

BY-LAW No. 2012-084
OF THE
CORPORATION OF THE TOWN OF COLLINGWOOD



Being a By-law to prohibit and regulate the destruction or injury of trees in the town of Collingwood.

WHEREAS Section 135(1) of the Municipal Act, R.S.O. 2001, c. 25, as amended, permits a Council to enact a By-law to prohibit and regulate the destruction or injury of trees;

AND WHEREAS trees were identified as an important element of the Town's natural and cultural landscape for the following reasons;

- a) Contributing to human health and quality of life;
- b) The aesthetic value of woodlands and trees;
- c) Providing recreational opportunities;
- d) Reducing airborne pollution;
- e) Reducing noise pollution;
- f) Protecting natural heritage features and areas;
- g) Maintain and enhancing water quality;
- h) Preventing soil erosion and water run-off;
- i) Providing habitat for wildlife;
- j) Providing cooler air temperatures in the summer; and
- k) Reducing the effects of climate change.

AND WHEREAS Section 135(7) of the Municipal Act, R.S.O. 2001, c. 25, as amended, provides that the By-law may also require that a permit be obtained for the injury or destruction of trees within the Town of Collingwood, and may prescribe the fees for the permit, the circumstances under which a permit may be issued, and the conditions to such a permit;

AND WHEREAS Council passed Tree By-law No. 03-37 at its meeting held April 22, 2003;

AND WHEREAS it was found to be desirable to replace Tree By-law No. 03-37 for the purposes of:

- a) Better regulating and controlling the removal, maintenance, and protection of trees;
- b) Supporting the goal of increasing the Town's urban forest; and
- c) Promoting good arboricultural and forestry practices that sustain healthy woodlands and the urban forest.

AND WHEREAS Council held a public meeting on July 28th, 2008 and November 21st, 2011 for the purposes of discussing the Town of Collingwood's need for a new Tree By-law;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWN OF COLLINGWOOD ENACTS AS FOLLOWS:

1. Definitions

In this By-law, the following definitions shall apply:

"Agricultural activity" means the use of land for growing crops or engaging in general crop farming or combination crop farming including fruit, vegetable, and silivculture farming, but shall not include the raising, breeding, keeping or the intensive feeding of livestock.

"Applicant" means the person who submits an application to the Corporation of the Town of Collingwood for a Permit to Destroy Trees pursuant to the provisions of this By-law;

"Application" means the application form to destroy trees;

"Building permit" means a building permit issued pursuant to the Building Code Act, 1992, S.O. 1992, c.23, as amended;

"Certified arborist" means an arborist certified by ISA (International Society of Arboriculture), in the field of arboriculture;

"DBH" means 'Diameter at Breast Height' and refers to the diameter of the stem of a tree measured in centimetres outside of the bark at a point 1.4 metres above the

existing grade of the ground adjoining its base or, where a tree forks below or near 1.4 metres record the diameter at the narrowest part of the main stem below the fork;

“Designate” means a person who is an employee of the Corporation of the Town of Collingwood and who has been appointed by the Director to administer all or part of this By-law on behalf of the Director;

"Destroy" means any act that renders, or which is likely to render over time, the tree unviable or compromise its life processes in such a way that it cannot survive, and “destruction” has a corresponding meaning.

“Development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers as defined in subsection 164 (4) of the Municipal Act, 2001

"Director" means the Director of Planning Services for the Municipality or his or her designate;

“Distinctive tree” means a healthy tree that is considered by the Director to be an uncommon, rare or endangered species to the Town of Collingwood region and environment or of an uncommon size, maturity or age, or is protected under Provincial or Federal Legislation;

"Good arboricultural practice" means the proper planning and care of trees in accordance with the standards set by the International Society of Arboriculture;

“Good forestry practice” means the proper harvesting, renewing, and maintaining of trees within the context of their specific forest and environmental conditions, which minimize detriments to natural forest values;

"Harvesting" means the destruction of trees and may be either a single cut or a series of cuts, and shall include logging;

“Hazardous tree” means a dead or severely damaged tree that may pose a danger to persons or property;

“Highway” means a common and public road and includes the road allowance, any

bridge, trestle, viaduct or other structure formatting part of the road, and except otherwise provided includes a portion of a roadway;

"Infestation" means infestation as defined in the Forestry Act, R.S.O. 1990, c.F26, as amended;

"Injure" means any action that causes physical, biological, or chemical harm or damage to the tree, and injury shall have a corresponding meaning;

"Landscape architect" means landscape design professional who is a Full Member (Seal and Certificate) with the Ontario Association of Landscape Architects (OALA) in good standing;

"Municipal property" means any land owned, held, and or used by the Town of Collingwood, and includes, but is not limited to, road allowances, easements, boulevards, parks, conservation areas, highways, or right-of-ways;

"Municipality" means the Corporation of the Town of Collingwood;

"Officer" means an individual appointed by the Corporation of the Town of Collingwood to enforce the provisions of this By-law, and includes a municipal by-law enforcement officer

"Official Plan" means the Official Plan of the Town of Collingwood, as amended or replaced from time to time;

"Orchard" means an area of land of at least one-fifth hectare on which there are at least thirteen fruit trees and on which the number of fruit trees bears a proportion to the area of at least sixty-five fruit trees per hectare;

"Owner" means the person(s) or corporation(s) registered on the title of the land in the Registry Office or Land Titles Office;

"Park" means a playground, playing field, ball diamond, sports fields, beach, recreation centre, community building, facility, square, garden, water, pedestrian walkway, or any other area owned, leased or used by the Municipality and devoted to active or passive recreation, and includes any lane or walkway or public parking area associated with the Park;

"Permit" means the written authorization from the Director to destroy or injure tree(s), with or without conditions;

"Person" means any human being, association, firm, partnership, incorporated

company, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law;

“Qualified forestry consultant” means a certified arborist or a registered professional forester;

“Registered professional forester” means a member of the Ontario Professional Foresters Association as defined in the Professional Forester Act, 2000, S.O. 2000, c. 18;

“Silviculture” means the theory and practice of controlling forest establishment, composition, growth, and quality of forests to achieve the objective of forest management;

“Stop Work Order” or **“Order”** means an official document issued pursuant to this By-law to stop the injury or destruction of trees;

“Tree” means any species of woody perennial plant, including its root system, which has reached or can reach a height of at least 4.0 metres at physiological maturity;

“Tree Preservation and Protection Plan” means a plan prepared by a landscape architect in accordance with Schedule ‘A’ of this By-law, which includes measures required for the protection of trees that eliminate or mitigate the potential risk of tree damage;

“Tree Protection Zone” or **“TPZ”** means an area surrounding a tree that is marked and fenced off, where storage of material or equipment of any kind; disposal of waste, contaminants or liquids or any kind; parking or moving of vehicles, disposal and disturbance of the soil or grade is prohibited;

“Woodland” means land with at least:

- i. 1,000 trees, of any size, per hectare;
- ii. 750 trees, measuring over 5 centimetres in DBH, per hectare;
- iii. 500 trees, measuring over 12 centimetres in DBH, per hectare; or
- iv. 250 trees, measuring over 20 centimetres in DBH, per hectare;

But does not include a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees.

A woodland is not limited by property boundaries. Specifically, if the Owner of a small parcel of a large woodland has requested a permit to destroy trees, the

small parcel may be considered a woodland, even though it may not meet the area requirement on its own.

2.Application of By-law:

- 2.1. No person shall, within the boundaries of the Town of Collingwood, injure or destroy or cause or permit the injury or destruction of the following trees located on a lot with an area of 0.5 hectares or more, without first obtaining a Permit pursuant to this By-law:
 - a. Five (5) or more trees on a lot simultaneously, or the fifth tree or more trees in a given calendar year, each with a DBH between fifteen (15) cm and thirty (30) cm;
 - b. A tree with a DBH greater than thirty (30) cm;
 - c. Trees located on municipal property;
 - d. Trees located in a woodland.
- 2.2. In addition to the criteria noted in section 5 below, a Permit pursuant to this By-law shall generally not be issued to injure or destroy or cause or permit the injury or destruction of the following trees:
 - a. Trees located on lands designated in the Official Plan as Environmental Protection, Recreation or Rural;
 - b. Trees identified for preservation in a Tree Preservation and Protection Plan approved by the Director;
 - c. Trees located on lands where there are no development related applications being actively considered by the municipality.

3. Exemptions

- 3.1. A tree may be injured or destroyed, without applying for a Permit, where:
 - a. The applicant proposes to injure or destroy four (4) or fewer trees simultaneously, or in a given calendar year, each with a DBH between fifteen (15) cm and thirty (30) cm;
 - b. The tree has a DBH of less than fifteen (15) cm;
 - c. Pruning is necessary to maintain the health and condition of the tree, provided that injury is in accordance with good arboricultural and forestry practices;

- d. Any tree, or a portion of such tree that necessitates removal as a result of being infested, diseased, severely injured, hazardous or, considered locally as an invasive species;
- e. The injury or destruction is required as part of the operation of an existing cemetery or golf course;
- f. The tree is within a building or structure, a solarium, rooftop garden, interior courtyard, or nursery;
- g. The trees that are destroyed are located within a cultivate orchard, tree farm, or plant nursery that are being actively managed and harvested for the purposes for which the trees were planted;
- h. The injury or destruction is necessary to clear land in accordance with a normal farm practice conducted by an agricultural operation for its own agricultural activity, provided that the trees are not located on lands designated Environmental Protection or Recreation on Schedule 'A' of the Town of Collingwood Official Plan.

3.2. In accordance with section 135(12) of the Municipal Act, 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 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.Planning and Development Process

- 4.1. The provisions of this By-law shall form part of the development approval process governed by the Planning Act;
- 4.2. An application for a Permit may be processed concurrently with a development related application submitted pursuant to the Planning Act and may form part of the technical information requested in order to consider the Planning Act application complete.

5.Application for a Permit

- 5.1. An Owner who applies for a Permit shall submit the following:
 - a. A completed Application including all information set out in Schedule 'B';
 - b. Payment of the required fees in accordance with the Town of Collingwood Fees and Service Charges By-law, as amended;
 - c. The applicant shall submit a report prepared by a landscape architect or a qualified forestry consultant in accordance with Schedule 'A' of this By-law, that will form part of the Application, and which will provide a general visual assessment and categorization of the existing trees, set forth the reasons for

the proposed destruction of the trees(s), shall confirm that the endangered, threatened or at risk species are not present, and shall include recommendations for preservation and protection of any trees to be retained;

- d. The application shall not be considered complete until such time as the requested report is submitted;
- e. The Director shall have the option of not requiring the report noted in section 5.1(c) in special circumstances to be determined at his/her sole discretion; and
- f. Following receipt of an application, the Director or their designate may enter and inspect the lands upon which the tree is located and the submission of the application shall be deemed permission to so enter and inspect.

6. Permit Issuance

6.1. A Permit shall not be issued unless the Director is satisfied that the injury or destruction of a tree will not result in:

- a. Soil erosion or slope instability including impacting existing flood control measures;
- b. Blockage of a watercourse or interference with natural drainage processes;
- c. Siltation in a watercourse;
- d. Pollution of a watercourse;
- e. Significant impact on any healthy vegetation community within, or adjacent to the subject site; or
- f. Significant impact on any fish or wildlife habitat within, or adjacent to, the subject site.

6.2. The Director shall review the complete Application and may:

- a. Issue a Permit;
- b. Issue a Permit with conditions; or,
- c. Refuse to issue a Permit.

6.3. The Director may confer with such person, staff, qualified professional, and agencies as he/she consider necessary for the proper review of the Application.

6.4. A Permit shall not be issued where:

- a. An application for a plan of subdivision or consent related to lands on which the tree is located has been submitted to the municipality and has not received draft approval;
- b. An application to amend the Official Plan, for rezoning or for site plan approval related to the lands on which the tree is located has been submitted to the municipality, and has not received final approval;
- c. Trees that are listed as endangered, threatened, or at risk tree species in the Endangered Species Act, R.S.O., 1990 or the Species at Risk Act, 2002;
- d. Where approval would be in contravention of the Migratory Birds Act, 1994;
- e. The Permit would result in the destruction of a tree that is designated as a heritage tree under the Ontario Heritage Tree Program (www.heritagetrees.on.ca); or
- f. The destruction of a tree will not be in accordance with good arboricultural and forestry practices, as determined by the Director.

7. Terms and Conditions of a Permit

7.1. The Director may impose conditions on a Permit that in his or her sole discretion are reasonable. Without limiting the generality of the foregoing, the following conditions may be imposed:

- a. Any conditions in accordance with good arboricultural and forestry practice, and established silviculture;
- b. Measures to be implemented to protect the retained trees during construction, including if applicable, directional boring;
- c. The requirement to prepare a Tree Preservation and Protection Plan in accordance with Schedule 'A', which must be approved and implemented as a condition of the Permit;
- d. To require the destruction or injury to the tree to occur in a safe and appropriate manner and within a specified time frame;
- e. A requirement to plant a replacement tree in accordance with section 7.3 of this By-law; and

- f. Where the destruction or injury of a tree is not conducted as part of, and in accordance with: a Site Plan Agreement, a Subdivision Agreement, or a Condominium Agreement, the Owner may be required:
 - i. To enter into an agreement regarding the conditions as set out in 7.1(a) to (e) above of this section which form part of the Permit; and
 - ii. To register the agreement on the title to the lands affected by the Permit.
- 7.2. A copy of the Permit shall be posted on the property prior to the commencement of any injury or destruction of any tree allowed by the Permit, in a conspicuous place on the subject property that is adjacent to a public road and visible to all persons or at such other location deemed appropriate.
- 7.3. Where a Permit requires the planting of replacement trees, the Director may impose conditions on the Permit that in his or her sole discretion are reasonable. Without limiting the generality of the foregoing, the following provisions related to the replacement tree:
- a. The species, size, number, and location of the replacement tree;
 - b. The date by which any replacement tree is to be planted;
 - c. The maintenance and care of any replacement tree shall be determined by the Director in consultation with a landscape architect or qualified forestry consultant;
 - d. Where the removal involves a distinctive tree, the replacement tree shall be equal to the net DBH of the removed tree, either as a single tree or multiple trees, and shall include the same species, where appropriate and commercially available;
 - e. the maintenance and care of a replacement tree including the deposit of security in the form of a letter of credit, cash or certified cheque in an amount to be determined by the Director to guarantee, for a specified period of time, the cost of maintaining or replacing a replacement tree.
 - f. Replacement trees are to be maintained and protected in accordance with good arboricultural and forestry practices by the Owner or person responsible for the injury or destruction, for a minimum period of two (2) years after planting;

- g. Replacement trees shall be subject to the following locational priorities:
 - i. The first and highest priority shall be to plant the replacement tree on the property where the tree was destroyed; and
 - ii. The next highest priority shall be to plant the replacement tree on another site(s) in the municipality for the purpose of general reforestation.

8.Duration of a Permit

- 8.1. A Permit shall remain in effect for twelve (12) months after the date of issuance subject to the following;
- 8.2. The Applicant may request, in writing to the Director, an extension to the Permit for a period of up to one (1) additional year, provided that the request is filed at least 30 days prior to its expiry;
 - a. In considering whether or not to grant a request to extend a Permit, the Director shall take into account to what extent the work authorized by the Permit has been completed, and to what extent the conditions of the permit have been adhered to, and in no case shall a permit be extended so that the Permit remain in effect for more than two (2) years from the original date of its issuance; and
 - b. No Permit shall be renewed or extended where the Owner or the Applicant is in breach of any terms of this By-law.

9.Issuance of a Stop Work Order

- 9.1. If the Director is satisfied that a contravention of this By-law has occurred, an Officer appointed by Council for the purposes of enforcing by-laws may issue a Stop Work Order requiring the person that contravened the By-law, or that caused or permitted the contravention of the By-law, to stop any injury or destruction to the tree.
 - a. The Stop Work Order shall set out reasonable particulars of the contravention adequate to identify the contravention, the location of the contravention and the date by which there must be compliance with the Order.
 - b. A Stop Work Order may be served personally by an Officer, may be posted in a conspicuous place on the property where the contravention occurred, or may be sent by registered mail to the person contravening this By-law.

Where an Order issued under this By-law is served personally by an Officer, it shall be deemed to have been served on the date of delivery to the person(s) named.

- c. The placing of the Order on the affected lands shall be deemed to be sufficient service of the Order on the person or corporation to whom the Order is directed on the date it is posted;
- d. Where an Order issued under this By-law is sent by registered mail, it shall be sent to the last known address of:
 - i. The Applicant
 - ii. The Owner; or
 - iii. The person or company retained to work on the trees on the land.

9.2. Where a person fails to comply with an Order issued under this By-law and the municipality enters on the lands and completes the work specified in the Order, the municipality shall be entitled to recover the costs to complete the work from the person named in the Order by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes

10.Enforcement

- 10.1. This By-law shall be enforced by an Officer;
- a. An Officer may, during daylight hours, enter and inspect any land to determine whether this By-law, an Order, or a condition of a Permit is being complied with, provided that the power of entry does not allow the Officer to enter any building;
 - b. An Officer, in carrying out an inspection, may be accompanied by the Director, and any person necessary to assist the Officer with their enforcement activities; and
 - c. No person shall obstruct or interfere with the Director, or an Officer, in the discharge of their duties under this By-law, and any person who obstructs the Director or an Officer is guilty of an offence pursuant to this By-law.

11.Penalties For Non-Compliance with By-Law

- 11.1. If any person is convicted of an offence for contravening this By-law, the conditions of a Permit, or an Order issued under this By-law, the Court in which

the conviction has been entered, and any Court of competent jurisdiction thereafter, may, in addition to any fine imposed, make an order:

- a. Prohibiting the continuation or repetition of the offence;
- b. To rehabilitate the land, including planting replacement trees, applying accepted silvicultural treatments necessary to re-establish the trees, and governing the timing of the rehabilitation, planting, or replanting, within such a period as the Court considers appropriate; and
- c. To provide compensation for the injury or destruction of the tree to the municipality, in accordance with section 12 of this By-law.

11.2. Any person who contravenes any provision of this By-law or an Order is guilty of an offence and is liable:

- a. On a first conviction, to a fine of not more than \$50,000.00 or \$1,000 per tree with a DBH over 15cm, whichever is greater; and,
- b. On any subsequent conviction, a fine of not more than \$100,000.00 or \$2,500 per tree with a DBH over 15 cm, whichever is greater.

12.Compensation

12.1. The Director shall calculate the compensation for the injury or destruction of a tree required as a condition of a Permit, or required as a condition of an Order issued under this By-law as follows:

- a. The value of any tree that is injured or destroyed shall be determined using the International Society of Arboriculture Trunk Formula Method,
- b. the value of the tree injured or destroyed, as calculated pursuant to Section 12.1(a), shall be used to determine the number, species, and size of the replacement tree that shall be planted by the permit holder or the person responsible for the injury or destruction, as the case may be. The Director shall make this determination in consultation with a qualified forestry consultant and his or her decision as to the number, species, and size of replacement tree shall be final.
- c. The provisions of section 7.3, with necessary modifications, shall apply to replacement trees planted in accordance with this section.

13.Appeals to Council

- 13.1. An Applicant for a Permit pursuant to this By-law may appeal in writing to the Council by filing notice of appeal by personal service or pre-paid registered mail with the Clerk:
- a. If the municipality refuses to issue a Permit, within thirty (30) days after the refusal;
 - b. If the municipality fails to make a decision on the Application, within forty-five (45) days after the application is received by the Planning Services Department; or
 - c. If the Applicant objects to a condition in the Permit, within thirty (30) days after the issuance of the Permit
- 13.2. The Council has the same powers as the Director under this By-law, and may:
- a. Confirm the refusal to issue the Permit;
 - b. Issue a Permit, with or without conditions;
 - c. Affirm, vary, or add any conditions to the Permit; or
 - d. Confirm the issuance of a Stop Work Order.
 - e. The decision of the Council is final.

14.Administration

- 14.1. The short title of this By-law is the “Tree Preservation By-law (larger parcels)”.
- 14.2. Schedule ‘A’ shall form part of this By-law.
- 14.3. This By-law shall be administered and interpreted by the Director of Planning Services of the Town of Collingwood or his or her designate.
- 14.4. If any section or part of a section of this By-law are found by any Court to be illegal or beyond the power of the Council to enact, such section or parts thereof shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent there from and continue in full force and effect unless or until similarly found illegal.
- 14.5. If there is a conflict between this By-law and a By-law passed under the Forestry Act, the Species at Risk Act, the Endangered Species Act or the Municipal Act, the provision that is the most restrictive shall prevail.

14.6. In this By-law, unless the context otherwise requires, words in the singular number shall include the plural, and words in the masculine gender shall include the feminine, and further, the converse of the foregoing also applies when the context so requires.

15.Repeal

15.1. By-law No. 03-37 of the Municipality shall be repealed effective on the coming into force and effect of this By-law.

15.2. Any Permit and/or conditions issued in accordance with By-law No. 03-37, prior to the passing of this By-law, shall remain in effect; and

15.3. Despite section 15.1 of this By-law, By-law No. 03-37 of the Municipality shall continue to apply to proceedings in respect of offences that occurred while By-law No. 03-37 was in effect.

16.In Force

16.1. This by-law shall come into force and take effect on the day of the passing thereof.

ENACTED AND PASSED this 25th day of June, 2012.

Mayor's Signature

Clerk's Signature

SCHEDULE 'A'

Tree Preservation and Protection Plans

General

The conditions required from developers for the protection of trees within Tree Protection Zones (TPZ) are stated herein. Areas of tree protection may include lands designated Environmental Protection, Recreation, Rural or identified buffer areas, trees listed as endangered, threatened or at risk species, hedgerows, watercourses and embankments, tree canopies and roots extending from adjacent properties, or any other area identified in the planning review and approval process or deemed appropriate by the municipality.

These specifications are to be read in conjunction with the Development Standards Manual. The following describes the municipal approval process for tree protection and shall be noted on the construction drawings:

- A general visual assessment of the existing trees or vegetation communities on the property will be prepared by a landscape architect or qualified forestry consultant, providing a general description of the species composition, size and condition, and confirming that endangered, threatened, or at risk species are not present.
- If tree preservation is required, an arborist assessment report and detailed tree inventory shall be prepared, identifying existing trees to be preserved with 150mm cal. DBH or greater within or directly adjacent to the development, complete with their species, DBH, canopy dripline, general health, and recommendations. On larger development sites, the inventory and assessment can be limited to trees 150mm cal. DBH or greater within 10m from the edge of the proposed limit of work or TPZ. The assessment report and inventory shall be prepared by a qualified forestry consultant and shall make recommendations on protection measures required to preserve trees during construction and the removal of hazard trees within protection areas.
- Tree preservation and protection plans for construction purposes shall be prepared by a landscape architect, and shall reflect the recommendations of a

qualified forestry consultant provided in the assessment report. Such plans and drawings shall conform to all relevant specifications and requirements of the municipality and shall be coordinated and inform the work of other design professionals with respect to grading, servicing, utilities, and any other proposed works which may adversely affect the trees designated for preservation.

- The boundaries for TPZ are to be staked or marked on site by a landscape architect, qualified forestry consultant, or surveyor.
- Prior to any tree removals, clearing or grubbing operations, the Owner's landscape architect or qualified forestry consultant and municipal staff will review the staked tree protection limit and adjust it, where appropriate, to reflect driplines (canopies) of trees extending beyond the surveyed line.
- Hazard trees (defined as trees that are likely to fail and may pose a threat to adjacent private or public property) or hazard limbs within the tree protection limits, will be identified by the Town for removal or pruning by the Developer.
- Tree protection fencing shall be erected in approved locations and shall be approved formally by the Town prior to commencing any tree removal, clearing or grubbing operations, unless alternate measures are approved by the Director.
- After tree removals and prior to the issuance of the underground certificate, the Town will re-inspect the tree preservation areas. Any additional tree removals or tree pruning will be identified and executed by the Developer.
- All tree protection fencing shall be maintained in effective condition throughout the remaining project, and shall not be removed until the completion of landscape installation.

The conditions required from developers for the protection of trees within Tree Protection Zones (TPZ) are stated herein. Areas of tree protection may include lands designated Environmental Protection, Recreation, Rural or identified buffer areas, trees listed as endangered, threatened or at risk species, hedgerows, watercourses and embankments, tree canopies and roots extending from adjacent properties, or any other area identified in the planning review and approval process or deemed appropriate by the municipality.

These specifications are to be read in conjunction with the Development Standards Manual. The following describes the municipal approval process for tree protection and shall be noted on the construction drawings:

- An assessment report and tree inventory shall be required, identifying the health of the trees to be saved or removed, identifying protection measures required to preserve trees during construction, and providing recommendation on hazard tree removal within protection areas. Existing trees to be inventoried within and directly adjacent to the development are to be identified by species, size and general health as determined by a qualified forestry consultant.
- Tree preservation and protection plans for construction purposes should be prepared by a landscape architect, and shall reflect the recommendations of a qualified forestry consultant provided in the assessment report. Such plans and drawings shall conform to all relevant specifications and requirements of the municipality.
- The boundaries for TPZ are to be staked and marked on site by a qualified forestry consultant.
- Prior to any tree removals, clearing or grubbing operations, the Owner's qualified forestry consultant and municipal staff will review the staked tree protection limit and adjust it, where appropriate, to reflect driplines (canopies) of trees extending beyond the surveyed line.
- Hazard trees (defined as trees that are likely to fail and may pose a threat to adjacent private or public property) within the tree protection limits, will be identified by the Town for removal by the developer.
- Tree protection fencing shall be erected in approved locations and shall be approved formally by the Town prior to commencing any tree removal, clearing or grubbing operations.
- After tree removals and prior to the issuance of the underground certificate, the Town will re-inspect the tree preservation areas. Any additional tree removals or tree pruning will be identified and executed by the Contractor.