

Corporation of the County of Perth

By-law 3731-2019

Being a By-law to Amend By-law No. 3557-2016; Being a By-law to Regulate the Destruction or Injuring of Trees in Woodlands and Woodlots in the County of Perth.

WHEREAS section 135(2) of the Municipal Act, S.O. 2001, c.25, as amended (the “Act”), authorizes the Council of the Corporation of the County of Perth to enact a By-Law to regulate the destruction or injuring of trees;

AND WHEREAS subsection 135(10) of the Act provides that a lower-tier municipality within the County of Perth may delegate to the County of Perth all or part of its authority to pass a By-Law in respect of the destruction or injuring of trees with the agreement of the County of Perth;

AND WHEREAS each of the County’s lower tiers delegated their authority to the County under section 135(10) of the Act;

AND WHEREAS section 135(7) of the Act authorizes the County to require a permit and impose conditions to a permit with respect to injuring or destroying trees;

AND WHEREAS Council has determined that it is desirable to enact such a By-Law for the purpose of improving the forest, soil, fish, wildlife and water resources of the County of Perth by conserving and improving the Woodlands and Woodlots as defined therein;

AND WHEREAS Council deems it advisable to amend By-law Number 3557-2016;

NOW THEREFORE the corporation of the County of Perth enacts as follows:

1. That By-law 3557-2016 be amended as follows:
 - a. Addition of Section 3(A): Ash Trees
 - (1) This section 3(A) (inclusive of all subsections and paragraphs of this section) shall be in force for the period commencing December 5, 2019 and ending on September 5, 2022 (the “Period”) and thereafter shall be of no force and effect.
 - (2) Schedule A to this By-Law is hereby amended to provide that during the Period the diameter requirement for species of white, green

and red ash, being Species A, and black ash, being Species B, is deemed to be zero at each of the four points of measurement.

(3) Prior to the destruction of ash trees in a woodland or woodlot during the Period, every person who intends to destroy ash trees in a woodland or woodlot shall comply with paragraphs 6(2), (3) and (4) of this By-Law.

(4) Notwithstanding the density requirements contained in the definitions of “woodland” and “woodlot” in this By-Law and any other provision of this By-Law, in order to protect the remaining woodland or woodlot, the density of the woodland or woodlot in which the destruction or injury of ash trees has occurred shall, for all purposes of this By-Law, be deemed to remain as it was prior to the destruction of the ash trees located there.

(5) For the purposes of 3(A) (4), the opinion of an Officer, Issuing Officer or other person qualified as an expert by a court of competent jurisdiction in the area of determining the density of trees in a woodland or woodlot shall be presumed to be conclusive as to the density of the trees in the woodland or woodlot as it was prior to the destruction or injury of the ash trees located there, which presumption may be rebutted on the balance of probabilities.

(6) Schedule A to this By-Law shall be amended by adding the following footnote: “In regard to the destruction of ash trees identified as Species A and Species B, refer to section 3(A) of this By-Law.”

Read a first and second time this 5th day of December, 2019.

Read a third time and finally passed this 5th day of December, 2019.

James Aitcheson, Warden

Lori Wolfe, Clerk