrying on activities that are in contravention of this By-law;
 - ~~ff)hh)~~ there are reasonable grounds to believe that an Application or other documents provided to the Town by or on behalf of the Property Owner contains a false statement;
 - ~~gg)ii)~~ An application for rezoning, a consent, a minor variance, a plan of subdivision or a site plan to the land on which the Tree(s) is located has been submitted to the Town, but has not received final approval;
 - ~~hh)jj)~~ Issuance of a the required permit pursuant to the Niagara Region Woodland Conservation By-~~L~~aw has not been obtained; is required; and
 - ~~ii)kk)~~ An the Application is inconsistent with an approved Tree Protection Plan.
 - ~~jj)ll)~~ the Permit was issued in error;
 - ~~kk)mm)~~ the Owner requests, in writing, that it be revoked;
 - ~~ll)nn)~~ the Permit is still valid, but there has been a change in the Legal Ownership of the ~~land~~Property; ~~and~~

~~mm)oo)~~ the ~~Town is satisfied that there is a~~ material change in circumstances in connection with or on the Site and the Town is satisfied that the Permit needs to be revoked to avoid further Injury or Destruction of a Tree or Trees;

~~nn)pp)~~ ~~When a tTree~~ has been determined to be a Town ~~tTree~~ and it has not been determined to be dead, ~~a hazardous~~ or part of an approved Planning Act ~~application~~ or Building Permit ~~application~~; ~~a removal permit will not be approved~~;

~~oo)qq)~~ ~~Staff determine that~~ none of the criteria ~~provided listed~~ in Section 8.1 (~~permit issuance criteria~~) ~~are satisfied~~; ~~applies to the permit~~;

~~pp)rr)~~ ~~When a~~ permit has been inactive for a period of ~~six (6)~~ months;

~~qq)ss)~~ ~~When~~ a Planning Application is applied for concurrently with the Tree Permit, ~~the Tree Permit will be cancelled~~.

- 11.2 When denying, ~~suspending or revoking~~ a Permit, the Director shall notify the Applicant in writing and provide reasons for their decision to the Applicant.

12 ORDER TO DISCONTINUE ACTIVITY

~~12.1~~ Where ~~there is~~ a contravention of this By-law ~~has occurred~~, an Officer may issue an Order requiring the ~~Property eOwner~~ or ~~any pPerson~~ who ~~has~~ contravened ~~this~~ By-law, or who ~~has~~ caused or permitted the Injury~~ing~~ or Destruction of ~~a~~ Tree(s) to ~~stop immediately cease~~ the Injury~~ing~~ or Destruction of ~~the~~ Tree(s).

~~12.1.2~~ ~~An~~The Order ~~issued under section 12.1~~ shall set out:

- a) the municipal address or the legal description of the land;
- ~~r)t)~~ particulars of the contravention;
- ~~se)uu)~~ the period within which there must be compliance with the Order.

B/L 53-2025

12.2 An Order issued under this By-law may be served personally, by regular mail to the last known address or by electronic mail to the last known email address of the person to whom the Order is directed. Service shall be deemed to have been effecti~~vee~~d on the date of personal delivery, five (5) days after the date of mailing, or on the date the email is sent, unless evidence to the contrary is provided.

12.3 The Officer shall post the Order containing the terms of the Order on the affected lands. The placing of the Order shall be deemed to be sufficient and immediate service of the Order on the Person to whom the Order is directed. The Order to Discontinue Activity shall not be removed without the approval of the Officer.

~~12.2~~12.3 Where service of an Order is made by regular or registered mail, service shall be deemed to have been served on the fifth day after the date the Order is mailed.

13 ORDER TO COMPLY

13.1 Where a contravention of this By-law has occurred, ~~the an~~ Officer may issue an Order to Comply requiring the ~~pProperty eOwner~~ or ~~any person who has contrived this By-law~~, to ~~rehabilitate-restore~~ the land to ~~the lands state~~to its condition prior to ~~work the~~ commencement~~ing~~, of the work, or to plant, replant or replace any Trees~~-. as directed by the Town~~.

13.2 The Order may be served in accordance with the service provisions contained in Section 12.2, 12.3, and 12.4, The Order to Comply shall include:

- a) the name of the property Owner and the municipal address or the legal description of the land;
- b) the particulars of the contravention;

- c) the work to be done and the date by which the work must be done;
- d) a statement that if the work is not done to bring the property into compliance within a specified time period, the Town may have the work done at the expense of the Owner; and
- e) contact information of the Officer.

13.3 If a Person fails to comply with an Order issued pursuant to this section, the Town may enter onto the land(s) at any reasonable time for the purposes of carrying out a inspection or commencing rehabilitation of the land described in the Order, at the Owners expense.

13.4 If the Town enters onto the land(s) and completes the work, the Town may recover its costs by adding the costs to the Registered Owners tax roll and collecting them in the same manner as property taxes.

14 OFFENCES AND PENALTIES

14.1 Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to such penalties, as provided for in the Provincial Offences Act, R.S.O 1990, c. P.33 and the Municipal Act, 2001.

14.2 In addition to any other remedy or enforcement mechanism available to the Town, ~~where~~ an Officer is satisfied that a person has ~~failed to comply with~~ contravened any provision of this By-law, the Officer may issue a penalty notice imposing an Administrative Penalty in the amount ~~as established~~ set out in schedule "A" to this By-law.

14.3 Administrative Penalty By-law No. 111-2019 as amended or replaced from time to time, applies to each Administrative Penalty issued pursuant to this by-law.

~~14.4 — Every person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty By-law No. 111-2019, be liable to pay to the Town an administrative Penalty in accordance with that By-law.~~

15 ADMINISTRATION AND ENFORCEMENT

15.1 This By-law shall be administered and enforced by the Town or any person or Officer appointed to administer or enforce this By-Law.

15.2 An Officer may, for the purpose of enforcing this By-law, exercise any power, authority or remedy granted to the Town pursuant to the Municipal Act, 2001.

15.3 An Officer may, at any reasonable time, enter upon and inspect any property to determine if this By-law is being complied with.

15.4 For the purposes of an inspection under section 15.3 of this By-law, an Officer may require the production for inspection of documents or things relevant to the inspection, inspect and remove relevant documents or things for the purpose of making copies or extracts, require information from a person concerning a matter related to the inspection and/or take photographs, samples, measurements necessary for the purpose of the inspection and may also include being accompanied by a person possessing special or expert knowledge.

15.5 No person shall fail to comply with an Order made under section 12.0 or 13.0.

15.6 Where any person fails to comply with an Order made under section 12.0 or 13.0 by the prescribed date, the Town may do any matter or thing necessary to bring the property into compliance with this By-law at the expense of the person in default of the Order.

15.7 No person shall obstruct or hinder, or attempt to obstruct or hinder, an Officer in the exercise of a power or the performance of a duty under this By-law.

15.8 An Owner may appeal the denial of a Permit or ~~Exception~~ Exemption Letter, any condition imposed on the granting of a Permit or any decision of the Town ~~a~~Arborist or Director under the provisions of this By-~~l~~aw to the Property Standards Committee.

16 GENERAL

16.1 In the event of a conflict between this by-law and the provisions of another Town By-~~l~~aw, the provisions in this By-~~l~~aw shall prevail.

16.2 If any section or part of this By-law is found by any court of competent jurisdiction to be illegal or beyond the power of Council to enact, such section or part shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such.

16.3 This By-~~l~~aw shall be read with all changes in number or gender as are required by context.

16.4 Any reference to legislation or ~~M~~municipal ~~B~~by-~~l~~aws includes the legislation or ~~B~~by-~~l~~aw and any amendment, replacement, subsequent enactment or consolidation of such legislation or ~~B~~by-~~l~~aw.

16.5 That the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administration, numerical, grammatical, semantical or descriptive nature to this By-~~l~~aw or its schedules after the passage of this By-~~l~~aw.

16.6 By-law 60-04 of the Corporation of the Town of Fort Erie and all amendments thereto, are to be repealed on the 18th of March, 2024.

16.7 Despite subsection ~~165~~.6, By-law 60-04, as amended, shall continue to apply to:

- a) proceedings in respect of offences that occurred before its repeal;
- §(vv) permits in compliance with Bylaw 60-04, which were approved prior to its repeal.

16.8 This By-law will come into effect on the 18th Day of March, 2024

16.9 This by-law does not apply to trees that have been previously approved to be removed with building permits, site plans, minor variances, consents, approved subdivisions, approved plan of condominiums, zoning by-law amendments, official plan amendments, or development agreements approved on or before May 26, 2024.

Read a first, second and third time and finally passed this 18 day of March 2024.

Mayor

Clerk

SCHEDULE "A"
To Tree By-law No. 033-2024

Administrative Penalties

For the purposes of this By-law:

Column 1 ("Description of Offence") in the table sets out the short form wording to be used in a Penalty Notice for a contravention of the designated provisions listed.

Column 2 ("Section") in the table lists the specific section of the provision that has been contravened.

Column 3 ("Penalty Tier 1") sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Columns 1 and Column 2.

Column 4 ("Penalty Tier 2") sets out the Administrative Penalty amounts that are payable for a second (~~2nd~~) contravention of the designated provisions listed in Columns 1 and Column 2 by the same person within a one (1) year period ~~since the previous offence conviction~~ from the date the first penalty notice is affirmed.

Column 5 ("Penalty Tier 3") sets out the Administrative Penalty amounts that are payable for a third (~~3rd~~) contravention of the designated provisions listed in Columns 1 and Column 2 by the same person within a one (1) year period ~~since the previous offence conviction~~ from the date the second penalty notice is affirmed.

Column 1	Column 2	Column 3	Column 4	Column 5
Offense	Section	Penalty Tier 1	Penalty Tier 2	Penalty Tier 3
Injure or Destroy a Tree or cause or permit the Injury or Destruction of a Tree – without permit <u>or exemption letter</u>	5.1	\$1,500.00	N/A	N/A
Injure or destroy Tree – not in accordance with permit conditions	5.2	\$800.00	\$900.00	\$1000.00
Fail to protect a Tree in accordance with permit conditions	5.3	\$550.00	\$650.00	\$750.00
Fail to comply with conditions of permit	5.4	\$400.00	\$500.00	\$600.00

Fail to protect a Tree in accordance with an approved Tree Preservation Plan	5.5	\$1,500.00	N/A	N/A
Fail to comply with Order to Discontinue Activity	5.6	\$500.00	\$600.00	\$700.00
Fail to comply with an Order to Comply	5.6	\$500.00	\$600.00	\$700.00
Provide false or misleading information on Application	5.7	\$450.00	\$550.00	\$650.00
Remove a posted Order without Officer approval	5.8	\$350.00	\$450.00	\$550.00
Fail to notify the Town within 48 hours of change of registered Ownership	5.9	\$500.00	N/A	N/A
Obstruct an Officer	5.10	\$500.00	N/A	N/A
Injure, destroy or remove tree stump(s) without a permit.	5.12	\$4500.00	\$9000.00	\$10000.00

SCHEDULE "B"

To Tree By-law No. 033-2024

Tree Replacement and Planting

As a Condition to a Permit that has been issued for a Tree located on a residential property where there is an occupied dwelling, ~~or a single detached dwelling that has been approved by a building permit, or a Minor Variance,~~ the permit holder will be required to replace the tree at a 1:1 ratio.

Any other permit holder ~~will be applying for a Consent or any other~~ relevant Planning Act application will be subject to the replacement ratios depicted in Table ~~B.1. B.2~~

~~Developers who are applying for an Official Plan Amendment, Zoning By Law Amendment, Site Plan Control or a Commercial or Industrial Development will be subject to the requirement set forth in Table B.2.~~

Table B.1 – Replacement Tree Ratios by DBH

Diameter at Breast Height (DBH) in Centimetres	Number of Replacement Trees
12.5-24	2
25-34	3
35-44	4
45-54	5
55-64	6
65-74	7
75-84	8
84-95	9
95-104	10
105-114	11
>115	12

Should it be determined by an Arborist that a tree is dead, diseased or hazardous, the tree replacement ratios outlined above do not apply. ~~Should an Officer determine a contravention of the By-law has occurred, an Order to Comply may be issued and in such case the planting of Replacement Trees is required at a ratio depicted within Table B.1.~~

Table B.2. Replacement Tree Ratios by DBH (Major Developments)

Diameter at Breast Height (DBh) in Centimeters	Number of Replacement Trees
12.5-24	1

25-34	1
35-44	2
45-54	2
55-64	2
65-74	3
75-84	3
84-95	3
95-104	4
105-114	4
>115	5

OPA/ZBA/Site Plan Control, Draft Plan of Subdivision and Condominium and Industrial and Commercial Building Permits

A maximum of \$150,000.00 cash in lieu per 5.5 Hectare Site. ~~Any sites over 5.5 Hectares.~~ Any site over 5.5 Hectares will be assessed on a graduated scale - \$30,000.00 per additional hectare. Enhancements will be factored into the tree calculation.

Should it be determined by an Arborist that a tree is dead, diseased or hazardous, the tree replacement ratios outlined above do not apply. Should an Officer determine a contravention of the By-law has occurred, an Order to Comply may be issued and in such case the planting of Replacement Trees is required at a ratio depicted within Table B.1.

Table B.3 List of Preferred Trees for Replanting

American Beech	Blue Beech	Pawpaw
Trembling Aspen	Chokecherry	Pin Cherry
Balsalm Poplar	Tulip Tree	Red Maple
Basswood	Eastern White Cedar	Serviceberries
Bitternut Hickory	Eastern White Pine	Shagbark Hickory
Black Cherry	Ironwood	Red Oak
Black Walnut	Largetooth Aspen	Sycamore
Black Willow	Northern Hackaberry	Tamarack

A security deposit is required per Replacement Tree.

A security deposit per tree (for owners who are individuals) required for each Replacement Tree to be planted and can be found in the Town of Fort Erie Consolidated Fee Schedule. The security deposit will be refunded once a final inspection of the replacement plantings is complete. The deposit will be held for a two-year maintenance period.

A security deposit per tree (for owners who are corporations) is required for each Replacement Tree to be planted and can be found in the Town of Fort Erie Consolidated User Schedule. The security deposit will be refunded once a final inspection of the replacement plantings is complete. The deposit is to be held for a two-year maintenance period. A secured line of credit can be used.

SCHEDULE "C"
To Tree By-law No. 33-2024

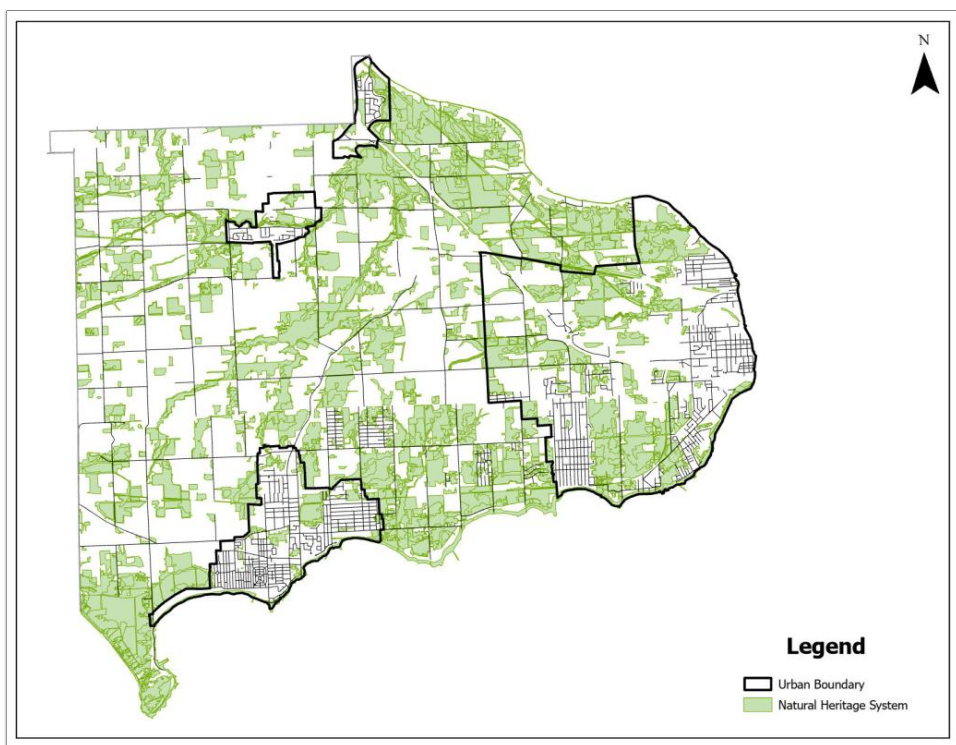
Fees for Off-site Planting

Where there is insufficient space on the same Site to plant all of the number of Replacement Trees as per Section 8.1 c) or Section 13.1 the Director shall calculate the amount of the fee by multiplying the number of Replacement Trees that could not be planted on site due to insufficient space by the Fees for Off-site Planting shown in the Town of Fort Erie Consolidated Fee Schedule.

SCHEDULE "D"
To Tree By-law No. 33-2024

Natural Heritage System

Schedule D has been compiled as of February 1, 2024. Boundaries of the Natural Heritage System and the Urban boundary are subject to change periodically. Updated mapping can be found on the Town's Website: <https://www.forterie.ca/en/build-and-invest/trees.aspx>



SCHEDULE "E"
To Tree By-law No. 33-2024

Fees

Permit Application Fees can be found in the Fees and Charges By-law.

Schedule F to By-law 33-2024

Minimum Tree Protection Zone

Trunk Diameter (DBH)	Minimum Tree Protection Zone
Less than 10cm	1.8m (5'11")
11cm- 40cm	2.4m
41cm – 50cm	3.0m
51cm – 60cm	3.6m
61cm - 70cm	4.2m
71cm – 80cm	4.8m
81cm – 90cm	5.4m
91cm – 100cm	6.0m
Greater than 100cm	6.0m (19'8") + 10cm (4") per 1 cm DBH