

THE CORPORATION OF THE TOWNSHIP OF THE ARCHIPELAGO

TREE PRESERVATION BY-LAW

SUMMARY OVERVIEW

Note: The below summary overview is provided for illustrative purposes only and does not form part of the Tree Preservation By-law.

Established in 1980, the Township of The Archipelago is a water-based, seasonally oriented municipality consisting of several thousand islands in Georgian Bay and a number of inland freshwater lakes. The Township originated from a strong desire to preserve its high-quality recreational character and the natural environment and to recognize and respect the interests of its taxpayers. These unique natural features support a variety of aquatic and land-based species, flora, and fauna, support a vibrant tourism economy, and provide countless opportunities for residents and visitors to enjoy high-quality recreational activities.

Together with the Site Alteration By-law, the Tree Preservation By-law provides a framework to preserve and protect the natural environment within the Township, leading to an experience for residents and visitors to enjoy a relaxing and aesthetically appealing environment. The health of the natural environment is determined by a variety of factors, natural and human, and the Township will continue to do all that it can to protect and preserve the high-quality natural environment in our community. Together, the Site Alteration By-law and Tree Preservation By-law provide an enhanced layer of protection for the natural environment, above the minimum requirements for development as per the Township's Comprehensive Zoning By-law (By-law A2000-07, as amended) and the strategic direction for development as outlined in the Township's Official Plan.

This Tree Preservation By-law recognizes the rights of property owners to use and enjoy their property, including minor changes to a property that are likely to have little environmental impact, without making an application or inquiry to the Township beforehand. Instead, the Tree Preservation By-law is intended to apply to situations where clear cutting or significant removal of trees and/or shoreline vegetation is proposed in a manner that is likely to have significant and negative impact upon sensitive environmental features on said property or neighbouring lands or waterbodies.

This Tree Preservation By-law applies to all residentially zoned lands and lands zoned for environmental protection as per the Township's Comprehensive Zoning By-law. It is intended to be understood and applied in tandem with the Site Alteration By-law, with similar goals of environmental protection. The Site Alteration By-law is intended to apply to situations when significant change to the grade or topography of a property is proposed.

The Tree Preservation By-law establishes opportunities for property owners to seek permission for certain activities not otherwise permitted by the Tree Preservation By-laws, with approval of these requests delegated to Township staff, and the opportunity for appeal of staff's decision to Council for final determination. In such instances, property owners, or someone acting on their behalf, are required to apply for and obtain permission from the Township before such significant projects and activities are undertaken on residentially zoned lands or lands zoned for environmental protection, as noted above. The Tree Preservation By-law is intended to be flexible and responsive to the needs of property owners in the Township. The Tree Preservation By-law, together with the Site Alteration By-law, is intended to be applied on a "go forward" basis and does not affect existing development or landscaping.

**The Corporation of the
TOWNSHIP OF THE ARCHIPELAGO**

BY-LAW NO. 2025 -05

A By-law to Regulate the Protection, Preservation, and
Removal of Trees within the Township of The Archipelago

WHEREAS Section 10(2) of the *Municipal Act* 2001, S.O. 2001, c.25, as amended, authorizes a Municipality to pass by-laws respecting the economic, social and environmental well-being of the Municipality and the health, safety and well-being of persons; and

WHEREAS, Section 135 of the *Municipal Act*, 2001, S.O., c.25, as amended, authorizes a municipality to prohibit and regulate the destruction or injuring of trees; and

WHEREAS, Section 135 of the *Municipal Act*, 2001, S.O., c.25, as amended, authorizes a municipality to require that a permit be obtained to injure or destroy trees and to impose conditions to such a permit, including conditions relating to the manner in which destruction occurs and the qualifications of persons authorized to injure or destroy trees; and

WHEREAS, Section 425 of the *Municipal Act*, 2001, c.25, as amended, authorizes a municipality to pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence; and

WHEREAS, an order to discontinue and work orders are authorized under Section 444 and 445 of the *Municipal Act*, 2001, S. O. 2001 c. 25 where a contravention of this by- law has occurred; and

WHEREAS the primary objective of the Township of The Archipelago's Official Plan is to respect, maintain and improve the natural environment of the region, and of the UNESCO Biosphere Reserve, of which the Township is a part; and

WHEREAS, the Council of the Corporation of the Township of The Archipelago deems it appropriate and desirable in the public interest to enact a By-law to regulate the protection, preservation, and removal of trees within the Township for the purposes of:

- Conserving the overall natural landscape and waterscape, including habitats of endangered and threatened species;
- Preserving the natural appearance, character and aesthetics of The Township, including changes to trees, natural vegetation and the grade of land; and,
- Preserving the high-quality recreational character and natural environment.

NOW THEREFORE BE IT ENACTED by Council of the Corporation of the Township of The Archipelago as follows:

1. ADMINISTRATION

- (a) The short title of this By-law is the "Tree Preservation By-law".

2. DEFINITIONS

(a) In this By-law:

- (i) “**Building**” means a structure, whether temporary or permanent, as defined within the Building Code, used or intended to be used for the shelter, accommodation or enclosure of persons, goods or chattels;
- (ii) “**Building Permit**” means a building permit issued under the *Building Code Act*, 1992, S.O. 1992, c.23, as amended;
- (iii) “**Clear Cutting**” means any action which causes or results in the removal of all, or substantially all, of the trees within a property, at the determination of the Manager;
- (iv) “**Clerk**” means the Clerk of the Corporation of the Township of The Archipelago;
- (v) “**Council**” means the Council of the Corporation of the Township of The Archipelago;
- (vi) “**Destroy**” means any action which causes or results in the irreversible injury or death of a tree and/or native shoreline vegetation, by cutting, burning, uprooting, chemical application or other means;
- (vii) “**Diameter**” means the width measured outside the bark at a specified point of a tree stem or trunk;
- (viii) “**Diameter at Breast Height**” (DBH) means the diameter of a tree at breast height. Breast height is defined as 1.37 m (4.5 ft.) above the forest floor on the uphill side of the tree. For the purposes of determining breast height, the forest floor includes the duff layer that may be present, but does not include unincorporated woody debris that may rise above the ground line;
- (ix) “**Driveway**” means any open roadway developed on private property or across Crown land that provides vehicular access from a public road or private road to one individual lot;
- (x) “**Good Arboricultural Practice**” means the proper implementation of renewal and maintenance activities which are reasonably appropriate for individual healthy trees to minimize detrimental impacts. For the purposes of this By-law, good arboricultural practice includes pruning of healthy trees to remove dead limbs, maintaining structural stability and balance of healthy trees, or encouraging the natural form of healthy trees, provided that such pruning is limited to the appropriate removal of not more than one-third of the live branches or limbs of a healthy tree;
- (xi) “**Good Forestry Practice**” means the proper implementation of harvest, renewal, and maintenance activities of a healthy tree or trees, as deemed by a qualified professional for the forest and environmental conditions under which they are being applied. For the purposes of this By-law, good forestry practices are those measures which minimize detriments of 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, as deemed by a qualified professional;

- (xii) **“Hazardous Tree”** means a dead or severely damaged tree that, in the opinion of the Owner and/or the Officer, may reasonably pose a danger to persons or property, including any buildings or structures on said property;
- (xiii) **“Highwater Mark”** means, in the case of Georgian Bay 176.44 m (578.87 ft.) G.S.C. above sea level, and in all other cases means the normal water mark of any water at the time of the original surveys of the geographic townships unless altered by the construction of a dam or dams belonging to any municipal, provincial, or other public authority, in which case the measurement shall be from the highwater mark as controlled by such dam or dams;
- (xiv) **“Injure”** means to do harm, damage, or impair;
- (xv) **“Manager”** means the Manager of Development and Environmental Services for the Township of The Archipelago;
- (xvi) **“Minor landscaping”** means the construction of walkways, pathways, flowerbeds, and similar landscaping features where the landscaping does not significantly alter the grade of the site more than 0.3m (1ft.) and shall not increase the flow or rate of flow of surface water to the adjacent lands or any adjacent waterbody. For the purposes of this by-law, minor landscaping does not include the planting or creation of lawns;
- (xvii) **“Native Shoreline Vegetation”** means vegetation (i.e., any woody plant, or contiguous cluster of plants including, but not limited to, trees, shrubs, and hedgerows) comprised of plant species, other than invasive species or noxious weeds, which:
- a. are Indigenous to the Township, or
 - b. reasonably could have been expected to naturally occur on lands, and
 - c. are located within 7.5m (25 ft.) of the highwater mark of any navigable waterbody;
- (xviii) **“Navigable”** means any body of water that is capable, in its natural state or at normal water level, of being navigated by floating vessels of any description for the purposes of transportation, recreation or commerce, so long as such navigation does not negatively impact the aquatic environment of that body of water; it also includes a canal and any other body of water created or altered for public use as a result of the construction of any work, as well as any waterbody where the public right of navigation exists by dedication of the waterbody for public purposes or by the public having acquired the right to navigate through long use;
- (xix) **“Officer”** means a person designated by By-law by Council as an Officer for the purposes of implementing and enforcing this By-law;
- (xx) **“Order”** means a directive requiring a person to stop the injuring or destruction of healthy trees and/or native shoreline vegetation and/or rehabilitate the land or plant or replant trees and/or native shoreline vegetation in such a manner and within such a period as the Officer considers reasonably appropriate, including any treatment necessary to re-establish the trees and/or native shoreline vegetation;
- (xxi) **“Owner”** means the registered owner of the property;

- (xxii) **“Person”** means any individual, Owner, corporation, partnership, company, firm, association, or party and includes the successors, assigns, heirs, executors, administrators, or other legal representatives of a person to who the context can apply according to law and the singular shall include the plural;
- (xxiii) **“Planning Act”** means the Provincial legislation, the *Planning Act*, R.S.O. 1990, c.P.13;
- (xxiv) **“Professional”** means a person who, in the opinion of the Manager, demonstrates experience and training in the pertinent discipline, and which includes the following for the purposes of this By-law:
- a. **“Qualified Arborist”** means an expert in the care and maintenance of trees and includes an arborist certified by the Ontario Ministry of Training, Colleges and Universities, or its successor, or the International Society of Arboriculture, or a consulting arborist registered with the American Society of Consulting Arborists;
 - b. **“Qualified Tree Marker”** means
 - i. an individual who is certified through the Ontario Ministry of Natural Resources Certified Tree Marker Training Program, or its successor; or
 - ii. a Registered Professional Forester qualified to do tree marking; or
 - iii. an Associate Member of the Ontario Professional Foresters Association qualified to do tree marking;
 - c. **“OPFA Member”** means a Registered Professional Forester or Associate Member of the Ontario Professional Foresters Association (OPFA) as defined in the *Professional Foresters Act*, 2000, S.O. 2000, c. 18, as amended;
 - d. Any other person, who in the opinion of the Manager, is a qualified expert with expertise reasonably appropriate for the relevant critical area or subject;
- (xxv) **“Road, Private”** means any roadway or open way that allows for the passage of a conventional passenger vehicle(s) and serves as access over more than one property to more than one lot, but does not include a driveway, a public road, or a public highway as defined in the *Municipal Act*, S.O. 2001, c. 25;
- (xxvi) **“Road, Public”** means a public highway or road other than a driveway, a lane, right-of-way, or private road that is maintained by a public road authority and that is open and passable by the public;
- (xxvii) **“Road, Temporary Access”** means a temporary road that is no wider than 4.5 m (15 ft) and that has been constructed for the purpose of gaining temporary access to a water-access-only property in order to allow for construction vehicles or other machinery to safely maneuver on a property;
- (xxviii) **“Site”** means the area of land containing any tree(s) and/or native shoreline vegetation proposed to be destroyed and/or injured;
- (xxix) **“Site Plan”** means a scaled drawing showing lot lines, buildings or structures existing and/or proposed on a lot and including such

details as parking areas, access points, landscaped areas, building areas, setbacks from lot lines, building heights, floor area, lot coverage, lighting, septic tank tile fields, utility lines, site servicing details, grading and drainage and stormwater management, or any other items required by the Township to be represented on the drawing;

- (xxx) “**Site-Specific Exemption**” means a request from an Owner or their authorized agent for the Township’s approval to undertake an activity or activities which are not otherwise permitted as an exempted activity as outlined in Section 5 of this By-law;
 - (xxxii) “**Structure**” means anything that is erected, built, or constructed, the use of which requires location on the ground or being attached to something having location on the ground, and for the purposes of this By-law, shall not include free standing walls, fences, or hedges;
 - (xxxiii) “**Tree or Healthy Tree**” means any living species of a stemmed perennial woody plant, with a Diameter at Breast Height (DBH) of 15cm (6 in.) or greater, located on any lands within the Township;
 - (xxxiv) “**Township**” and “**Township of The Archipelago**” means the Corporation of the Township of The Archipelago;
 - (xxxv) “**Waterbody**” means any creek, pond, stream, river or standing body of water, whether or not such body of water is seasonal;
 - (xxxvi) “**Zone**” means an area delineated on a Zoning Map Schedule and established by the Zoning By-law for a specific use; and,
 - (xxxvii) “**Zoning By-law**” means the By-law regulating land use within the Township as required under the Planning Act.
- (b) Note that definitions for terms not otherwise defined above may be found in the Township’s Zoning By-law (By-law A2000-07, as amended).
 - (c) Where terms have been defined in Section 2 of this By-law, those terms will be shown with underlined emphasis in the remainder of this By-law.

3. LAND SUBJECT TO THIS BY-LAW

- (a) This By-law shall only apply to the following areas in the Township:
 - i) All lands zoned Natural State (NS), Natural State Conservation (NSC), Environmentally Sensitive (ES), Environmentally Sensitive One (ES1), Environmentally Sensitive Two (ES2), as defined in the Zoning By-law; and,
 - ii) All lands zoned Coastal/Island Residential (CR), Inland Lakes Residential (IR), General Residential (GR), as defined in the Zoning By-law.

4. PROHIBITION

- (a) No person, through their own actions or through any other person or corporation, shall undertake any action(s) which result in the clear cutting of trees located in an area described in Section 3 of this By-law, unless:
 - (i) exempted pursuant to Section 5 of this By-law; or
 - (ii) exempted in accordance with approval granted pursuant to Section 7 of this By-law.

- (b) No person, through their own actions or through any other person or corporation, shall destroy or injure any native shoreline vegetation and/or healthy trees located within 7.5 m (24.6 ft.) of the highwater mark of a navigable waterbody in an area described in Section 3 of this By-law unless:
 - (i) exempted pursuant to Section 5 of this By-law; or
 - (ii) exempted in accordance with approval granted pursuant to Section 7 of this By-law.
- (c) No person, through their own actions or through any other person or corporation, shall destroy or injure any native shoreline vegetation located in an area described in Section 3 of this By-law, or undertake any actions which result in the clear cutting of trees located in an area described in Section 3 of this By-law, without the Owner's prior consent.
- (d) No person shall fail to comply with an Order issued under this By-law.
- (e) No person shall remove or deface an Order posted under this By-law.

5. EXEMPTIONS FROM APPLICATION OF BY-LAW

- (a) Notwithstanding Section 4 of this By-law, a person may undertake any action(s) which result in the clear cutting of trees and/or may destroy or injure native shoreline vegetation in an area described in Section 3(a)(ii) of this By-law without obtaining prior approval from the Township where one or more of the following activities are proposed:
 - (i) The injury or destruction of healthy trees or native shoreline vegetation within 7.5 m (24.6 ft.) of the highwater mark of a navigable waterbody, to a maximum width of 25% of the lot frontage of the site or to a maximum width of 25 m (82.0 ft.), whichever is the lesser. For the purposes of this exemption, lot frontage shall have the same meaning as defined in the Zoning By-law.
 - (ii) Minor landscaping, including yard maintenance activities, the installation of flowerbeds, food gardens, and similar landscaping features and activities where the landscaping does not alter the grade or topography of the land more than 0.3 m (1 ft.).
 - (iii) The destruction or injuring of healthy trees and/or native shoreline vegetation that is required by Indigenous persons for the purposes of harvesting traditional medicines or for harvesting healthy trees and/or native shoreline vegetation for ceremonial purposes.
 - (iv) The maintenance or replacement of existing features, such as landscaping, pathways, driveways, parking areas, patios, stairways, walkways, retaining walls, firepits, and picnic table platforms, to a reasonably similar size.
 - (v) The destruction or injuring of healthy trees or native shoreline vegetation 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.
 - (vi) The injuring or destruction of healthy trees or native shoreline vegetation which may be obstructing, or otherwise shading, panels used to gather solar energy:
 - (vii) The injuring or destruction of healthy trees or native shoreline vegetation that is required to demolish, repair, enlarge, replace, or

construct a building pursuant to a building permit issued under the *Building Code Act*, S.O. 1992, c. 23.

- (viii) The injuring or destruction of healthy trees or native shoreline vegetation that is required in order to facilitate development permitted by the Zoning By-law, including, but not limited to, the construction of a shoreline structure, such as a dock or sauna, and which complies with the requirements of the Zoning By-law, as may be amended.
 - (ix) The injuring or destruction of healthy trees or native shoreline vegetation that is required in order to install a pathway no wider than 2.0m (6.5ft.).
 - (x) The injuring or destruction of healthy trees or native shoreline vegetation that is required to install a driveway for vehicular access to a building or structure for which a building permit has been issued, provided that no native shoreline vegetation is destroyed or injured that is located more than 1.0m (3ft.) from the edge of the driveway.
 - (xi) The injury or destruction of severely damaged trees following any natural disasters, storms, high winds, floods, fires, snowfalls, freezes, or as a result of insects, disease, or wildlife.
 - (xii) The pruning, injuring, or destruction of healthy trees or native shoreline vegetation in accordance with good forestry practices, as deemed reasonably appropriate by a qualified professional, and/or good arboricultural practices, as deemed reasonably appropriate by an Owner and/or their authorized agent.
 - (xiii) The injury or destruction of hazardous trees which, in the opinion of the Owner, may reasonably pose a danger to persons or property, including any buildings and/or structures on said property.
 - (xiv) The injury or destruction of healthy trees or native shoreline vegetation that is required to create a temporary access road, provided that appropriate remediation works follow the termination of such an access, to the satisfaction of the Township.
- (b) The provisions of this By-law do not apply to activities exempted by subsection 135(12) of the *Municipal Act*, S.O. 2001, c. 25, as follows:
- (i) Activities or matters undertaken by the Township or a local board of the Township;
 - (ii) Activities or matters undertaken under a license issued under the *Crown Forest Sustainability Act*, S.O. 1994, c. 25.
 - (iii) The injuring or destruction of healthy trees and/or native shoreline vegetation 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.
 - (iv) The injuring or destruction of healthy trees and/or native shoreline vegetation 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 of subdivision agreement entered into under those sections.
 - (v) The injuring or destruction of healthy trees and/or native shoreline vegetation 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.

- (vi) The injuring or destruction of healthy trees and/or native shoreline vegetation by a transmitter or distributor, as those terms are defined in Section 2 of the *Electricity Act*, 1998, S.O. 1998, c. 15, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section.
- (vii) The injuring or destruction of healthy trees and/or native shoreline vegetation undertaken on land described in a license 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 its successor.
- (viii) The injuring or destruction of healthy trees and/or native shoreline vegetation undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land,
 - a. that has not been designated under the *Aggregate Resources Act*, R.S.O. 1990, c. A.8, or a predecessor of that Act, and
 - b. on which a pit or quarry is a permitted land use under a by-law passed under Section 34 of the *Planning Act*.
- (ix) Any other activities which are exempted under subsection 135(12) of the *Municipal Act*, S.O. 2001, c. 25, as may be amended from time to time.

6. DESIGNATION OF OFFICERS

- (a) Council may appoint, by by-law, Officers to enforce the provisions of this By-law for such terms and on such conditions as Council considers appropriate, and the Clerk is authorized to issue Certificates of Designation to these individuals.

7. APPLICATIONS FOR SITE-SPECIFIC EXEMPTION

- (a) If any Owner, or their authorized agent, wishes to apply for a site-specific exemption from this By-law, they may do so by submitting a written request to the Clerk identifying the nature and extent of the proposed activity accompanied by:
 - (i) a diagram of the site and the proposed activity; and,
 - (ii) a written description of the proposed tree or native shoreline vegetation removal and/or cutting.
- (b) The Township hereby delegates to the Manager the authority to grant or refuse approval for an application for a site-specific exemption, and to impose conditions in accordance with good arboricultural practices and good forestry practices to said site-specific exemption.
- (c) An Owner, or their authorized agent, who applies for a site-specific exemption from this By-law shall submit the following:
 - (i) A completed application form, including the information referred to Section 7(a) of this By-law; and,
 - (ii) Payment of the required application fees.
- (d) For the purposes of Section 7(a) and Section 7(c) of this By-law, the diagram of the site and the proposed activity shall include the following:

- (i) Property boundaries of the site with dimensions, including its area in hectares;
 - (ii) The general location of all existing above and below grade utilities, ditches, swales, drainage courses, storm sewers, bodies of water, watercourses, natural heritage features and environmental sensitive areas on the site and on abutting properties and highways;
 - (iii) The general locations of all driveways on the site and of all easements and rights-of-way over, under, across or through the site;
 - (iv) The general location and dimensions of all existing buildings and structures on the site;
 - (v) The general location of all wetlands, floodplains, shoreline, top of bank features and approximate regulation limits as required by the applicable conservation authority; and,
 - (vi) Any other information as deemed reasonably necessary by the manager to inform their decision as to whether to grant approval for a site-specific exemption.
- (e) In addition to the requirements under Section 7 (c) of this By-law, the Manager may, at their sole discretion, require that an Owner or their authorized agent submit a report prepared by a qualified professional which provides a general visual assessment and categorization of the existing trees, sets forth the reasons for the proposed destruction of the trees, confirms that endangered, threatened, or at-risk tree species are not present, and shall include recommendations for preservation and protection of any trees to be retained.
- (f) A decision regarding an application for a site-specific exemption shall not be made until such time as all the required documents have been filed, the applicable fee has been paid, and any required inspections by an Officer have been completed. Upon deeming the application complete, the Manager shall issue a notice to this effect to the Owner and/or their authorized agent by personal service, ordinary mail, or email.
- (g) For the purposes of Section 7 (f) of this By-law, the Manager shall inform the Owner and/or their authorized agent of any additional information that is required before deeming an application complete and shall issue a notice to this effect within 21 days from receiving an incomplete application form and the required application fee.
- (h) The Manager may grant approval for an application for a site-specific exemption where the Owner and/or their authorized agent has demonstrated that the proposed injuring or destruction of trees and/or native shoreline vegetation is in accordance with good arboricultural practices and/or good forestry practices and:
- (i) Will not interfere with natural drainage processes;
 - (ii) Will not result in soil erosion, slope instability, or siltation in a watercourse;
 - (iii) Will not have a significant impact on any healthy vegetation within and adjacent to the site;
 - (iv) Will not have a significant impact on fish or wildlife habitat within and adjacent to the site; and,

- (v) Will not be in contravention of the federal *Species at Risk Act*, SC 2002, c. 29, the provincial *Endangered Species Act*, S.O. 2007, c. 6, or the federal *Migratory Birds Convention Act*, S.C. 1994, c. 22.
- (i) The Manager, in deciding whether to grant approval for a site-specific exemption, may impose such conditions which may include:
 - (i) Requiring that replacement trees be planted;
 - (ii) Requiring that tree cutting work be completed only under the supervision of a qualified professional;
 - (iii) Requirements as to the manner and timing in which injury or destruction is to occur; and/or
 - (iv) Requirements as to the species, size, number, and location of trees to be injured or destroyed.
- (j) Where the Manager decides to grant approval for a site-specific exemption from this By-law to permit tree and/or native shoreline vegetation removal and/or cutting, any activities undertaken shall be consistent with the supporting material(s) provided for their consideration, including, but not limited to, a diagram of the site indicating the relevant detail pertaining to the site and the proposed activity as per Section 7(d) of this By-law.

8. APPEALS TO COUNCIL

- (a) An Owner, and/or their authorized agent, who requests a site-specific exemption pursuant to Section 7 of this By-law may appeal in writing to Council by filing notice of appeal by personal service or registered mail with the Manager:
 - (i) If the Manager refuses to grant approval for a site-specific exemption, within thirty (30) days after the refusal.
 - (ii) If the Manager fails to grant or refuse approval for a site-specific exemption, within forty-five (45) days after the date of the notice of complete application.
 - (iii) If the applicant objects to a condition in the granted site-specific exemption, within thirty (30) days after the site-specific exemption is granted.
- (b) Council has the same powers as the Manager under this By-law, and may:
 - (i) Confirm the refusal to grant the site-specific exemption.
 - (ii) Grant the site-specific exemption, with or without conditions.
 - (iii) Affirm, vary, or add any conditions to the granted site-specific exemption.
 - (iv) Confirm the issuance of an Order to discontinue work.
- (c) The decision of Council shall be final.

9. INSPECTION/COMPLIANCE MONITORING

- (a) This By-law shall be enforced by an Officer.

- (b) Upon the Township's receipt of a request to grant a site-specific exemption, the Owner and/or their authorized agent, shall permit an Officer to enter upon their property and undertake such inspections of the site as may be required to consider the application. An Officer may undertake a site inspection prior to, during, and/or after the proposed activity.
- (c) For the purposes of an inspection under this By-law, the Officer may:
- (i) require the production for inspection of documents or things relevant to the inspection;
 - (ii) inspect, scan and, if necessary, remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (iii) require information from any person concerning a matter related to the inspection; and,
 - (iv) alone or in conjunction with a qualified professional possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- (d) All documents and records shall be kept in a good and business-like manner for review by the Officer at their request.
- (e) A receipt shall be provided for any document or thing removed under this By-law and the document or thing shall be promptly returned after the copies or extracts are made.
- (f) No person shall prevent, hinder, or obstruct, or attempt to hinder or obstruct, an Officer who is lawfully exercising a power or performing a duty under this By-law.

10. ORDERS

- (a) If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an Order requiring the person who contravened this By-law, or who caused or permitted the contravention or the Owner of the site on which the contravention occurred to:
- (i) discontinue the contravening activity; and/or
 - (ii) do work to correct the contravention.
- (b) An Order shall set out:
- (i) reasonable particulars of the contravention adequate to identify the contravention;
 - (ii) the location of the land on which the contravention occurred; and
 - (iii) either:
 - a. in the case of an Order under Section 10(a)(i) of this By-law, the date by which there shall be compliance with the Order; or
 - b. in the case of an Order under Section 10(a)(ii) of this By-law, the work to be completed and the date by which the work shall be completed.
- (c) In default of any work required by an Order under Section 10(a)(ii) of this By-law being completed by the Owner directed or required to do it, the

work may be completed by the Township at the Owner's sole expense. For the purposes of this section of the By-law, the Township and its employees, agents, and representatives may enter upon the site at any reasonable time to complete any work required by an Order under Section 10(a)(ii) of this By-law in default of the work being completed by the Owner directed or required to do it.

- (d) The Township may recover the costs of completing any matter pursuant to this By-law by adding the costs to the tax roll and collecting them in the same manner as property taxes.
- (e) The costs in Section 10(d) of this By-law shall include interest calculated at a rate per annum for the period commencing on the day the Township incurs the costs and ending on the day the costs, including interest, are paid in full.
- (f) An Order that is issued under this By-law shall be served directly to the person whom the Officer believes is contravening this By-law, by personal delivery or registered mail at the said person's last known address, and/or by email to the said person's last known email address. The Order shall be deemed to have been served once five (5) business days have passed following the mailing or emailing of the Order to said person whom the Officer believes in contravening this By-law; or, where served by personal delivery, on the date of personal delivery to said person whom the Officer believes is contravening this By-law.
- (g) An Officer, who is unable to effect service of an Order pursuant to this By-law, shall place a placard containing the Order in an obvious or conspicuous place on the site and the placing of the placard shall be deemed to be sufficient service in fulfilment of the requirements of Section 10(f) of this By-law.
- (h) A person who has been served with an Order and who is not satisfied with the terms and conditions of the Order may appeal to Council, or its delegate, by sending a notice of appeal and the applicable fee by registered mail or personal delivery to the Clerk within thirty (30) days after being served with the Order.
- (i) An appeal under Section 10(h) of this By-law shall be conducted pursuant to the *Statutory Powers and Procedures Act*, R.S.O. 1990, c. S.22, as amended.
- (j) An Order under this By-law, that is not appealed within the time referred to in Section 10(h) of this By-law, shall be deemed to be final.

11. PENALTY

- (a) Any person, including a corporation, who contravenes any provisions of this By-law, or an Order issued pursuant to this By-law, the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended, and Section 444(1) or 445(1) of the *Municipal Act*, R.S.O. 2001, c.25, as amended, is guilty of an offence and, upon conviction, is liable:
 - (i) on a first conviction, to a fine of not more than \$10,000;
 - (ii) upon a second or subsequent conviction for the same offence, to a fine of not more than \$100,000; and
 - (iii) upon conviction for a continuing offence, to a fine of not more than \$10,000 for each day or part of a day that the offence continues. The total daily fine for continuing offences is not limited to \$100,000.

- (b) If a corporation has contravened any provision of this By-law or an Order issued pursuant to this By-law and Section 444(1) or 445(1) of the *Municipal Act*, S.O. 2001, c. 25, every director and officer of said corporation is guilty of an offence.
- (c) Every person who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to an Officer upon request. For the purposes of this section of the By-law, failure to do so shall be deemed to have hindered or obstructed an Officer in the execution of their duties.
- (d) For the purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.
- (e) If a contravention of any provision of this By-law has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
- (f) If an Order has been issued under this By-law, and the Order has not been complied with, the contravention of the Order shall be deemed to be a continuing offence for each day or part of a day that the Order is not complied with.
- (g) For the purposes of this By-law, a multiple offence means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law.
- (h) In addition to the penalties set out in Section 11(a) of this By-law, should a Provincial Offences Officer (within the meaning of the *Provincial Offences Act*, R.S.O. 1990, c. P.33) lay charges under Part I of that Act, the accused is liable to the set fines corresponding to the short form wording set out in Schedule 'A' hereto. For clarity, it is the intention of Council that after the passing of this By-law, the set fines for Part I offences listed in Schedule 'A' hereto shall be specified by the Regional Senior Justice of the Ontario Court of Justice in accordance with Section 91.1(2) of the *Provincial Offences Act*, R.S.O. 1990, c. P.33.
- (i) Upon conviction, any penalty imposed under this By-law may be collected under the authority of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended.

12. CONFLICT WITH OTHER BY-LAWS

- (a) Nothing in this By-law shall exempt any person from complying with the requirements of any other By-law or legislation in force or from obtaining any licence, permission, permit, authority, or approval required under any other by-law or legislation.

13. SEVERABILITY

- (a) If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of Council that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

14. TRANSITION AND EFFECTIVE DATE

- (a) Notwithstanding anything herein to the contrary, this By-law shall come into effect on April 1, 2025.

15. BY-LAW REVIEW AND UPDATE

- (a) This By-law shall be reviewed by Council and updated on an ongoing and periodic basis.

16. INTERPRETATION

- (a) References in this By-law to any statute or statutory provision include references to that statute or statutory provision as it may from time to time be amended, extended or re-enacted.
- (b) The words “include”, “includes” and “including” are not to be read or interpreted as limiting words, phrases or descriptions that precede them.
- (c) Dimensions specified in metric units shall be the official dimensions. Imperial dimensions contained in parentheses are provided as a convenience only.
- (d) In this by-law, the word “metre” shall be represented by the abbreviation “m”, the word “centimetre” shall be represented by the abbreviation “cm”, and the word “millimetre” shall be represented by the abbreviation “mm”. The words “foot” and “feet” shall be represented by the abbreviation “ft.” and the word “inch” shall be represented by the abbreviation “in.”. The word “hectare” shall be represented by the abbreviation “ha”.
- (e) Headings are inserted for convenience of reference purposes only, form no part of this by-law, and shall not affect in any way the meaning or interpretation of the provisions of this By-law.
- (f) This By-law, and the provisions contained within, are intended to be complementary to provincial statutes and to other by-laws passed by the Township. In the event that any other applicable law requires a higher standard than this By-law requires, the higher standard shall apply.
- (g) In this By-law, unless the context requires otherwise, the singular shall include the plural, where applicable.
- (h) Where this By-law refers to a person undertaking an activity, matter, work, or thing, it is also intended to apply to persons that direct another person to undertake such activity, matter, work, or thing.
- (i) The Schedules appended to this By-law are incorporated into and form part of this By-law, subject to the set fine amounts listed in Schedule ‘A’ for proceedings commenced under Part I of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, which amounts shall be specified by the Regional Senior Justice of the Ontario Court of Justice in accordance with Section 91.1(2) of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, after the passing of this By-law.

READ and FINALLY PASSED in OPEN COUNCIL this 17th day of January, 2025.

THE CORPORATION OF THE TOWNSHIP OF THE ARCHIPELAGO



Bert Liverance, Reeve





Johann Martin, Clerk

SCHEDULE 'A' TO BY-LAW 2025 - 05
CORPORATION OF THE TOWNSHIP OF THE ARCHIPELAGO
PART I PROVINCIAL OFFENCES ACT BY-LAW 2025 -
TREE PRESERVATION BY-LAW

**A BY-LAW TO REGULATE THE PROTECTION, PRESERVATION, AND
REMOVAL OF TREES WITHIN THE TOWNSHIP OF THE ARCHIPELAGO.**

Item	Short-Form Wording	Provision Creating the Offence	Set Fine
1.	Clear cutting of trees (not exempted)	Section 4(a)	\$900.00
2.	Destroy native shoreline vegetation (not exempted)	Section 4(b)	\$900.00
3.	Without Owner consent (clear cutting)	Section 4(c)	\$900.00
4.	Without Owner consent (native shoreline vegetation)	Section 4(c)	\$900.00
5.	Not per approved site plan	Section 4(b) Section 5(b)	\$900.00
6.	Not per approved subdivision agreement	Section 4(a) Section 5(b)	\$900.00
7.	Not per approved consent agreement	Section 4(a) Section 5(b)	\$900.00
8.	Not per approved condominium agreement	Section 4(a) Section 5(b)	\$900.00
9.	Not per approved development permit	Section 4(a) Section 5(b)	\$900.00
10.	Not per approved site-specific exemption (clear cutting)	Section 4(a)(ii) Section 7(j)	\$900.00
11.	Not per approved site-specific exemption (native shoreline vegetation)	Section 4(b)(ii) Section 7(j)	\$900.00
12.	Fail to comply with an Order	Section 4(d)	\$1,000.00
13.	Remove/deface an Order	Section 4(e)	\$900.00
14.	Obstruct/interfere with Officer	Section 9(f)	\$900.00

Item	Short-Form Wording	Provision Creating the Offence	Set Fine
15.	Fail to present ID	Section 9(c)	\$900.00

The penalty provision for the offences indicated above is Section 12.2 of the *Provincial Offences Act*. R.S.O 1990. C.P.33.