

COUNTY OF OXFORD

WOODLANDS CONSERVATION BY-LAW NO. 6035-2018

To prohibit or regulate the harvesting, injuring or destruction
of trees in woodlands in the
County of Oxford

WHEREAS s.135(2) of the *Municipal Act, 2001*, R.S.O. 2001, c.25 as amended, (hereinafter referred to as “the Act”) permits the enactment of a by-law by the Council of the County of Oxford (hereinafter referred to as “the County”) to prohibit or regulate the harvest, injury or destruction of trees in woodlands;

AND WHEREAS s.135(7) of the Act provides that a by-law enacted in accordance with s.135(2) of the Act may require that a permit be obtained to harvest, injure or destroy trees and that a municipality may impose conditions on a permit, including conditions relating to the manner in which harvesting, injuring or destroying occurs and the qualifications of persons authorized for this purpose;

AND WHEREAS Council of the County has determined that it is desirable to enact such a by-law for purposes including, but not limited to, the following:

- achieving the goals and objectives of the County Official Plan with respect to sustaining the community’s environmental and natural heritage resources;
- conserving and improving woodlands through good forestry practices;
- protecting, promoting and enhancing the value of woodlands for social, economic and environmental value; and
- enhancing biodiversity and forest resilience to assist the community in adapting to climate change and other environmental threats to forest health.

NOW THEREFORE the Council of the County of Oxford hereby enacts as follows:

1. DEFINITIONS

In this by-law:

- 1.1 “Acceptable Growing Stock (AGS)” means *trees* suitable for retention in the stand for at least one (1) cutting cycle, comprising *trees* of commercial species and of such form and quality as to be saleable as sawlog products at some future date.
- 1.2 “Basal Area” means the total cross-sectional area of all live *trees* 10 cm (4 in) or greater, expressed as square metres per hectare and measured 1.37 m (4.5 ft) above the point on the *tree* where the ground meets the stump at the base of the *tree*.
- 1.3 “Building Permit” means a building permit issued under the Building Code Act 1992, R.S.O. 1992, c.23, as amended, or any successor legislation.
- 1.4 “Business Day” means a day falling on or between Monday and Friday of each week, but does not include New Year’s Day, Family Day, Good Friday, Victoria Day, Canada Day, Civic Holiday, Labour Day, Thanksgiving, Remembrance Day, Christmas Day or Boxing Day.
- 1.5 “By-law Officer” means a provincial offences officer or an individual or individuals appointed by *Chief Administrative Officer* for the administration and enforcement of this By-law.
- 1.6 “Certified Tree Marker” means an individual who has full certification in good standing for marking under the Ontario Ministry of Natural Resources and Forestry (MNR) program, or similar program approved by the MNR, and has demonstrated experience to mark in accordance with good forestry practice within Oxford County.
- 1.7 “Chief Administrative Officer” means the Chief Administrative Officer of the Corporation of the County of Oxford.
- 1.8 “Circumference” means the measurement of the perimeter or outer boundary of a stem or trunk of a *tree*, including the bark of the stem.

- 1.9 “Committee” means the Woodlands Conservation By-law Committee or other similarly constituted committee as designated by a By-law of the *County*.
- 1.10 “Coppice Growth” means where more than one *tree* stem grows from a single *tree* stump.
- 1.11 “Council” means the Council of the County of Oxford.
- 1.12 “County” means the County of Oxford or the area up to and including the geographical boundaries of the County of Oxford, as the context requires.
- 1.13 “County Clerk” means the County Clerk of the County of Oxford.
- 1.14 “Destroy”, “Destruct” and/or “Destruction” means any action which causes or results in the irreversible *injury* or death of a *tree*.
- 1.15 “Diameter” means the straight-line measurement, from side to side and through the centre of the trunk or stem of a *tree*, including the bark.
- 1.16 “Diameter Breast Height (DBH)” means the diameter of the stem of a *tree* measured at a point that is 1.37 m (4.5 ft) above the ground.
- 1.17 “Good Forestry Practices” means 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 aesthetics and recreational opportunities of the landscape.
- 1.18 “Harvest” means the *injury* or *destruction* of *trees* through cutting or other mechanized means which results in the irreversible *injury* or death of a *tree* by design and further, includes any work, efforts or attempt to move or gather such *trees* having been cut or otherwise *destroyed*.
- 1.19 “Injure” or “Injury” means any action that causes physical, biological or chemical damage to a *tree*, including any lasting damage which has the effect of inhibiting or terminating its growth but does not include pruning branches for maintenance purposes.
- 1.20 “Local Board” means a municipal service board, transportation commission, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs and purposes of one or more municipalities.
- 1.21 “Log” means a portion of a *tree* of a prescribed species reduced to a size suitable for loading on a vehicle for transport to a processing mill for the production of lumber or other products.
- 1.22 “Logger” means an individual or company or similar group who cuts *trees* for purchase, sale or other profit, on behalf of an *owner*.
- 1.23 “Local Municipality” means each of the municipalities of Blandford-Blenheim, East Zorra-Tavistock, Norwich, South-West Oxford, Zorra, Ingersoll, Tillsonburg and Woodstock.
- 1.24 “Owner” means a *person* having any right, title, interest or equity in land.
- 1.25 “Own Use” means a use by the *owner* that does not include the sale, exchange, barter or other disposition of *trees harvested, injured or destroyed*.
- 1.26 “Permit” means the written authorization of the *By-law Officer*.
- 1.27 “Person” means any individual, corporation, partnership, association, firm, trust or other entity and includes anyone acting on behalf or under the authority of such entity.
- 1.28 “Plantation” means a wooded areas where *trees* have been planted or seeded in a pre-determined pattern or rows and are *harvested* for commercial purposes in-keeping with the original purpose of planting or seeding.
- 1.29 “Plot” means a specific area set out for the purpose of measuring the number of *trees* within *woodlands*.

- 1.30 “Point of Measurement” means that point on the *tree* stem or trunk measured above the highest point of the ground in an undisturbed state at the base of the stem or trunk of the *tree*. For *coppice growth*, the ‘point of measurement’ means that point on each *tree* stem or trunk measured above the point of separation, provided that such point of separation is less than 1.37 m (4.5 ft) above the highest point of undisturbed ground at the base of the *coppice growth*, and the same *circumference* or diameter limits apply as for single-stemmed *trees*.
- 1.31 “Registered Professional Forester” has the same meaning as contained in the Professional Foresters Act, S.O. 2000, c18.
- 1.32 “Silviculture” means the art, science, theory and practice of controlling forest establishment, and the composition, growth and quality of forests to achieve the objectives of good forestry practice and forest management.
- 1.33 “Silvicultural Prescription” means the site-specific operational plan that describes the existing forest conditions and the forest management objectives for an area and which prescribes the methods for harvesting the existing forest stand and a series of silvicultural treatments that will be carried out to establish a free-growing stand in a manner that accommodates other resource values as identified.
- 1.34 “Tree” means any species of woody perennial plant, including its root system, which has reached or can reach a height of at least 4.5 m (14.8 ft) at physiological maturity.
- 1.35 “Unacceptable Growing Stock (UGS)” means *trees* that have a high risk of dying, and are expected to decline over the next cutting cycle, including *trees* of poor form and/or low quality.
- 1.36 “Unforested Corridor” means a break in the forest cover canopy, including, but not limited to roads, paths, or natural features such as a creek or *watercourse*.
- 1.37 “Watercourse” means a natural or man-made waterway containing flowing water for at least a portion of the year.
- 1.38 “Woodlands” means land, at least one hectare (2.47 acres) in area, including any *unforested corridors* less than 20 m (65.6 ft) in width, with at least:
- (i) 1000 *trees* of any size, per hectare; or
 - (ii) 750 *trees* measuring over five (5) cm (2 in) in diameter at *DBH*, per hectare; or
 - (iii) 500 *trees* measuring over twelve (12) cm (5 in) in diameter at *DBH*, per hectare; or
 - (iv) 250 *trees* measuring over twenty (20) cm (8 in) in diameter at *DBH*, per hectare.

Woodlands do not include a cultivated fruit or nut orchard, a registered *tree* nursery or a *tree plantation* planted and maintained for the purpose of producing Christmas *trees*.

The boundary of *woodlands* shall be defined by the ecological limit of the *woodlands* and not by property boundaries.

Where a *Local Municipality* has approved a By-law which delegates authority respecting the prohibition or regulation of the *harvesting, injuring or destruction* of *trees* to the County, *woodlands* shall mean land that is identified as *woodlands* in accordance with the definition(s) contained in the delegation By-law.

2. GENERAL PROHIBITION

Except as provided in this By-law, no *person*, through their own actions or through the actions of any other *person* shall *harvest, injure or destroy*, or cause or permit to be *harvested, injured or destroyed*, any living *tree* located in *woodlands*.

3. EXCEPTIONS

A *person* may *harvest, injure or destroy* a *tree* within *woodlands* if:

- (a) the *person* who is *harvesting, injuring or destroying trees* does so in accordance with a *silvicultural prescription* incorporating *good forestry practices* prepared or approved by:

- i) a *Registered Professional Forester* in good standing with the Ontario Professional Foresters Association; or
 - ii) a member in good standing with the Ontario Professional Foresters Association;
- and
- iii) the *person* who is *harvesting, injuring or destroying trees* has complied with all of the requirements of this By-law; and
 - iv) the *trees* to be *harvested, injured or destroyed* have been clearly marked with paint on two sides and at the base of the *tree*.

OR

the *trees harvested, injured or destroyed*:

- i) have attained, at the *point of measurement*, the *circumference* or diameter measurement which is equal to or greater than the minimum *circumference* or diameter prescribed for the species in Schedule "B" to this By-law;
- and
- ii) the *harvesting, injuring or destruction of trees* has occurred in compliance with all of the requirements of this By-law;
 - iii) the *harvesting, injuring or destruction of trees* will not reduce the number of *trees* per hectare below the minimum number of *trees* per hectare required for the area to remain a *woodland*;
 - iv) the *harvesting, injuring or destruction of trees* will not reduce the *basal area* in that part of the *woodland* where *trees* which measure 25 centimetres (10 in) or more at *DBH* have been *harvested, injured or destroyed* below 16 m²/ha of *trees*; and
 - v) the *trees* to be *harvested, injured or destroyed* have been clearly marked with paint on two sides and at the base of the *tree*.

4. DRAINAGE WORKS

(a) Except for municipal drainage works:

- i) where the *harvesting, injuring or destroying of trees* is necessary to construct drainage works, the *person* intending to cause or permit the *harvesting, injuring or destroying of trees*, either by themselves or through other *persons*, shall comply with this By-law.
- ii) every *person* commits an offence who, by themselves or through other *persons*, constructs or causes or permits to be constructed tile drainage works consisting in whole or in part of perforated tile through, or within 5 m (16.5 ft) of, *woodlands*.

5. EXEMPTIONS

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, R.S.O. 1990 c25;
- (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;
- (h) the *injuring or destruction of trees* undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land:
 - i) that has not been designated under the Aggregate Resources Act or a predecessor of that Act; and
 - ii) on which a pit or quarry is a permitted land use under a by-law passed under Section 34 of the Planning Act.
- (i) the *harvest, injuring or destruction of trees* required to erect any building, structure or thing in respect of which a *building permit* has been issued and has taken into consideration the protection of *trees* surrounding the structure or work within the building envelope, provided that no *tree* is *harvested, injured or destroyed* that is more than 15 metres (49.2 ft) from the outer edge of the building, structure or thing;
- (j) the *harvest, injuring or destruction of trees* that is reasonably required to install and provide utilities and/or a single-lane driveway for vehicular access for the construction or use of a building, structure or thing in respect of which a *building permit* has been issued;
- (k) the *harvest, injuring or destruction of trees* that is reasonably required to install a boundary fence between two properties within a *woodland*;
- (l) the *harvest, injuring or destruction of trees* by the *owner* of a *woodland* for the *owner's own use* where the *owner* has been the registered *owner* of the said *woodland* for a minimum of two (2) years prior to the date of *harvest, injury or destruction*, and provided that:
 - such activity is consistent with *good forestry practices*;
 - no more than 20 *trees* per hectare are *harvested, injured or destroyed* in a calendar year; and
 - such activity does not reduce the density of the *woodland* below the minimum number of *trees* per hectare required to be considered a *woodland*.
- (m) the *harvest, injuring or destruction of trees* for any of the following purposes, provided that the area in which *trees* are to be *harvested, injured or destroyed* has been inspected, approved and marked by the *By-law Officer* prior to the commencement of the activity and the *person who harvests, injures or destroys trees* or otherwise causes same has complied with this By-law:
 - i) where land previously cleared and used for agricultural purposes which has become overgrown with young (less than 10 years), early-successional tree species (i.e. sumac, hawthorn, apple, scots pine, poplar, white birch, ash) and the land is intended to be used again as part of an agricultural operation;
 - ii) where *trees* are impeding the passage of agricultural equipment along an existing laneway that is either within, or along the edge of a *woodland*; or
 - iii) where the *trees* to be *harvested, injured or destroyed* are not located within a *woodland*, or portion thereof, that is identified as part of an ecologically important vegetation group in the Oxford Natural Heritage System Study, 2023 or later version, and/or the County of Oxford Official Plan;
- (n) the *harvest, injuring or destruction of trees* where said *trees* are *harvested, injured or destroyed* pursuant to a legally-binding contract, provided that:
 - i) the *owner* of the *woodland* has given notice in accordance with this By-law; and

- ii) a contract was signed between the *owner* and contractor immediately preceding the date on which this By-law came into force and effect; and
- iii) proof of the signed contract and down payment made to the *owner* is provided to the satisfaction of the *By-law Officer*; and
- iv) the *trees* subject to the contract are *harvested, injured or destroyed* in a manner consistent with this By-law within two (2) years of the enactment of this By-law.

6. **ADMINISTRATIVE AND/OR COMMITTEE EXEMPTION**

- (a) Notwithstanding any provision contained in this By-law, a *person* may request an exemption from this By-law beyond those exemptions contained in Section 5. Every *person* who intends to obtain such exemption shall complete and submit to the *By-law Officer* or designate, an application in the form prescribed in Schedule "E" to this By-law containing all of the information required by the application form not less than 30 days and not more than two (2) years prior to the start of any *harvest, injury or destruction of trees*, together with the prescribed fee as set out in Schedule "A".
- (b) Notice of an application for exemption shall be circulated by regular mail not less than 14 days prior to a decision regarding the exemption, to the *owner*, the applicant and/or the applicant's authorized agent and to all assessed *owners* of land that abut the lands subject to the application. The Notice of the proposed exemption shall contain information as prescribed in Schedule "F".
- (c) The *owner* or applicant shall post a Public Notice for a request for exemption not less than 10 days prior to a decision regarding the exemption and such posting shall be located on the subject property in a manner that is clearly visible and legible from a public highway or other place to which the public has access. The Public Notice shall be in the format prescribed in Schedule "F".
- (d) The application for exemption shall be circulated to those agencies that, in the opinion of the *By-Law Officer*, in consultation with the Community Planning Office, may have an interest in the application, for the purpose of obtaining comments regarding the application.
- (e) In consideration of a request for an exemption, the *By-law Officer* may:
 - i) grant the exemption request;
 - ii) grant the exemption request with modifications;
 - iii) refuse the exemption request.
- (f) When evaluating a request for exemption, the *By-law Officer*, in consultation with the Community Planning Office, shall consider whether the *harvest, injuring or destruction of trees* proposed by the application:
 - i) is appropriate for the development or use of the land; and
 - ii) maintains the intent and purpose of the By-law.
- (g) The *By-law Officer*, in consultation with the Community Planning Office, may impose such terms and conditions, **including but not limited to site restoration and/or a compensation plan**, to the exemption that are reasonable and desirable for the appropriate development or use of the land on which the said exemption is granted. Compensation will be consistent with internal policy related to development permit applications and may be modified to each specific scenario.
- (h) The *owner* or applicant shall be notified in writing with respect to the decision regarding the approval or denial of any application for an exemption.
- (i) The decision of the *By-law Officer* shall be final, unless the application for exemption is appealed to the *Committee* in accordance with Section 7.

7. **APPEALS TO COMMITTEE**

- (a) The *owner* or applicant for an exemption under Section 6 may appeal to the *Committee*:

- i) if the *By-law Officer* refuses to grant the exemption request, within 10 days of the refusal;
 - ii) if the *By-law Officer* fails to grant the exemption request within 45 days after the application is received; or
 - iii) if the *owner* or applicant objects to a condition of exemption, within 10 days of the granting of the conditional exemption.
 - iv) at any time after the application is received, until such time as the application is either refused or approved by the *By-law Officer*, in which case, the *owner* or applicant must request that the application be forwarded to the *Committee* in accordance with subsections 7(a) i) or iii).
- (b) Where an application for exemption is appealed to the *Committee*, subsections 6(e), (f), (g) and (h) shall apply with necessary modifications.
 - (c) The decision of the *Committee* shall be final.

8. NOTICE OF INTENT

- (a) Every person who intends to *harvest, injure* or *destroy trees* in the County of Oxford pursuant to Section 3(a) of this By-law shall complete and deliver, or send by facsimile transmission or e-mail, to the *By-law Officer*, a legible, signed Notice of Intent Permit application in the form prescribed in Schedule "C" to this By-law containing all of the information required by the form no less than 10 *business days* and no more than two (2) years prior to the start of the *harvest, injuring* or *destruction of trees* together with a legible copy of the *silvicultural prescription* signed by and identifying the *person* who prepared and/or approved the prescription.
- (b) Every person who intends to *harvest, injure* or *destroy trees* in the County of Oxford pursuant to Section 3(b) of this By-law shall complete and deliver, or send by facsimile transmission or e-mail, to the *By-law Officer*, a legible, signed Notice of Intent Permit application in the form prescribed in Schedule "D" to this By-law containing all of the information required by the form no less than 10 *business days* and no more than two (2) years prior to the start of the *harvest, injuring* or *destruction of trees*.
- (c) Upon receipt of a completed Notice of Intent Permit application, the *By-law Officer* shall, within a reasonable time, return to the mailing address, facsimile number or e-mail address provided in the Notice of Intent Permit application form for that purpose, a receipted copy of the Notice of Intent Permit.
- (d) Any *person* who has submitted a Notice of Intent Permit under Sections 8(a) or 8(b) shall erect and display a notice sign at the entrance to the *woodlands* in a location that is clear and visible to all persons, and the notice shall be in the form prescribed in Schedule "I".
- (e) Every *person* who has submitted or caused to be submitted a Notice of Intent Permit application shall notify the *By-law Officer* or their designate, by facsimile transmission, telephone or e-mail, no more than seven (7) *business days* and no less than 24 hours prior to the date upon which the *harvest, injury* or *destruction of trees* is to begin advising of the location of the *harvest, injury* or *destruction of trees* and the date upon which the *harvest, injury* or *destruction of trees* is to start.

9. ORDERS TO DISCONTINUE ACTIVITY

- (a) Where the *By-law Officer*, or *designate*, is satisfied that a contravention of this By-law has occurred, the *By-law Officer*, or designate, may issue an Order to Discontinue Activity requiring the *person* who contravened the By-law or who caused or permitted the *harvest, injuring* or *destruction of trees* in contravention of the By-law, to stop and discontinue the *harvest, injuring* or *destruction of trees*. The Order to Discontinue Activity as set out in Schedule "G", shall include the following:
 - i) the municipal address and/or the legal description of the land;
 - ii) reasonable particulars of the contravention;
 - iii) the date of inspection; and
 - iv) the date by which compliance with the Order must be achieved.

10. SERVICE OF AN ORDER

- (a) An Order issued under this By-law shall be served on the *owner* of the property and such other *persons* affected by the Order, as determined by the *By-law Officer* or designate, and a copy of the Order shall be posted on the property.
- (b) An Order issued under this By-law may be served personally or by registered mail sent to the last known address of:
 - i) the *owner* of the *woodlands*; and/or
 - ii) the *person* or *persons* identified as having *harvested, injured* or *destroyed trees*.
- (c) Where an Order is served by registered mail, service shall be deemed to have been made on the fifth day after the day of mailing.
- (d) Where an Order cannot be served in accordance with Section 9 a), b) or c), a placard containing the terms of the Order shall be placed in a conspicuous place on the affected property by the *By-law Officer*, or designate, and the placing of the placard shall be deemed to be sufficient service of the Order on the *person* or *persons* to whom the Order is directed.

11. PENALTY

- (a) Any *person* who contravenes any provision of this By-law, or an Order issued under this By-law, is guilty of an offence and is liable:
 - i) on first conviction, to a minimum fine of ~~fine of not more than~~ \$10,000 or \$1,000 per *tree injured* or *destroyed*, whichever is greater; and
 - ii) on any subsequent conviction, to a minimum fine of ~~fine of not more than~~ \$25,000 or \$2,500 per *tree injured* or *destroyed*, whichever is greater.
- (b) If a *person* is convicted of an offence for contravening this By-law 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 order the *person* to rehabilitate the land or to plant or replant *trees* in such a manner and within any such period as the court considers appropriate, including any silvicultural treatment necessary to re-establish the *trees*.

12. ENFORCEMENT

- (a) This By-law shall be enforced by a *By-law Officer* appointed by the *Chief Administrative Officer*.
- (b) A *By-law Officer* may, at any reasonable time, enter and inspect any land to determine whether this By-law, an Order or a condition of a *permit* is being complied with.
- (c) A *By-law Officer* exercising a power may be accompanied by a *person* or *persons* under the *By-law Officer's* direction.
- (d) No *person* shall hinder or obstruct a *By-law Officer* or attempt to hinder or obstruct a *By-law Officer* who is performing a duty in accordance with this By-law.
- (e) Any *person* who provides false information to a *By-law Officer* shall be deemed to have hindered or obstructed the *By-law Officer* in the discharge of their duties.

13. ADMINISTRATION

- (a) Schedules "A" to "I", inclusive, form part of this By-law.
- (b) If any Section or Sections of this By-law or parts thereof are found by any Court of competent jurisdiction to be illegal or beyond the power of the *Council* to enact, such Section or Sections 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 therefrom and continue in full force and effect unless and until similarly found illegal.

- (c) For the purposes of this By-law, words used in the singular number include the plural and words which refer the masculine shall include the feminine, and visa versa, where applicable.
- (d) For the purposes of this By-law, words in italicized text are defined in Section 1. Such defined words will not be italicized where the context in which the word is used does not correspond to the definition contained herein.
- (e) The short title of this By-law is the "Woodlands Conservation By-law".
- (f) Woodlands Conservation By-law No. 4489-2004, as amended, of the County of Oxford shall be repealed effective on the coming into force and effect of this By-law.
- (g) Notwithstanding subsection (f) of this Section, By-law No. 4489-2004, as amended, of the County of Oxford shall continue to apply to applications filed, *permits* issued and/or proceedings in respect of offences that occurred before its repeal, proof of which has been provided to the satisfaction of the *By-law Officer*.
- (h) Measurements are given in both metric and imperial units in this By-law. For the purposes of this By-law, the metric unit shall govern.

READ a first and second time this 27th day of June, 2018.

READ a third time and finally passed this 27th day of June, 2018.

"David Mayberry"

DAVID MAYBERRY,

WARDEN

"Chloé J. Senior"

CHLOÉ J. SENIOR,

CLERK

SCHEDULE "A"

FEE SCHEDULE FOR APPLICATIONS

The following fees will apply for the purpose of this By-law:

Application for Committee Exemption	\$200.00
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Please make cheques payable to **'Treasurer - County of Oxford'**

SCHEDULE "B"

CIRCUMFERENCE LIMITS BY CATEGORY OF TREE SPECIES

SPECIES "A"

- ASH - White (*Fraxinus Americana*)
- Green (Red) (*Fraxinus pennsylvacia*)
- MAPLE - Sugar (*Acer saccharum*)
- Black (*Acer nigrum*)
- Red (*Acer rubrum*)
- Silver (*Acer saccharinum*)
- OAK - Red (*Quercus rubra*)
- Black (*Quercus velutina*)
- White (*Quercus Alba*)
- Swamp White (*Quercus bicolor*)
- Bur (*Quercus macrocarpa*)
- TULIP - (*Liriodendron tulipifera*)
- WALNUT - Black (*Juglans nigra*)
- White (Butternut) (*Juglans cinerea*)

SPECIES "A" MEASUREMENTS

<u>POINT OF MEASUREMENT</u>	<u>CIRCUMFERENCE</u>	<u>DIAMETER</u>
31 cm (12 in)	175 cm (69 in)	56 cm (22 in)
20 cm (8 in)	191 cm (75 in)	61 cm (24 in)
10 cm (4 in)	224 cm (88 in)	71 cm (28 in)

SPECIES "B"

- BASSWOOD - (*Tilia Americana*)
- BEECH - American (*Fagus grandifolia*)
- CHERRY - Black (*Prunus serotina*)
- HACKBERRY - (*Celtis occidentalis*)
- HEMLOCK - Eastern (*Tsuga Canadensis*)
- PINE - White (*Pinus strobus*)

SPECIES "B" MEASUREMENTS

<u>POINT OF MEASUREMENT</u>	<u>CIRCUMFERENCE</u>	<u>DIAMETER</u>
31 cm (12 in)	160 cm (63 in)	51 cm (20 in)
20 cm (8 in)	175 cm (69 in)	56 cm (22 in)
10 cm (4 in)	208 cm (82 in)	66 cm (26 in)

SPECIES "C"

- ASH - Black (*Fraxinus nigra*)
- BIRCH - Yellow (*Betula alleghaniensis*)
- ELM - White (*Ulmus Americana*)
- Red (*Ulmus thomasii*)
- Rock (*Ulmus ruba*)
- EUROPEAN LARCH - (*Larix decidus*)
- HICKORY - Shagbark (*Carya ovata*)
- Bitternut (*Carya cordiformis*)
- LARCH - (*Larix deciduas*)
- POPLAR - Balsam (*Populus blasamifera*)
- Eastern Cottonwood (*Populus deltoids*)
- SYCAMORE - (*Platanus occidentalis*)

SPECIES "C" MEASUREMENTS

POINT OF MEASUREMENT	CIRCUMFERENCE	DIAMETER
31 cm (12 in)	145 cm (57 in)	46 cm (18 in)
20 cm (8 in)	160 cm (63 in)	51 cm (20 in)
10 cm (4 in)	191 cm (75 in)	61 cm (24 in)

SPECIES "D"

- BIRCH - White (*Betula papyrifera*)
- CEDAR - White (*Thuja occidentalis*)
- POPLAR - Largetooth Aspen (*Populus grandidentala*)
- Trembling Aspen (*Populus tremuloides*)

SPECIES "D" MEASUREMENTS

POINT OF MEASUREMENT	CIRCUMFERENCE	DIAMETER
31 cm (12 in)	79 cm (31 in)	25 cm (10 in)
20 cm (8 in)	97 cm (38 in)	31 cm (12 in)
10 cm (4 in)	127 cm (50 in)	41 cm (16 in)

RARE SPECIES – the following species should be avoided during *tree* removal operations:

- | | | |
|-------------------|-------------|----------------------|
| Blue Ash | Shumard Oak | Black Gum |
| Chestnut | Cucumber | Tamarack |
| Shellbark Hickory | Pawpaw | Chinquapin Oak |
| Pignut Hickory | Balsam Fir | Kentucky Coffee Tree |
| American Chestnut | | |

* NOTE: Please refer to “Species at Risk Act” at www.sararegistry.gc.ca for more information.

SCHEDULE "C"

COUNTY OF OXFORD

NOTICE OF INTENT - GOOD FORESTRY PRACTICES

PURSUANT TO WOODLANDS CONSERVATION BY-LAW NO. 6035-2018

Completed Application must be received by the *By-law Officer* at least 10 business days prior to the commencement of the *harvest, destruction or injury of trees*. All sections must be filled out completely, to the satisfaction of the *By-law Officer*.

Please submit the completed application to County of Oxford Customer Service, P.O. Box 1614, 21 Reeve Street, Woodstock, ON N4S 7Y3 or by e-mail to customerservice@oxfordcounty.ca or by fax to 519-537-1053.

The *By-law Officer* can be contacted at 519-539-9800, or by e-mail at customerservice@oxfordcounty.ca.

PLEASE PRINT CLEARLY

Silvicultural Prescription Information

All applications under *Good Forestry Practices* must be accompanied by a forest operations *silvicultural prescription* prepared and/or approved by a *Registered Professional Forester* or Qualified OPFA Member, in accordance with approved practices of the Ontario Professional Foresters Association, as amended from time to time. A *silvicultural prescription* will generally include the following information:

Site and Stand Conditions:

- *tree* species composition by percentage
- regeneration status
- quality of stand, including health (disease/insects)
- limitations
- stand history, including any previous *silviculture* operations
- sensitive or special features
- date of inventory
- acreage of the *woodland*
- current stocking, stand structure or *basal area* distribution

Habitat, Biodiversity and Recreation Consideration

Short and Long Term Objectives

A record of Discussions with the Landowner and Signature of the Landowner

Tree Marking Direction

- residual *basal area* or stocking
- directions for improvement of health, quality, species diversity, stand structure and/or size class distribution
- *silviculture* system to use for marking

Estimated Time of Next Silviculture Intervention

NOTE: Where a *silvicultural prescription* has been prepared and/or approved by a qualified person, as noted above, the marking and *harvesting* of trees in accordance with the provisions of the By-law may be undertaken by a landowner.

Map of Site and Stands to Harvest

The map must be legible and include property boundaries, abutting roads, preferred entry points for inspection, location of buildings and structures on the property, forested areas and proposed harvest areas, logging access, drains, watercourses, power lines and other features and a north indicator.

Property Owner: _____

Address: _____ Postal Code: _____

Phone: Residence _____ Business _____ Fax _____

E-mail: _____

Woodland location: Lot _____ Con. _____ Former Township: _____

SAWTIMBER			
TREE SPECIES	# OF TREES MARKED	AVG. DIAMETER (in or cm)	VOUME (F.B.M. or m ³)
i.e. Hard Maple	24	15	3,200
TOTAL			

FUELWOOD/CORDWOOD			
TREE SPEICIES BY %	# OF TREES MARKED	AVG. DIAMETER (in or cm)	VOLUME (BUSH CORD)
i.e. Aw4 Be4 Mh2	65	11	20

PRESCRIPTION INFORMATION

Prescription prepared by:

Name: _____

Mailing Address: _____

Telephone #: _____

Qualifications: _____

Date Prescription Prepared: _____

Check if area has been inspected since tree marking

<p><u>TREE MARKER INFORMATION:</u></p> <p>Trees Marked By: _____</p> <p>Mailing Address: _____</p> <p>Telephone #: _____</p> <p>Qualifications: _____</p> <p>Paint Colour: _____ Date Marked: _____</p> <p>All <i>trees</i> to be <i>harvested</i> shall be marked with paint above <i>DBH</i> on opposite sides of the <i>tree</i>. The mark shall be at least 4 cm (2 in) in diameter for hardwood sawlogs/conifer poles or sawlogs and a slash 20 cm (8 in) long for fuelwood/conifer logs/pulp. A similar mark shall be placed at the base of the <i>tree</i> below the saw line and extending to the ground. All <i>trees</i> shall be marked facing the same direction, unless the terrain requires a change in direction, in which case the marking will proceed consistently with the terrain.</p>	<p><u>CONTRACTOR INFORMATION: (if different from above)</u></p> <p>Surname: _____</p> <p>Given Name: _____</p> <p>Mailing Address: _____</p> <p>Postal: _____ Telephone #: _____</p> <p>Person in charge of Harvesting of Trees: _____</p> <p>Estimated Starting Date: _____</p> <p>The person in charge of the harvesting of trees is required to provide 24 hours notice (prior to the start of the harvest date) to Customer Service by e-mail (customerservice@oxfordcounty.ca) or fax (519-537-1053)</p>
<p>DESCRIPTION OF AREA</p> <p>Indicate NORTH</p>	<p><u>Map must be legible and include:</u></p> <ul style="list-style-type: none"> • Preferred entry points for inspection • Location/name of surrounding roads • Location of buildings on property • Forested areas and harvest areas • Log landing(s) • Power lines and Municipal ditches <p>It is requested that if loggers are working near or adjacent to power lines that they contact the local Hydro Utility Company for assistance to prevent an accident and any damage that may occur to power lines and equipment due to a logging accident</p> <p>Please indicate if the property is enrolled in:</p> <p>Conservation Land Tax Incentive Program <input type="checkbox"/></p> <p>Managed Forest Tax Incentive Program <input type="checkbox"/></p>

By-Law and acknowledge having received a copy thereof. I further agree that any *tree harvested* will be in accordance with *Good Forestry Practice*.

Further, I agree to contact the *By-law Officer* (in person at the County Administration Building, 21 Reeve Street, Woodstock) or Customer Service at customerservice@oxfordcounty.ca; or by fax: 519-537-1053, 24 hours prior to commencing the *harvesting of trees*.

Signature of Prescription Writer Date Signature of Tree Marker (if applicable) Date

Signature of Landowner Date Signature of Contractor (if applicable) Date

Please circle the appropriate response:

The OPFA member was employed by: Landowner Contractor Other

The Tree Marker was employed by: Landowner Contractor Other

Will the OPFA member or Tree Marker be monitoring the harvest for contract compliance? Yes No

I UNDERSTAND THAT UNDER THE AUTHORITY OF THIS BY-LAW AND THE MUNICIPAL ACT, R.S.O. 2001, C.25, AN APPOINTED OFFICER CAN ENTER THE DESCRIBED PROPERTY FOR THE PURPOSES OF UNDERTAKING AN INSPECTION.

FURTHER, I UNDERSTAND THAT IF THE WOODLANDS WILL NOT BE HARVESTED WITHIN 24 MONTHS FROM THE RECEIPT OF THIS NOTICE OF INTENT, THE NOTICE OF INTENT WILL BE VOIDED.

THE LANDOWNER, BY SIGNING THIS APPLICATION, ACKNOWLEDGES AND AGREES TO ALL TERMS AND CONDITIONS OF WOODLANDS CONSERVATION BY-LAW NO. 6035-2018.

SCHEDULE "D"

COUNTY OF OXFORD

NOTICE OF INTENT - CIRCUMFERENCE HARVEST

PURSUANT TO WOODLANDS CONSERVATION BY-LAW NO. 6035-2018

Completed Application must be received by the *By-law Officer* at least 10 business days prior to the commencement of the harvest, destruction or injury of trees. All sections must be filled out completely, to the satisfaction of the *By-law Officer*.

Please submit the completed application to County of Oxford Customer Service, P.O. Box 1614, 21 Reeve Street, Woodstock, ON N4S 7Y3 or by e-mail to customerservice@oxfordcounty.ca or by fax to 519-537-1053.

The *By-law Officer* can be contacted at 519-539-9800, or by e-mail at customerservice@oxfordcounty.ca.

PLEASE PRINT CLEARLY

Property Owner: _____

Address: _____ Postal Code: _____

Phone: Residence _____ Business _____ Fax _____

E-mail _____

Contractor: _____

Address: _____

Postal Code: _____ Telephone: _____

Fax: _____ E-mail: _____

On Site Person in charge of harvest of trees: _____

Expected starting date: _____

Subject Property: Location

Lot: _____ Concession: _____ 911 Address: _____

Municipality: _____

Reason for Removal: Commercial Timber Harvest _____ Stand improvement _____

Firewood Removal _____ Other _____

Approximate size of woodland: _____

Area of harvest (indicate on sketch): _____

Trees marked by: _____

Address: _____

Telephone: _____ E-mail: _____

Qualifications: _____

It is the responsibility of the owner or authorized agent to have marked with paint, on 2 sides, and at the base all the *trees* to be *harvested* with this Notice of Intent.

If the *woodland* will not be *harvested* with 24 months of receipt of this Notice of Intent, it will become null and void.

The Notice of Intent or copy must be on site at all times and in possession of the person in charge of cutting.

Each copy of the application must be accompanied by a sketch showing:

- a) the location of subject property, its boundaries and dimensions, including names of all road allowances, streets or highways abutting the property;
- b) location of woodlands on subject property (including approximate dimensions);
- c) abutting land owners;
- d) the distance between the subject land and the nearest township lot line or appropriate landmark (e.g. bridge, railway crossing, etc.);

TREE HARVEST SUMMARY

(A legible tally sheet can be substituted and attached)

Tree Species	No.	SKETCH PLAN	
		USE THIS PAGE FOR SKETCH PLAN AND RETURN WITH APPLICATION FORM. Indicate North	
Total Trees			

If the landowner is selling standing timber to a contractor for removal, has a contract been signed between the landowner and the contractor? YES ____ NO ____

I agree that all *tree* cutting will be in accordance with the provisions of the County of Oxford Woodlands Conservation By-Law No. 6035-2018, and that I am familiar with the components and requirements of this By-Law and acknowledge having received a copy thereof.

Further, I agree to contact the *By-law Officer* (in person at the County Administration Building, 21 Reeve Street, Woodstock or Customer Service at customerservice@oxfordcounty.ca; or by fax: 519-537-1053, 24 hours prior to commencing the *harvesting* of *trees*.

DATED at _____ this _____ day of _____, 20__.

Signature of Contractor

Signature of Landowner or Authorized Agent

SCHEDULE "E"

APPLICATION FOR ADMINISTRATIVE AND/OR COMMITTEE EXEMPTION

Completed Application, including the application fee, must be received by the *By-law Officer* at least **30 business days** prior to the commencement of the *harvest, destruction or injury of trees*. All sections must be filled out completely, to the satisfaction of the *By-law Officer*.

Payment may be made by cash, cheque or credit card. Cheques should be made payable to the Corporation of the County of Oxford in the amount as indicated in Schedule "A", as amended from time to time.

Please submit the completed application to County of Oxford Customer Service, P.O. Box 1614, 21 Reeve Street, Woodstock, ON N4S 7Y3 or by e-mail to customerservice@oxfordcounty.ca or by fax to 519-537-1053. The *By-law Officer* can also be contacted at 519-539-9800, or by e-mail at customerservice@oxfordcounty.ca.

PLEASE PRINT CLEARLY

Name(s) of Registered Owner _____

Address: _____ Postal Code: _____

Telephone: Home: _____ Business: _____ Fax: _____

E-Mail: _____

Applicant (if other than the registered owner)

Location of Trees Affected/Ownership

Municipality: _____ Assessment Roll #: _____

Lot: _____ Concession: _____ 911 Address: _____

Is the property owned by the applicant? _____ YES _____ NO (if NO, authorizing letter must be attached)

If purchased within the last three years, state name and address of former owner and the date property was purchased.

Property/Forest Description

This application is requesting permission to remove the following: (please indicate)

Total area: _____ Hectares: _____ Acres: _____

Total *Woodland* size on property: _____ Hectares: _____ Acres: _____

Tree species to be destroyed on the described land:

This Exemption is requested for the following reasons, including description of end use after trees have been destroyed:

Is the applicant willing to offset the destruction of trees on the subject property through replanting trees on the said property? _____ YES _____ NO

If the applicant cannot replant in lieu of destruction is the applicant willing to make payment in lieu of destruction? _____YES _____NO

Personal information on this form is collected under the authority of the *Municipal Act*. Pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*, questions about the collection of personal information should be directed to the *County Clerk*.

Owner

Date

Applicant

Date

SCHEDULE "F"

PUBLIC NOTICE

WOODLANDS CONSERVATION BY-LAW NO. 6035-2018

This posted notice does not imply unrestricted access. Interested parties must receive permission to enter these forested lands from the landowner.

AN APPLICATION FOR AN EXEMPTION TO WOODLANDS CONSERVATION BY-LAW NO. 6035-2018 HAS BEEN RECEIVED BY THE COUNTY OF OXFORD AFFECTING THESE LANDS.

Municipality: _____ Assessment Roll #: _____

Lot: _____ Concession: _____ 911 Address: _____

Landowner: _____

THE APPLICATION
SUBMITTED REQUESTS THE CLEARING OF _____
HECTARES OF FORESTED LAND.

Deadline for Written Comments:

COMMENTS CAN BE SUBMITTED TO THE ADDRESS LISTED BELOW:

Community Planning Office
County of Oxford,
P. O. Box 1614, 21 Reeve Street
Woodstock, ON N4S 7Y3

This Notice is posted under the authority of the County of Oxford Woodlands Conservation By-Law No. 6035-2018

This Notice is to remain posted no less than ten (10) business days prior to the consideration of this application.

FURTHER INFORMATION OR WRITTEN NOTICE IS AVAILABLE FROM

Community Planning Office
519-539-9800 or by e-mail at planning@oxfordcounty.ca

SCHEDULE "G"

ORDER TO DISCONTINUE ACTIVITY

YOU ARE HEREBY DIRECTED AND ORDERED TO forthwith stop, halt, cease and desist from any and all works associated with the destruction of trees or removal thereof from those lands comprising;

MUNICIPAL ADDRESS/LEGAL DESCRIPTION OF THE PROPERTY:

LOT: _____ CONCESSION: _____ MUNICIPALITY: _____

OWNER/INDIVIDUAL RESPONSIBLE FOR DESTRUCTION OR INJURY OF TREES:

DESCRIPTION OF INFRACTION:

Date of Inspection: _____

Effective Order Date: _____ To: _____

Signature of Officer: _____ Date: _____

SCHEDULE "H"

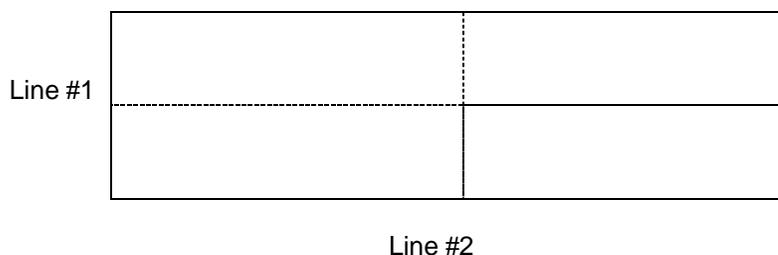
BASAL AREA CALCULATION AND ASSESSMENT

1. Point Sampling is defined as a method of selecting trees for measurement and for estimating stand basal area using tree size rather than frequency as the main parameter. Trees are tallied at a sample location or point sample, with the selection probability being proportional to the *basal area* of the *trees*. In point sampling, a 360-degree sweep is made with an angle gauge about a fixed point, and the stems whose breast height diameter appear larger than the fixed angle subtended by the angle gauge are included in the sample. Point samples will be taken using a factor 2 prism.

2. Basal Area will be assessed every 30 m (98.5 ft) along a fixed compass bearing through a forest stand in which *harvesting* has occurred. The first point sample will be placed 50 m (164 ft) from the ecological boundary of the *woodland*. No less than 4 point samples will be taken along a compass bearing through a forest stand. If the width of the forest stand is greater than 130 m (426 ft), two parallel lines spaced 50 m apart shall be established along the fixed compass bearing through the centre of the forest stand where the harvesting has occurred. If the average *basal area/hectare* is found to be below the requirements of the By-law, then a second compass line will be established from the mid-point of the 1st compass line and will run in a direction 90° from the compass bearing from the 1st line.

3. Where the width, length, shape or topography of a forest stand does not allow for the minimum placement of point samples within the required configuration outlined in Section 2 above, a random placement of sample points shall be used to assess overall average basal area, provided there is at least 50 m (164 ft) between all point samples.

See sample illustration below:



4. Where the width of the woodland does not allow the 30 m (98.5 ft) fixed compass bearing, one line will be established along a fixed compass bearing down the centre of the *woodland*.

The following format will be used in calculating average *basal area* per hectare:

Stations Tallied

STATIONS:	1	2	3	4	5	6	7	8	9	10	11	12
TREE SIZE CLASSES	POLE 10 - 24 cm		SMALL 26 - 38 cm		MEDIUM 40 - 48 cm		LARGE 50 - 60 cm		X-LARGE 62+ cm		TOTAL	
SPECIES	AGS	UGS	AGS	UGS	AGS	UGS	AGS	UGS	AGS	UGS	AGS	UGS

** Total Number of Trees (____) x Basal Area Factor (____) = (____) Overall Average BA/Ha
of Stations (____)

Basal Area Calculation and Assessment

To assess tree infractions, a minimum of 1 plot per hectare will be established for areas up to 10 ha (25 ac), and 1 plot for every additional 5 ha (12 ac). Plots will be placed 80 m (262 ft) apart and 40 m (131 ft) from stand edges.

In cases where the maximum *DBH* encountered is less than 60 cm (24 in), the plot distance may be 60 m (197 ft) and 30 m (98.5 ft) from the stand edges. In any case sampling is to be done by a method customarily used in forestry practice.

SCHEDULE "I"

NOTICE of TREE HARVEST

DO NOT ENTER during harvesting for your own safety.

This notice does not imply unrestricted access.

Permission to enter these lands must be granted by the landowner.

Contractor: _____

Phone: _____

Owner: _____

Timber Harvest Date: _____

Timber Marked By: _____

Phone Number of Marker: _____

This Notice is posted under the authority of the County of Oxford Woodlands Conservation By-Law No. 6035-2018.

This Notice is to be posted prior to the commencement of harvest and remain posted no less than 10 days after completion of harvest. Failure to post and removal prior to this period is a chargeable offence.

If you should have any questions or concerns regarding this timber harvest, please contact:

County of Oxford Customer Service at 519-539-9800 or via e-mail at customerservice@oxfordcounty.ca

TICKETABLE OFFENCES

SHORT FORM WORDING	Offences Creating Provision	Set Fine, includes Court Costs
Failing to notify the County of Oxford prior to the injuring or destruction of trees by the landowner or person acting on behalf of the landowner.	Sections 8(a) and 8(b)	\$400.00 plus court costs
Failure to erect a sign	Section 8(d)	\$400.00 plus court costs
Failure to give 24 hours notice.	Section 8(e)	\$400.00 plus court costs
Contravening the conditions of a Permit.	Sections 8 and 11(a)	\$400.00 plus court costs
Attempt to obstruct an Officer.	Section 12(d) and 12(e)	\$400.00 plus court costs