

THE CORPORATION OF THE COUNTY OF GREY
BY-LAW # 4341-06
BEING THE FOREST MANAGEMENT BY-LAW FOR THE COUNTY OF GREY
TO PROMOTE SUSTAINABLE FOREST MANAGEMENT PRACTICES AND
TO PROHIBIT OR REGULATE THE DESTRUCTION OR INJURING OF TREES IN
WOODLANDS IN THE COUNTY OF GREY
(as amended by By-Laws 4443-07, 4515-08, 4652-10 and 4734-11)

WHEREAS Section 135(2) of the *Municipal Act, 2001*, S.O. 2001, c.25, (the "Act") as amended, permits the enactment of a By-Law by the Council of the County of Grey to prohibit or regulate the destruction or injuring of trees in Woodlands;

AND WHEREAS Section 135(5) of the Act requires that a by-law passed shall have regard to Good Forestry Practices;

AND WHEREAS Council has determined that it is desirable to enact such a By-Law for the purpose of maintaining and improving the forest, soil, game and fish resources of the County by preserving and improving the Woodlands of the County through promoting Good Forestry Practices to sustain healthy Woodlands;

NOW, THEREFORE, THE COUNCIL OF THE COUNTY OF GREY HEREBY ENACTS AS FOLLOWS:

1.0 Definitions

In this By-Law:

- 1.1 "Authorized Agent" means an individual who is authorized in writing to sign on the Owner's behalf.
- 1.2 "Basal Area" means that area of the cross section of the stem of a tree taken at a point of measurement 1.3 metres (4.5 feet) above the highest point on the tree where the ground meets the base of the tree.
- 1.3 "Building Permit" means a building permit issued under the *Building Code Act, 1992*, S.O. 1992, c.23, as amended.
- 1.4 "Business Day" means any day falling on or between Monday and Friday of each week but does not include New Year's Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Civic Holiday, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day.
- 1.5 "Circumference" means the measurement of the perimeter or outer boundary of a stem or trunk of a tree with such measurement including the bark of the stem.
- 1.6 "Clear Cut" shall mean the practice of cutting substantially all of the trees from a defined area of land.
- 1.7 "Clerk" shall mean the County Clerk for the Corporation of the County of Grey

or his or her designate.

- 1.8 “Conifer Plantation” means an artificially reforested area established by planting or by direct seeding of trees belonging to the order Coniferae, usually evergreen with cones, needle-shaped leaves and producing wood known commercially as softwood.
- 1.9 “Coppice Growth” means where more than one tree stem grows from a single tree stump.
- 1.10 "Council" means the council of the Corporation of the County of Grey.
- 1.11 “Diameter” means the diameter of the stem of a tree measured outside the bark at a specified Point of Measurement.
- 1.12 “DBH” means the diameter of the stem of a tree measured at a point that is 1.3 metres (4.5 feet) above the ground.
- 1.13 “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.
- 1.14 “Officer” means an individual designated by Council for the administration and enforcement of this By-Law pursuant to Section 135 (11) of the Act.
- 1.15 “Owner” means a person having any right, title, interest or equity in land.
- 1.16 “Order” means an order issued pursuant to Section 8 of this By-Law.
- 1.17 “Own Use” means use that does not include a sale, exchange or other disposition of trees destroyed or injured.
- 1.18 “Permit” means the written authorization as provided for and contemplated by this By-Law.
- 1.19 "Point of Measurement" means that point on the tree trunk measured immediately above the highest point of the ground in an undisturbed state at the base of 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 1.27 metres (50 inches) from where the ground meets the base of the tree.
- 1.20 “Qualified Associate Member” means a person designated under the by-laws of the Ontario Professional Foresters Association (OPFA) as an Associate Member who holds an appropriate certificate of registration in the OPFA.
- 1.21 “Qualified Tree Marker” means:
 - a) an individual who is a Certified Tree Marker in good standing as designated

by the Ontario Ministry of Natural Resources Certified Tree Marker Training Program, or;

- b) a Registered Professional Forester qualified to do tree marking or;
- c) a qualified Associate Member of the Ontario Professional Foresters Association qualified to do tree marking or;
- d) a Forest Technician qualified to do tree marking

acting in compliance with the *Professional Foresters Act, 2000*, S.O. 2000, c.18, as amended.

- 1.22 “Registered Professional Forester” means a person so designated in the *Professional Foresters Act, 2000*, S.O. 2000, c.18. as amended.
- 1.23 “Sensitive Natural Area” for the purpose of this By-law means a provincially designated Life Science Area of Natural and Scientific interest, or a wetland designated as regionally or provincially significant, or any portion of a Woodland located within 30.5 metres (100 feet) of the water’s edge of a lake, a river, or a stream.
- 1.24 “Silvicultural Prescription” means a site specific operational plan that describes the forest management objectives for an area. It prescribes the methods for harvesting the existing forest stand and a series of silvicultural treatments that will be carried out to establish a future growing stand in a manner that accommodates other resource values as specified.
- 1.25 “Silviculture” means the theory and practice of controlling forest establishment, composition, growth and quality of forests to achieve the objectives of management.
- 1.26 “Subsequent conviction” means a conviction that is registered after a conviction regardless of whether the convictions are on the same day.
- 1.27 “Tree” means any species of woody perennial plant, including its root system, which has reached or can reach a height of 4.5 metres (14.76 feet) at physiological maturity.
- 1.28 "Woodlands" means land that is one hectare or more in area with at least:
 - a) 1000 trees, of any size, per hectare;
 - b) 750 trees, measuring over five (5) centimetres/1.96 inches in Diameter at DBH, per hectare;
 - c) 500 trees, measuring over twelve (12) centimetres/4.72 inches, in Diameter at DBH, per hectare; or
 - d) 250 trees, measuring over twenty (20) centimetres/7.87 inches in Diameter at DBH, per hectare;

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

2.0 Application of By-Law

This by-law shall apply to all Woodlands within the County of Grey.

3.0 General Prohibition

3.1 Except as provided in section 4:

a) Good Forestry Practices

no person through their own actions or through any other person shall harvest, destroy or injure any living tree in a Woodlands unless the person who is harvesting, destroying or injuring trees has done so in accordance with Good Forestry Practices as prescribed by a Qualified Tree Marker and the person who is harvesting, destroying or injuring trees has abided by Section 6; or

b) Circumference Limit

no person shall harvest, destroy or injure those trees in Woodlands which have not attained at the specified Point of Measurement the Circumference which equals or is greater than the minimum Circumference prescribed for the species in Schedule "A" hereto and the average Basal Area of the Woodlands being harvested is not reduced below a Basal Area of less than 20m² per hectare of trees (87 square feet per acre of trees) measuring 10 centimetres (3.9 inches) or more at DBH when sampled using recognized forest sampling procedures and the person who is harvesting, destroying, or injuring trees has abided by Section 6.

3.2 In addition to and notwithstanding Section 3.1;

a) except in accordance with Section 3.1 a), no person through their own actions or through any other person shall harvest, destroy, or injure a tree located in a Conifer Plantation;

b) except in accordance with Section 3.1 a), no person through their own actions or through any other person shall harvest, destroy, or injure a tree located in a Sensitive Natural Area;

c) no person shall harvest, destroy, or injure trees so as to reduce the number of trees per hectare below the minimum number of trees per hectare required to constitute Woodlands;

d) no person shall harvest, destroy, or injure a tree that has not been marked. The person responsible for marking such trees shall mark those trees to be harvested, destroyed, or injured with a paint mark of at least 5 centimetres

- (1.97 inches) in area and visible on at least two (2) opposite sides of the tree as well as the base of the tree in such a fashion that such marks will be visible after harvesting, destruction, or injury is complete. In Conifer Plantations where row thinning has been prescribed, the person responsible for marking the trees is hereby exempted from the requirement to mark the base of each tree to be harvested;
- e) where trees are marked for harvest, destruction, or injury in accordance with this By-Law, no person shall fail to harvest any tree so marked unless to do so would breach the provisions of the *Occupational Health and Safety Act*, R.S.O. 1990, c.O.1;
 - f) in cutting or removing any tree, no person shall so conduct his operations as to unnecessarily injure or damage any other tree;
 - g) no person shall operate a vehicle, machinery or equipment or conduct operations in a manner or at a time, that results in the leaving of any part of a tree in a watercourse including any trees that have not been cut, but have been pushed, knocked over or otherwise ended up in a watercourse; and
 - h) the land Owner shall be responsible for ensuring that the boundaries of the property to be harvested are marked and that adjacent neighbours are notified.

4.0 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 Forestry Sustainability Act, 1994*, S.O. 1994 c.25;
- c) the injuring or destruction of trees by a person licensed under the *Surveyors Act*, R.S.O. 1990 c.S.29 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*, R.S.O. 1990 c.P.13 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 as a condition after December 31, 2002 to a development permit authorized by regulation made under section 70.2 of the *Planning Act*, R.S.O. 1990 c.P.13 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*, S.O. 1998 c.15 Sched. A, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms as 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*, R.S.O. 1990 c.A.8; or
- 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*, R.S.O. 1990 c.A.8 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*, R.S.O. 1990 c.P.13.
- i) the injuring or destruction of trees where the Owner of the Woodlands has been granted an exemption by Council pursuant to section 5;
- j) the injuring or destruction of trees that is required in order 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 destroyed or injured that is located more than 15 metres (49.2 feet) from the outer edge of the building, structure or thing;
- k) the injuring or destruction of trees that is required in order to install and provide utilities to the construction or use of the building, structure or thing in respect of which a Building Permit has been issued;
- l) the injuring or destruction of trees that is required in order to install and provide utilities to a single lane driveway for vehicular access to the building, structure or thing in respect of which a Building Permit has been issued;
- m) the Owner of the Woodlands that has destroyed or injured trees for his or her Own Use where the Owner has been the registered Owner of the Woodlands for at least two years prior to the date of the commencement of the destruction or injury of the trees;
- n) the destruction or injury of trees where the trees are destroyed or injured pursuant to a legally binding contract if:
 - i) the Owner of the Woodlands has given notice under section 6; and
 - ii) the contract was signed within one year immediately preceding the date on which this By-Law was passed and;
 - iii) proof of the signed contract and payment in full has been submitted to

the Officer and;

- iv) the trees are injured or destroyed in a manner consistent with By-Law No. 4341-06.
- o) the injuring or destruction of trees to prevent the encroachment of woodlands on agricultural production resources that occur during the pursuit of normal farming practices as outlined under the Farming and Food Production and Protection Act, S.O. 1998, c.1.

5.0 Minor Exemption (Woodlands Clearing or Clear Cut)

- 5.1 In order to be considered for an exemption to Section 3 the Owner of the Woodlands must apply to the Clerk for a Minor Exemption at least three months prior to the anticipated commencement of harvesting, injury or destruction of trees by submitting a completed application form as prescribed in Schedule "B".
- 5.2 Within fifteen (15) calendar days after the receipt of the application for Minor Exemption, the Clerk shall send, by regular mail, written notice to the applicant, all assessed owners of each parcel of land that abuts the subject lands and to such other persons or agencies as prescribed by the Standing Committee.
- 5.3 Anyone notified by mail regarding the application for Minor Exemption shall have 20 calendar days to provide written comments regarding the application to the Clerk.
- 5.4 The Standing Committee shall provide an opportunity to hear any person who wishes to speak to an application for Minor Exemption.
- 5.5 The Standing Committee shall consider the application, comments and any conditions to the Minor Exemption and make a decision whether to grant the application and therefore the Minor Exemption.
- 5.6 When granting an application, the Standing Committee may include terms or conditions on the Minor Exemption.
- 5.7 If the applicant objects to the terms and/or conditions on the Minor Exemption they shall have 15 calendar days after the final decision to appeal the decision/conditions set out in the permit to the Standing Committee.
- 5.8 When denying an exemption, the applicant shall be notified in writing.
- 5.9 Any person who has submitted and was granted a Minor Exemption in accordance with this By-Law shall erect and display a sign in the form as outlined in Schedule "C" hereto at the entrance of the adjoining public roadway to the lands where the harvest, destruction or injury of trees is to occur, which sign to be clear and visible to all persons, erected ten (10) days prior to the commencement of such operations and remain erected in such place until ten (10) days after the completion of such operations.

- 5.10 Fees: see Grey County Fees & Service Charges By-law. Should involvement of a conservation authority be warranted, additional fees may be collected from the landowner.

6.0 Permit Applications

- 6.1 No person shall harvest, destroy or injure trees without a permit.
- 6.2 All persons who intend to harvest, destroy or injure trees personally or through another person under Section 3.1 a) or Section 3.1 b) of this By-Law shall abide and comply with the conditions of the permit.
- 6.3 Every Owner of Woodlands or person acting on behalf of the Owner who intends to harvest, destroy, or injure trees personally or through another person under Section 3.1 a) or Section 3.1 b) of this By-Law shall complete and submit to the Clerk an application to harvest, destroy, or injure trees as prescribed in Schedule "D" hereto not less than five (5) days prior to the commencement of such harvest, destruction or injury.
- 6.4 Every Owner of Woodlands or person acting on behalf of the Owner shall submit a Silvicultural Prescription for the Woodlands to be harvested.
- 6.5 Where the Permit application meets all of the requirements of this By-Law and other applicable law, a Permit shall be issued by the Officer within five (5) business days.
- 6.6 Applications for Permits shall be deemed not complete and no Permit shall be issued if:
- a) applications have not been completed in full; and
 - b) the substantive requirements that must be submitted with an application have not been included; and
 - c) applications are not in keeping with the general purpose and intent of this By-Law.
- 6.7 Any Permit contemplated by this By-Law may be:
- a) issued to the applicant for a term of up to one year;
 - b) renewed by an Officer for one term of one year;
 - c) renewed by Council for an exemption Permit for one term of one year.
- 6.8 An Officer may impose conditions to a Permit that relate to;
- a) a particular practice or requirement pertaining to Good Forestry Practices as defined in this By-Law;
 - b) a requirement that the work proceed in stages and is subject to inspection by an Officer at the completion of each stage before the next stage can be

proceeded with;

- c) the submission of additional information reasonably required to the satisfaction of the Officer before the Permit becomes effective and;
- d) a requirement to comply with other applicable law.

6.9 Any person who has submitted an application to harvest, destroy, or injure trees in accordance with this By-Law shall also erect and display a sign in the form as outlined in Schedule “C” hereto at the entrance at the adjoining roadway to the lands where the harvest, destruction, or injury of trees is to occur, which sign to be clear and visible to all persons, erected prior to the commencement of such operations and remain erected in such place until five days after the completion of such operations.

6.10 Any person who has submitted an application to harvest, destroy, or injure trees pursuant to this By-Law shall notify the Officer at least two Business Days prior to the start of such harvest, destruction, or injury of trees.

7.0 Appeals To The Municipal Board

7.1 An applicant for a Permit under Section 6 may appeal to the Ontario Municipal Board if;

- a) the municipality refuses to issue a Permit, within 30 days after the refusal; or
- b) the municipality fails to make a decision on the application, within 45 days after the application is received by the Officer; or
- c) If the applicant objects to a condition of the Permit, within 30 days after the issuance of the Permit.

8.0 Orders to Discontinue Activity

8.1 Where an Officer is satisfied that a contravention of this By-Law has occurred, the Officer may make an Order requiring the person who contravened the By-Law or who caused or permitted the injuring or destruction of trees in contravention of the By-Law to stop the injuring or destruction of trees. The Order shall set out the information contained in Schedule “E”.

8.2 Any person who has received an Order to discontinue activity shall abide by and comply with the Order.

8.3 An Order issued under this section may be served personally or served by sending it by registered mail to the last known address of;

- a) the Owner of the Woodlands; and
- b) the person identified as injuring, destroying or harvesting a tree or trees.

8.4 Where service of an Order is made by registered mail, the Order shall be

deemed to have been served on the fifth day after the Order is mailed.

- 8.5 In addition to section 8.3, it is deemed sufficient service on the person to whom the Order is directed, if the Officer places a placard containing the terms of the Order in a conspicuous place on the affected lands containing the information in Schedule "E".
- 8.6 If the person to whom the Order is directed is not satisfied with the terms of the Order, the person may appeal to Council by filing a Notice of appeal by personal service or registered mail to the Clerk within 30 days of the date of the Order.
- 8.7 Where an appeal has been filed, Council shall hear the appeal and have all the powers and the functions of the Officer.
- 8.8 Before conducting a hearing under this section, the Clerk shall give notice to such persons or direct that notice be given to such persons as the Clerk considers should receive notice and in the manner directed by the Clerk.
- 8.9 After hearing an appeal, Council may confirm or revoke any Order issued under this By-Law or may issue a Permit with conditions, provided that in the opinion of the Council, the general intent and purpose of this By-Law has been maintained.
- 8.10 The proceedings at the hearing held by the Council shall be in accordance with the provisions of the *Statutory Powers Procedures Act*, R.S.O. 1990, c.22. The decision of the Council under this section is final.

9.0 Penalty

- 9.1 A person who contravenes any provision of this By-Law or an Order issued under section 8 is guilty of an offence and is liable:
 - a) in the event the Officer proceeds pursuant to Part I of the *Provincial Offences Act*, R.S.O. 1990 c.P.33 with respect to the offences referred to in Schedule "F", to pay the fine determined in accordance with Schedule "F";
or
 - b) in the event the Officer proceeds pursuant to Part III of the *Provincial Offences Act*, R.S.O. 1990 c.P.33,
 - i) on first conviction, to a fine of not more than \$10,000 or \$1,000 per tree, whichever is greater; and
 - ii) on any subsequent conviction, to a fine of not more than \$25,000 or \$2,500 per tree, whichever is greater.
 - c) Despite Section 9.1 b), where the person convicted is a corporation;
 - i) on first conviction, to a fine of not more that \$50,000 or \$5,000 per tree,

- ii) on any subsequent conviction, to a fine of not more than \$100,000 or \$10,000 per tree.
- d) If a person is convicted of an offence for contravening this By-Law or an Order issued under section 8, 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 such period as the court considers appropriate, including any Silvicultural treatment necessary to re-establish the trees and failure to comply with any such order constitutes an offence under this By-Law.

10.0 Enforcement

- 10.1 This By-Law shall be enforced by an Officer appointed by the municipality.
- 10.2 Section 435 (1), (2) and Section 436 (1), (2) of the Municipal Act, 2001 as amended, permits an Officer of the municipality 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. The power to inspect any land does not extend to entry into any building.
- 10.3 No person shall obstruct or interfere with an Officer in the discharge of his or her duties under this By-Law.

11.0 Administration

- 11.1 This By-Law shall apply throughout the County of Grey to trees growing in Woodlands.
- 11.2 Schedules “A” through “F” inclusive shall form part of this By-Law.
- 11.3 This By-Law is written in metric. Imperial measurements have been included for information only.
- 11.4 If any section or sections of this By-Law or parts thereof are found by any Court 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 there from and continue in full force and effect unless and until similarly found illegal.
- 11.5 The short title of this By-Law is the “Forest Management By-Law”.
- 11.6 By-Law 4129-04 of the Corporation of the County of Grey shall be repealed effective on the coming into force and effect of this By-Law.
- 11.7 The responsibilities of Council under this By-Law are hereby delegated to the Planning and Community Development Committee or its successor committee.
- 11.8 Despite subsection 11.5 of this section, By-Law 4129-04 of the Corporation of

the County of Grey shall continue to apply to proceedings in respect of offences that occurred before its repeal, except for enforcement of contraventions of By-Law 4129-04.

ENACTED AND PASSED this 28th day of November, A.D. 2006.

WARDEN: Robert D. Pringle

CLERK: Sharon Vokes

SCHEDULE A

FOREST MANAGEMENT BY-LAW 4341-06

CIRCUMFERENCE LIMITS BY CATEGORY OF TREE SPECIES

Species A: sugar maple (hard), white pine, white ash, red oak.

POINTS OF MEASUREMENT

30.48 cm (12 inches)
20.32 cm (8 inches)
15.24 cm (6 inches)

CIRCUMFERENCE MEASUREMENT

1.57 m (62 inches)
1.78 m (70 inches)
1.93 m (76 inches)

Species B: silver maple, red maple, white elm, rock elm, basswood, other oak species, black cherry, beech, yellow birch, butternut, hemlock, hickory, spruce, red pine, green ash, black ash.

POINTS OF MEASUREMENT

30.48 cm (12 inches)
20.32 cm (8 inches)
15.24 cm (6 inches)

CIRCUMFERENCE MEASUREMENT

1.27 m (50 inches)
1.47 m (58 inches)
1.57 m (62 inches)

Species C:
tamarack, **poplar**, European larch.

white birch, white cedar, balsam fir,

POINTS OF MEASUREMENT

30.48 cm (12 inches)
20.32 cm (8 inches)
15.24 cm (6 inches)

CIRCUMFERENCE MEASUREMENT

.63 m (25 inches)
.84 m (33 inches)
.94 m (37 inches)

FOREST MANAGEMENT BY-LAW 4341-06 SCHEDULE B

APPLICATION FOR A MINOR EXEMPTION

PLEASE PRINT CLEARLY USING BLACK INK

All Sections are to be filled out completely. Failure to do so will result in making this Application null and void. Completed forms must be sent to the County Clerk, County of Grey at 595 9th Avenue East Owen Sound, ON N4K 3E3. **A PERMIT IS VALID FOR ONE YEAR AFTER DATE OF ISSUANCE.**

Name(s) of Owner: _____

Address including postal code: _____

Telephone Number: Residence: (____) _____ Business (____) _____ Fax _____

Email: _____

Location of Trees Affected/Ownership

Municipality: _____ Assessment Roll Number _____

Lot: _____ Concession: _____ Former Township: _____ Civic Number: _____

Property owned by applicant? YES Length of time owned by applicant: _____
 NO (if no, authorizing letter must be attached)

Property/Forest Description

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

Total Number of Woodland Hectares (Acres) on the Property: _____ Hectares Acres

If the woodland has been harvested in the past three years, state name of contractor and date of harvesting activities:

Description of trees species on the described land: _____

Description of trees to be destroyed on the described land: _____

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

Draw a map of property which you own and identify North, abutting lots, concessions and property owners. Map should show description of lands of the Owner, a description of species and extent of trees subject of this specific Minor Exemption Application. (if more space is required, please use a separate sheet and attached to application).

<p>Indicate North</p> 

Requirements / Information

- I. A Minor Exemption must be completed in full in order to be processed.
- II. A \$300.00 Application Fee has been included with the Minor Exemption Application.
- III. It shall be normal practice that when an owner or his authorized agent makes an inquiry with regard to Forest Management By-Law 4341-06 as amended by By-Law 4734-11 that the By-Law Enforcement Officer will make an inspection of the property to determine whether or not an application for a Minor Exemption is necessary.
- IV. An information summary describing the application area and the forest cover components will be prepared by the Officer.
- V. If the application is approved an on-site inspection will be made and the perimeter of the forest cover which will remain will be marked by tree marking paint or some other means, to clearly indicate the extent of the approved Minor Exemption for Woodlands clearing area. Trees destroyed outside any approved area will be considered a violation under the Forest Management By-Law.

I agree that this application has been completed in compliance with the provision of Forest Management By-Law No. 4341-06 as amended by By-Law 4734-11 of the Corporation of the County of Grey and that I am familiar with the requirements of this By-Law.

Applicant's Signature: _____

Date: _____

Personal information on this form is collected under the authority of the *Municipal Act, 2001*. Pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*, questions about the collection of personal information should be directed to the Clerk.

PLEASE FORWARD THIS FORM TO:

**County Clerk
Corporation of the County of Grey
595 9th Avenue East
Owen Sound, ON N4K 3E3
(519) 376-2205
Fax: (519) 376-8998**

FOR OFFICE USE ONLY:

The Permit is hereby:

- Granted**
- Granted with the following conditions:**

- Refused for the following reasons:**

DATE OF ISSUANCE OF PERMIT: _____

DATE OF EXPIRY OF PERMIT: _____

Signature of County Clerk

FOREST MANAGEMENT BY-LAW 4341-06 SCHEDULE C

APPLICATION # _____

NOTICE OF TIMBER HARVEST

DO NOT ENTER during harvesting activities for your own safety. This posted notice does not imply unrestricted access. Interested parties must receive permission to enter these lands from the landowner.

Owner: _____

Contractor: _____

Phone Number: (____) _____

Timber Harvest Date: _____

Timber to be Harvested Marked by: _____

Type of Harvest:

Good Forestry Practices

Circumference Limits

Special Council Permit - (Woodlands clearing)

This Notice is posted under the authority of Forest Management By-Law 4341-06. This Notice is to remain posted prior to the commencement of the harvesting and no less than five days after completion of the harvest. Removal prior to this period is a chargeable offence.

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

Grey County By-Law Enforcement

Office (519) 376-3076 extension 277

Cell (226) 668-1721

Notice of Timber Harvest Guidelines

- Erect and display this sign at the entrance at the adjoining roadway to the lands where the activity is occurring.
- Ensure the sign is clear and visible to all persons.
- Post the sign at the commencement of the operations.
- Sign to be removed five days after the completion of the operations.

GREY COUNTY FOREST MANAGEMENT BY-LAW 4341-06 SCHEDULE D
APPLICATION TO HARVEST, DESTROY OR INJURE TREES
 Amended by By-Law 4734-11

PLEASE PRINT CLEARLY USING BLACK INK

All Sections are to be filled out completely. Failure to do so will result in making this Application null and void. Completed forms must be sent to the Grey County By-Law Enforcement Officer, c/o Grey Sauble Conservation Authority, R R # 4, Owen Sound, ON N4K 5N6 or fax: (519) 376-3076 x 277. **A PERMIT IS VALID FOR ONE YEAR AFTER DATE OF ISSUANCE. Information packages also available upon submission of application.**

Property Owner:
 Surname: _____ Given Name: _____
 Mailing Address including postal code: _____
 Telephone Number: () _____ Civic Address: _____

Woodlot Location: Lot _____ Concession _____ Municipality: _____
 (e.g., former Derby Twp., Township of Georgian Bluffs)

Tree Species	No
TOTAL TREES	

Reason for Tree Removal: Good Forestry Practices
 Circumference Limits

TREE HARVEST SUMMARY

Check if area has been inspected since tree marking
TREE MARKER INFORMATION:
 Trees Marked by: _____
 Registration #: if applicable _____
 Mailing Address: _____
 Telephone Number: _____
 Paint Colour: _____ Date Marked: _____

CONTRACTOR INFORMATION:

Surname _____
 Given Name _____
 Address _____
 Postal Code _____ Telephone No: _____
 Person in charge of
 Harvesting of Trees _____
 Estimated Starting Date _____

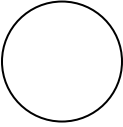
HARVEST AREA (ha): _____
A legible tally sheet can be substituted and attached.

<u>GOOD FORESTRY PRACTICES INFORMATION:</u>	
<u>Designation:</u>	
Registered Professional Forester	<input type="checkbox"/>
Certified Tree Marker	<input type="checkbox"/>
Forest Technician	<input type="checkbox"/>

**Person in Charge of Harvesting of Trees is required
 To provide TWO (2) Business Days Verbal or Written Notice
 To the Officer PRIOR to start date**

Where trees are marked for harvest, destruction or injury, the person responsible for marking such trees shall mark those trees to be harvested, destroyed, or injured with a paint mark of at least five centimeters in area and visible on at least two (2) opposite sides of the tree as well as the base of the tree in such a fashion that such marks will be visible after harvesting, destruction or injury is complete.

DESCRIPTION OF AREA

<p>Indicate North</p> <div style="text-align: center; margin-top: 20px;">  </div>	<p><i>Map must be legible and include:</i></p> <ul style="list-style-type: none"> - Preferred entry points for inspection - Location/name of surrounding roads - Log landing(s) <p style="text-align: center; margin-top: 20px;"><u>Please indicate if the property is enrolled in:</u></p>
--	--

If the application is under Good Forestry Practices, the Silvicultural Prescription that applies to the Woodlands to be harvested shall be appended to the application.

I agree that operations will be in accordance with the provisions of Forest Management By-Law No. 4341-06 of the Corporation of the County of Grey and I am familiar with the contents and requirements of this By-Law. I further agree that any tree harvested will be in accordance this By-Law.

Signature of Owner/Agent	Date	Signature of Contractor	Date		
Signature of Tree Marker	Date				

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

FOR OFFICE USE ONLY:

The Permit is hereby:

- Granted**
- Granted with the following conditions:**

- Refused for the following reasons:**

DATE OF ISSUANCE OF PERMIT: _____
 DATE OF EXPIRY OF PERMIT: _____

Signature of Officer

HELPFUL TIPS FOR THE LANDOWNER:

If the landowner is selling standing timber to a logger for harvesting has:	YES	NO
A contract been signed between landowner and contractor?		
The contractor provided proof of liability insurance coverage?		
The contractor provided proof of cutter/skidder certification for all employees and themselves?		
The main skid trail been delineated?		
Arrangement been made to harvest the fuelwood from tree tops?		

For additional information: www.greycounty.ca

Application # _____

STOP WORK ORDER

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;

Application Number: _____ (if applicable)

MUNICIPAL ADDRESS / LEGAL DESCRIPTION OF THE PROPERTY:

LOT: _____ CONCESSION: _____

MUNICIPALITY: _____ FORMER MUNICIPALITY: _____

OWNER / INDIVIDUAL RESPONSIBLE FOR DESTRUCTION OR INJURY OF TREES:

DESCRIPTION OF INFRACTION:

Date of Inspection: _____

Effective Order Date: _____ TO _____

Signature of Officer: _____ Date: _____

Pursuant to By-Law 4341-06, Section 8, subsection 8.5 Where the person to whom the Order is directed has been served in accordance with this By-Law is not satisfied with the terms of the Order, the person may appeal, in writing, to Council by filing Notice of Appeal by personal service or certified mail to the Clerk within 30 days after the date of the Order.

County Clerk/Director of Council Services
County of Grey,
595 9th Avenue East,
Owen Sound, ON N4K 3E3

FOREST MANAGEMENT BY-LAW 4341-06 SCHEDULE F

**Corporation of the County of Grey
Part I Provincial Offences Act - By-Law # 4341-06 as amended by By-law 4515-08**

	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1.	Harvest, destroy or injure a tree in woodlands so as to reduce the basal area to less than 20m ² per hectare of trees measuring 10 centimeters or more at DBH.	Section 3 (a) (ii)	\$405.00
2.	Harvest, destroy or injure a tree located in a Conifer Plantation.	Section 3 (b) (i)	\$405.00
3.	Harvest, destroy or injure a tree located in a Sensitive Natural Area.	Section 3 (b) (ii)	\$405.00
4.	Destroy any tree so as to reduce the number of trees per hectare below the minimum number of trees per hectare required to constitute Woodlands.	Section 3 (b) (iii)	\$405.00
5.	Harvest, destroy or injure a tree that has not been marked.	Section 3 (b) (iv)	\$405.00
6.	Failure to harvest all marked trees	Section 3 (b) (v)	\$405.00
7.	Injure or damage any other tree that is to remain after the operation.	Section 3 (b) (vi)	\$405.00
8.	Operate a vehicle, machinery or equipment or conduct operations resulting in leaving any part of a tree in a watercourse.	Section 3 (b) (vii)	\$405.00
9.	Failure to mark the boundaries of the harvest.	Section 3 (b) (viii)	\$405.00
10.	Harvest, destroy or injure trees without a Permit	Section 6 (a)	\$405.00
11.	Contravene conditions of Permit	Section 6 (b)	\$405.00
12.	Failure to submit Silvicultural Prescription	Section 6 (d)	\$405.00
13.	Failure to comply with an Order issued under By-Law No. 4341-06.	Section 8 (b)	\$405.00
14.	Obstruct/Interfere with Officer	Section 10 (c)	\$405.00

Note: The general penalty provision for Offences listed above is Section 9 of By-Law #4341-06, as amended by By-law 4515-08, a Certified Copy of which has been filed and Section 61 of the Provincial Offences Act, R.S.O. 1990, c.P. 33.