

THE CORPORATION OF THE COUNTY OF MIDDLESEX

BY-LAW #7314

A **BY-LAW** to Prohibit or Regulate the Destruction or Injuring of Trees.

WHEREAS:

- A. Section 135 of the *Municipal Act*, R.S.O. 2001, c.25, (the "**Municipal Act**"), as amended or replaced, authorizes the Council of the County of Middlesex (the "**County**") to enact a By-law to prohibit or regulate the destruction or injury of trees in woodlands;
- B. Council may require that a permit be obtained to injure or destroy trees in woodlands specified in the By-law and impose conditions on a permit, including conditions regarding the manner of destruction and the qualifications of persons authorized to injure or destroy trees; and
- C. Council has determined that it is desirable to enact such a By-law for the following purposes: the conservation and enhancement of the County's woodlands; improvement of natural heritage and ecosystem functions; enhancement of forest integrity, diversity and resilience to pests and disease; maintenance and improvement of wildlife habitat; sustainable production of wood products; protection against floods, soil erosion, water supplies; and improvement of human health and quality of life.

NOW THEREFORE the Council of The Corporation of the County of Middlesex enacts as follows:

1. SHORT TITLE

This By-Law may be cited as the "Woodlands By-Law".

2. INCORPORATION OF RECITALS

The above recitals are hereby incorporated into this Woodlands By-law.

3. DEFINITIONS

In addition to terms defined in the incorporated recitals to this Woodlands By-law, the following terms have the following meanings in this Woodlands By-law;

- a) "**AGS**" (Acceptable Growing Stock) means trees suitable for retention in the stand for at least one (1) cutting cycle. They are trees of commercial species with the form and quality as to be saleable as sawlog products at a future date. The classification and designation of a Tree as AGS or UGS will follow principles and guidelines established in Section 5.3 of the technical guide "A Silvicultural Guide to Managing Southern Ontario Forests" (Ministry of Natural Resources, 2000).
- b) "**Basal Area**" means the area of the cross-section of a tree stem measured at a point 1.37 meters (4.5 ft.) above ground level at the base of the tree. For the purposes of this Woodlands By-law, Basal Area refers to trees within a Woodland with a minimum DBH (Diameter at Breast Height) of 10 cm, expressed in square meters per hectare (m²/ha).

- c) "**Building Permit**" means a permit issued under the Building Code Act, 1992, R.S.O. 1992, c.23, as amended or replaced.
- d) "**Business Day**" means any day from Monday to Friday, excluding statutory holidays recognized in the Province of Ontario, including, without limitation, New Year's Day, Good Friday, Victoria Day, Canada Day, Civic Holiday, Labour Day, Thanksgiving, Christmas Day, and Boxing Day.
- e) "**Certified Tree Marker**" means an individual holding full certification in good standing for tree marking under the Ontario Ministry of Natural Resources program, with demonstrated experience in marking according to Good Forestry Practices within Middlesex County.
- f) "**Circumference**" means the measurement of the perimeter or outer boundary of a tree's stem or trunk, including the bark.
- g) "**Committee**" means the Committee of the Whole, a Standing Committee of County Council to which all matters related to woodlands are referred, as designated by the Standing Rules, Regulations, and/or By-laws of the County of Middlesex for consideration and reporting to County Council.
- h) "**Conifer Plantation**" means a Woodland where coniferous trees have been planted or seeded in a predetermined pattern.
- i) "**Corridor**" means a break in the forest cover or canopy, including but not limited to treed windbreaks, rights-of-way, or natural open spaces.
- j) "**Coppice growth**" means a tree with multiple stems emerging from the same root system and connected through a common trunk. For the purpose of assessing Basal Area, each stem that is separate from the others at a point 1.37 meters above the highest point of undisturbed ground at the base of the tree will be counted separately.
- k) "**Council**" means the Council of the Corporation of the County of Middlesex.
- l) "**County Clerk**" means the County Clerk of the Corporation of the County of Middlesex, or their designated representative.
- m) "**Diameter**" means the measurement of a tree's stem diameter taken outside the bark at a specified point.
- n) "**DBH**" (Diameter at Breast Height) means the diameter of a tree's stem measured at 1.37 meters (4.5 feet) above ground level.
- o) "**Drip Line**" means an imaginary line directly beneath the outermost branches of the trees that form the perimeter of the Woodlands.
- p) "**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;
and

Good Forestry Practices permits the destruction or injury of trees that:

- i) have been damaged by disease, insects, wind, ice, fire, lightning or other natural causes to an extent that the health of such trees is likely to deteriorate;
 - ii) should be removed to prevent disease or insects from spreading to other trees;
 - iii) are cut in accordance with the Provincial Silvicultural Guidelines as referred to in the Forest Operations and Silviculture Manual and its revisions prepared under the authority of the *Crown Forest Sustainability Act*, S.O . 1994, c. 25.
 - iv) are marked and cut as part of a Woodlands Management Plan by way of a "prescription" approved by a Registered Professional Forester or Associate Member in good standing.
- q) "**Harvest**" means to destroy a tree.
- r) "**Injure or Destroy**" means lasting damage to a tree that inhibits or terminates its growth, excluding pruning or branch removal for maintenance purposes.
- s) "**Logger**" means an individual, company, or similar group that cuts trees for purchase, sale, or other profit on behalf of a landowner.
- t) "**Owner**" means a person holding any right, title, interest, or equity in land.
- u) "**Permit**" means the written authorization from the Woodlands Officer provided where County Council has approved an Exemption as contemplated in section 8 of this by-law. The Permit shall be in the form provided in *Schedule "I"*.
- v) "**Person**" means any individual, corporation, partnership, association, firm, trust, or other entity, including anyone acting on behalf of or under the authority of such an entity.
- w) "**Personal Use**" means the use of trees that does not involve the sale, exchange, or other of trees that are destroyed or injured.
- x) "**Plantation**" means a Woodland where trees have been planted or seeded in a predetermined pattern.
- y) "**Point of Measurement**" means the point on the tree trunk measured above the location where the ground meets the stump. For coppice growth, the point of measurement is where the tree stems separate, provided this separation occurs less than 1.27 meters above the ground.
- z) "**Prescribed Species**" means the species of trees listed in *Schedule "A"* of this Woodlands By-law.
- aa) "**Prescription**" means a pre-harvest silvicultural prescription, a document that applies site-specific field data to develop forest management guidelines for areas prior to logging. In Ontario,

prescription approval is part of professional forestry practice and requires the signature of a Registered Professional Forester or a qualified Associate member of the Ontario Professional Foresters Association.

- bb) "**Registered Professional Forester**" as defined in the *Professional Foresters Act*, 2000, S.O. 2000, c.18, as amended or replaced.
- cc) "**Sensitive Natural Areas**" means
 - i) Provincially significant life science Areas of Natural and Scientific Interest (ANSI)
 - ii) Wetlands designated as locally, regionally or provincially significant.
 - iii) Natural Heritage Features within Middlesex County as designated by the Ontario Ministry of Natural Resources or by the Middlesex County Natural Heritage Systems Study.
- dd) "**Significant Woodlands**" means lands designated as significant woodlands in the Middlesex County Natural Heritage Systems Study, as amended or replaced, or any other lands that meet the criteria for significance as established by this Woodlands By-law or subsequent regulations. This designation includes areas essential for the conservation of biodiversity, habitat connectivity, and ecosystem services. Independently, for the purpose of this Woodland By-law, an Officer may also deem lands as Significant Woodlands based on a comprehensive assessment of ecological value, land use impacts, and environmental sustainability, considering factors such as species diversity, habitat quality, and the presence of rare or endangered species.
- ee) "**Silviculture**" means the art and science of producing and tending forests; the theory and practice of controlling forest establishment, composition, growth, and quality to achieve management objectives.
- ff) "**Tree**" means a woody perennial plant, whether alive or dead, healthy or unhealthy, including saplings or seedlings and their root systems, that has reached, could reach, or could have reached a height of at least 4.5 metres (15 feet) at physiological maturity.
- gg) "**Tree Marker**" means an individual qualified to mark trees in a woodland according to the circumference limit standards set out in Section 4(a) of this Woodlands By-law.
 - i) "**Independent Tree Marker**": an individual with no economic ties to any logger or timber product processor.
 - ii) "**Commercial Tree Marker**": an individual employed by a logger or a timber product processor.
- hh) "**UGS**" or "**Unacceptable Growing Stock**" means trees with a high risk of dying and expected to decline over the next cutting cycle. This includes trees of poor form and/or low quality.
- ii) "**Woodlands**" means land at least one (1) hectare or more in area with at least:

- i) 1000 trees of any size, at DBH, per hectare;
- ii) 750 trees, measuring over five (5) centimetres in diameter at DBH, per hectare;
- iii) 500 trees, measuring over twelve (12) centimetres in diameter at DBH, per hectare; or
- iv) 250 trees, measuring over twenty (20) centimetres in diameter at DBH, per hectare.

For the purpose of this Woodlands By-law, "Woodlands" includes any lands defined as "Significant Woodlands" under Section 3(dd). Any reference to "Woodlands" within this Woodlands By-law shall be deemed to include "Significant Woodlands" unless otherwise specified.

- i) This definition excludes:
 - a) cultivated fruit or nut orchard;
 - b) plantations established for producing Christmas trees; and
 - c) single tree row width tree fence
- jj) "**Woodlands Officer**" means an individual or individuals appointed by the Council of the Corporation of the County of Middlesex to administer and enforce this Woodlands By-law.

4. GENERAL PROHIBITION

- a) Subject to sections 5 and 8, no Owner or Person shall, through their own actions or through the actions of another, conduct operations to injure or destroy any trees. Both the Owner and Person acting on their behalf are jointly and severally liable for compliance with this Woodlands By-law. The destruction, injury, or operations involving trees is permitted only if it:
 - i) Meets Good Forestry Practices as prescribed by a Registered Professional Forester or Associate Member, in good standing with the Ontario Professional Foresters Association;
 - ii) Involves only those trees which have attained, at the specified point of measurement, the Circumference measurement that equals or is greater than the minimum Circumference prescribed for the species in *Schedule "A"*; or
 - iii) Is for the Personal Use of the Owner, provided the Owner has been the registered owner the property prior to the date of the commencement of the destruction or injury. Both the Owner and any Person acting on their behalf are jointly and severally liable for compliance with this By-law.
- b) The injuring or destruction of trees in accordance with section 4(a)(ii) or (iii) shall not:
 - i) Reduce the basal area in the part of the Woodlands where trees have been destroyed or injured below 14 m²/ha., of trees 25cm. and larger, at DBH, of AGS stock, as determined by using the method described in *Schedule "B"*; or

- ii) Reduce the number of trees per hectare below the minimum required to be considered Woodlands, unless such reduction is part of a woodland management plan by "prescription".

5. LEGISLATED EXEMPTIONS

- a) This Woodlands By-law does not apply to:
 - i) Activities or matters undertaken by a municipality or a local board of a municipality;
 - ii) Activities or matters undertaken under a license issued under the *Crown Forest Sustainability Act*, 1994, as amended or replaced;
 - iii) The injuring or destruction of trees by a person licensed under the *Surveyors Act*, as amended or replaced, to engage in the practice of cadastral surveying or their agent, while making a survey;
 - iv) The injuring or destruction of trees imposed as a condition to the approval of a site plan, a plan of subdivision, or a consent under Sections 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;
 - v) The injuring or destruction of trees imposed as a condition to a development permit authorized by regulation made under section 70.2 of the *Planning Act*, or as requirement of an agreement entered into under the regulation;
 - vi) The injuring or destruction of trees by a transmitter or distributor, as those terms are defined in Section 2 of the *Electricity Act*, 1998, as amended or replaced, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms as defined in that section;
 - vii) The injuring or destruction of trees 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*, as amended or replaced;
 - viii) The injuring or destruction of trees undertaken on land to lawfully establish and operate or enlarge any pit or quarry on land,
 1. That has not been designated under the *Aggregate Resources Act*, as amended or replaced, or a predecessor of that Act; and
 2. On which a pit or quarry is a Permitted land use under a By-law passed under section 34 of the *Planning Act*. c.25, s.135(12);
 - ix) 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 from the outer edge of the building, structure or thing and the Woodlands Officer has been notified; or

- x) The erection and maintenance of a boundary fence located between two adjacent Woodlands.

6. NOTICE OF INTENT TO CUT & COMPLIANCE CERTIFICATE

- a) Where the destruction or injury of trees is permitted in accordance with section 4 of this Woodlands By-law, the following requirements must be met no less than fourteen days (14) days prior to the start of any destruction or injury of any tree:
 - i) The Owner or Person acting on their behalf shall submit to the County Clerk a Notice of Intent to Cut in the format set out in *Schedule "C"*, *Schedule "D"* or *Schedule "E"*, as appropriate.
 - ii) The Owner shall erect a sign in the format prescribed in *Schedule "F"* at the entrance of the adjoining roadway to the land where the destruction or injury of the trees is to occur and shall be in a position that is clear and visible to the public.
 - iii) The Owner shall ensure all trees to be injured or destroyed are marked with paint clearly on at least two (2) opposite sides.
- b) Upon receipt of a complete Notice of Intent to Cut, the Woodlands Officer shall conduct a site inspection and, where, in the opinion of the Woodlands Officer, the proposed activity complies with this by-law, a Compliance Certificate shall be issued by the Woodlands Officer.
- c) No destruction or injury of trees shall take place unless a Compliance Certificate has been issued by the Woodlands Officer in relation to the work described in the Notice of Intent to Cut.
- d) A Notice of Intent to Cut will not be processed where, in the opinion of the Woodlands Officer, the Notice of Intent to Cut is incomplete. The Woodlands Officer shall notify the requester if a file has been closed for incompleteness.

7. TREE REMOVAL FOR DRAINAGE WORK

- a) Except for work on municipal drains, any Owner and/or Person undertaking tree removal for drainage work shall notify the Woodlands Officer of the proposed removal.
- b) Any Owner or Person intending to destroy or injure trees for drainage purposes must comply with the following:
 - i) Tile drainage work through or adjacent to Woodlands must use closed tile construction, and any resulting openings in the Woodland must not exceed the greater of ten metres (10m) canopy-to-canopy or fifteen metres (15m) stem-to-stem, and

- ii) Any tile drainage work through or adjacent to Woodlands shall be constructed of closed tile in the part of the drainage work that goes through or adjacent to the woodland.

8. APPLICATION FOR COUNCIL EXEMPTION

- a) An Owner may apply to County Council for an exemption to Section 4 of this Woodlands By-law.
- b) To be considered for an exemption to section 4, the Owner must submit the following to the County Clerk by personal service or certified mail, at least forty-five (45) days prior to the start of the proposed destruction or injury:
 - i) An Exemption Application in the form of *Schedule "G"*; and
 - ii) Payment of the applicable fee, as set out in By-law #7218 – Tariff of Fees, as amended or replaced.
- c) Exemption Applications will not be processed where, in the opinion of the Woodlands Officer, the application is incomplete. An application will be considered incomplete, including but not limited to, where:
 - i) Information is missing or illegible; or
 - ii) The prescribed application fee has not been paid in full.
- d) Where an Exemption Application is deemed incomplete, the applicant will be notified by the County Clerk that the file has been closed for incompleteness.
- e) Upon receipt of a completed Exemption Application, the County Clerk shall set the date, time and location of the Exemption Application hearing.
- f) By-law #7264 – Rules of Procedure, as amended or replaced, shall apply to an Exemption Application hearing, except that the provisions of this section shall prevail to the extent of any conflict.
- g) At least twenty-one (21) days prior to consideration of an Exemption Application, the County Clerk shall send by regular mail a Notice of Exemption Application to the applicant and the assessed owners of each parcel of land abutting the Woodlands for which an exemption is being sought.
- h) A Notice of Exemption Application shall include:
 - i) A reference to the provisions of this by-law under which the Exemption Application is being considered;
 - ii) The date, time and location of the hearing of the Exemption Application; and
 - iii) Any other information the Clerk considers necessary for the proper conduct of the hearing.
- i) The Woodlands Officer shall erect and display a public notice regarding the Exemption Application at the entrance of the

adjoining roadway to the land where the exemption is being sought in a position that is clear and visible to the public at least twenty-one (21) days prior to consideration of the application by County Council. The notice shall be in the form of *Schedule "H"*.

- j) The Applicant shall be given the opportunity to make written or oral submissions at the Exemption Application hearing.
- k) When granting an exemption, County Council may include any terms or conditions to its approval provided the terms or conditions are desirable for the appropriate development or use of the land on which the exemption is sought, and the general purpose and intent of this Woodlands By-law is maintained.
- l) An Exemption may be granted to the applicant for an initial term of one (1) year. Upon expiry, such term may be extended by resolution of Council for an additional term of one (1) year.
- m) Where an exemption is granted, the Owner shall be provided with a Permit in the form of *Schedule "I"*. The Owner shall ensure that a copy of the Permit is posted on the land where the destruction or injury of trees is to occur. The Permit must remain clearly visible for the duration of the work contemplated in the application.
- n) Where an exemption is denied, the County Clerk shall provide written notice to the applicant by regular mail or electronic mail.
- o) The decision of County Council under this section is final.

9. ORDERS TO DISCONTINUE ACTIVITY

- a) Where a Woodlands Officer is satisfied that a contravention of this Woodlands By-law has occurred, the Woodlands Officer may make an order requiring the Owner and/or 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 "J"*.
- b) An order issued under this section may be served personally or served by sending it by mail to the last known address of;
 - i) the Owner of the Woodlands; and
 - ii) the Owner or Person identified as injuring, destroying or harvesting a tree or trees.
- c) Where service of an order is made by mail, service shall be deemed to have been served on the fifth day after the order is mailed.
- d) Where service cannot be carried out under subsection 9(b), it is deemed sufficient if the Woodlands Officer places a placard containing the terms of the Order in a conspicuous place on the affected lands and the placing of the placard shall be deemed to be sufficient service of the Order on the Owner and/or Person to whom the Order is directed.

10. APPEAL OF ORDER

- a) If the Owner or Person to whom the order is directed is not satisfied with the terms of the Order, they may appeal to County Council by filing a Notice of Appeal in the form of *Schedule "K"* by personal service or certified mail with the County Clerk within thirty (30) days of the date of the Order.
- b) Upon receipt of a completed Notice of Appeal, the County Clerk shall set the date, time and location of the Appeal hearing.
- c) By-law #7264 – Rules of Procedure, as amended or replaced, shall apply to an Appeal hearing, except that the provisions of this section shall prevail to the extent of any conflict.
- d) At least twenty-one (21) days prior to consideration of an Appeal under this section, the County Clerk shall send by regular mail a Notice of Appeal Hearing to the applicant and the assessed owners of each parcel of land abutting the Woodlands subject to the Order.
- e) A Notice of Appeal Hearing shall include:
 - i) A reference to the provisions of this by-law under which the appeal hearing is being held;
 - ii) The date, time, location and format of the appeal hearing; and
 - iii) Any other information the Clerk considers necessary for the proper conduct of the hearing.
- f) Where an appeal has been filed, Council shall hear the appeal and have all the powers and functions of the Officer.
- g) The appellant shall be given the opportunity to make written or oral submissions at the appeal hearing.
- h) After hearing an appeal, County Council may confirm or revoke any Order issued under this Woodlands By-law or may issue a Permit with conditions, provided that in the opinion of the Council, the general intent and purpose of this Woodlands By-law has been maintained.
- i) The County Clerk shall provide written notice of County Council's decision to the appellant by regular mail or electronic mail.
- j) The decision of County Council under this section is final.

11. OFFENCES

A person and/or Owner shall not:

- a) Fail to submit a Notice of Intent to Cut as required under this Woodlands By-law;
- b) Injure or destroy any trees prior to the issuance of a Compliance Certificate as required under this Woodlands By-law;
- c) Fail to comply with an Order issued under this Woodlands By-law;

- d) Contravene the terms or conditions of a Permit issued under this Woodlands By-law;
- e) Remove or deface any Order issued under this Woodlands By-law;
- f) Operate a vehicle, equipment or machinery or conduct their operations in such a manner or at such a time that results in excessive damage to the soil, wetlands, natural areas or other portions of the Woodlands;
- g) 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;
- h) Fail to comply with any other requirement of this Woodlands By-law or any condition imposed under this By-law.

12. PENALTY

- a) Any Person and/or Owner who contravenes any provision of this Woodlands By-law, or any Order issued under Section 9, is guilty of an offence and, upon conviction, is liable to a fine of one thousand dollars (\$1,000.00) per tree, up to the maximum limit allowed under the *Municipal Act*, as amended or replaced.
- b) If a Person and/or Owner is convicted of an offence for contravening this Woodlands By-law or an Order issued under Section 9, the court where the conviction is entered, and any court of competent jurisdiction thereafter, may order the Person and/or Owner to take appropriate remedial action, including but not limited to the rehabilitation of the land or the planting or replanting of trees. The court may also prohibit the continuation or repetition of the offence by the convicted Person and/or Owner.

13. ENFORCEMENT

- a) This Woodlands By-law shall be enforced by a Woodlands Officer appointed by the County.
- b) The Woodlands Officer may, at any reasonable time, enter and inspect any land to determine whether this Woodlands By-law, an Order, or a condition of a permit is being complied with by the Owner and/or Person responsible for the land or the activities taking place.
- c) Any Owner or Person who obstructs or interferes with the Woodlands Officer in the discharge of their duties under this Woodlands By-law shall be considered in violation of this Woodlands By-law.

14. ADMINISTRATION

- a) Sections 1 to 13 above shall form part of this Woodlands By-law.
- b) If any section or sections of this Woodlands 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

Woodlands 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.

- c) The previous By-law No. 5738 is hereby repealed and replaced by this Woodlands By-law.
- d) Despite subsection (c) above, By-law No. 5738 of the Corporation of the County of Middlesex shall continue to apply to proceedings in respect of offences that occurred before its repeal of any legally binding contracts proof of which has been received by an Officer.
- e) This Woodlands By-law shall become effective on the day it is passed in Council, this 14th day of January, 2025.

PASSED IN COUNCIL this 14th day of January, 2025.

Original Signed

Brian Ropp, Warden

Original Signed

Marci Ivanic, County Clerk

SCHEDULE "A"
CIRCUMFERENCE LIMITS BY TREE SPECIES

SPECIES A

- | | |
|---|--|
| ASH - White (<i>Fraxinus americana</i>) | TULIP - (<i>Liriodendron tulipifera</i>) |
| MAPLE - Sugar (<i>Acer saccharum</i>)
- Black (<i>Acer nigrum</i>)
- Red (<i>Acer rubrum</i>)
- Silver (<i>Acer saccharinum</i>)
- Freeman (<i>Acer freemanii</i>) | WALNUT - Black (<i>Juglans nigra</i>) |
| OAK - Red (<i>Quercus rubra</i>)
- Black (<i>Quercus velutina</i>)
- White (<i>Quercus alba</i>)
- Swamp White (<i>Quercus bicolor</i>)
- Bur (<i>Quercus macrocarpa</i>) | |

SPECIES A MEASUREMENTS

Point of Measurement	Circumference	Diameter
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

- | | |
|--|---|
| ASH- Green/Red (<i>Fraxinus pennsylvanica</i>) | HACKBERRY - (<i>Celtis occidentalis</i>) |
| BASSWOOD - (<i>Tilia americana</i>) | HEMLOCK - Eastern (<i>Tsuga canadensis</i>) |
| BEECH - American (<i>Fagus grandifolia</i>) | PINE - White (<i>Pinus strobus</i>) |
| CHERRY - Black (<i>Prunus serotina</i>) | |

SPECIES B MEASUREMENTS

Point of Measurement	Circumference	Diameter
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)

SCHEDULE "B"

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 metres along a fixed compass bearing through a forest stand in which harvesting has occurred. The first point sample will be placed 60 metres from the dripline of the woodland. No less than 3 point samples will be taken along a compass bearing through a forest stand. 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 degrees from the compass bearing from the 1st line.

See sample illustration below:

Line 1		
Line 2		

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

Stations Tallied

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
Plot #	Small 26-40 cm		Medium 42-48 cm		Large 50-60 cm		X-Large 62+ cm		Total All Sizes		Total **								
	AGS	UGS	AGS	UGS	AGS	UGS	AGS	UGS	AGS	UGS									
# of trees																			

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

Basal Area Calculation and Assessment

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

In cases where the maximum DBH encounters is less than 60 cm, the plot distance may be 60 metres (197 ft.) and 30 metres (98 ft.) from stand edges.

In any case, sampling is to be done by a method customarily used in forestry practice.

sawlogs/pulp. A similar mark shall be placed at the base of the tree below the saw line and extending to the ground. All trees 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.

CONTRACTOR INFORMATION

Surname: _____

Email: _____
(Required for approval communication)

Address: _____

Postal Code: _____ Telephone Number: _____

Person in charge of Harvesting Trees: _____

Estimated Starting Date: _____

Person in charge of harvesting trees is required to provide 24 hours verbal, fax or email confirmation to the Woodland Conservation Officer prior to start date.

Map must be legible and include:

- 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

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 hydro lines and equipment due to a logging accident.

Please indicate if the property enrolled in:

Conservation Land Tax Incentive Program

Managed Forest Tax Incentive Program

Please attach property map from [County website found here](http://www.middlesex.ca): (www.middlesex.ca)

INDICATE NORTH



Basal Area - Distribution of Cut (Complete below or attach a forest operations silvicultural prescription)

Prism Tally: _____ m² / ha Basal Area Factor: _____

Tree Size (cm)	Actual BA (m ² /ha)			BA to Cut (m ² /ha)			Actual Residual BA (m ² /ha)			Ideal BA
	AGS	UGS	Total	AGS	UGS	Total	AGS	UGS	Total	
10 - 24										4
26-40										5
42-48										5
50-60										4
62 +										2
Total										20

(Complete below or attach a forest operations silvicultural prescription and Distribution of Cut.)

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 WSIB coverage for employees/liability insurance coverage?		
the contractor provided proof of cutter/skidder certification for all employees and themselves?		
the main skid trail has been delineated?		
Have arrangements been made to harvest the fuel wood from tree tops?		

I agree that operations will be in accordance with the provisions of the Woodlands Conservation By-law as amended of the Corporation of the County of Middlesex and that I am familiar with the contents and requirements of this By-law and acknowledge having received a copy thereof. I further agree that any tree harvested will be in accordance with Good Forestry Practices.

Further, I agree to contact the Woodland Conservation Officer 14 days prior to commencing 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

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. INDIVIDUALS FILING A NOTICE OF INTENT FOR GOOD FORESTRY PRACTICES THAT DO NOT QUALIFY FOR THIS EXEMPTION WILL BE NOTIFIED WITHIN 5 WORKING DAYS

SCHEDULE "D"

NOTICE OF INTENT – CIRCUMFERENCE LIMIT

PURSUANT TO WOODLANDS BY-LAW NO. 7314

Completed Notice of Intent: Submit via email or mail to the attention of the County Clerk at clerk@middlesex.ca or 399 Ridout Street North, London, ON N6A2P1 (Tel: 519-434-7321)

Submission Deadline: AT LEAST 14 DAYS PRIOR TO THE PROPOSED COMMENCEMENT OF THE DESTRUCTION OR INJURY OF TREES.

Circumference Limit Harvest - refer to Schedule "B". Residual Basal Area (BA) - 14 m²/ha – trees greater than 24 cm. Residual BA must meet or exceed 14m²/ha after harvest, using the assessment format defined in Schedule "B".

Please Print - All sections must be completed on this Notice. Failure to do so will render this Notice of Intent null and void, and it will be returned to the applicant.

Property Owner (Name): _____

Address: _____ City/Town: _____

Postal Code: _____ Tel: _____

E-mail: _____
(Required for approval communication)

Contractor Name: _____

Address: _____ City/Town: _____

Postal Code: _____ Tel: _____

E-mail: _____
(Required for approval communication)

On-Site Person in Charge of the Harvest of Trees:

Name: _____

Expected Starting Date: _____

Location of Woodlot: Lot _____ Con. _____

Municipality Woodlot is in: _____

Woodlot 911 Address: _____

Woodlot Roll Number: _____

Reason for Removal: Commercial Timber Harvest _____ Stand Improvement _____

Firewood Removal _____ Other _____

Approximate Size of Woodland: _____

Area of Harvest: Please attach property map from [County website found here](http://www.middlesex.ca): (www.middlesex.ca)

SCHEDULE "D"
NOTICE OF INTENT – CIRCUMFERENCE LIMIT

Trees Marked by: _____

Mailing Address: _____

Tel. _____ E-mail _____
(required)

Qualifications: _____

Responsibility Notice:

It is the responsibility of the Owner, Person, or authorized agent to mark all trees to be harvested with paint on two sides. This Notice of Intent will become null and void if harvesting does not occur within twelve (12) months of receipt. A copy of this Notice must be on site at all times and in possession of the person in charge of cutting.

TREE HARVEST SUMMARY

Tree Species	Count	Volumes	Please submit a printed map from County website www.middlesex.ca
Total Trees			

If the landowner is selling standing timber to a contractor for removal, has a contract been signed between landowner and contractor? Yes _____ No _____

I agree that all tree cutting operations will be in accordance with the provisions of Middlesex County Woodlands Conservation By-Law No. (7314), and that I am familiar with the components and requirements of this and acknowledge having received a copy thereof.

Further, I agree to contact the Forestry Officer (519-434-7321 ext. 2253) 24 hours prior to commencing cutting of trees set out in this notice.

Dated at _____ this _____ day of _____, 20_____.

 Signature of Contractor

 Signature of Property Owner or Authorized Agent

SCHEDULE "E"
NOTICE OF INTENT – PERSONAL USE

PURSUANT TO WOODLANDS BY-LAW NO. 7314

Completed Notice of Intent: Submit via email or mail to the attention of the County Clerk at clerk@middlesex.ca or 399 Ridout Street North, London, ON N6A2P1 (Tel: 519-434-7321)

Submission Deadline: AT LEAST 14 DAYS PRIOR TO THE PROPOSED COMMENCEMENT OF THE DESTRUCTION OR INJURY OF TREES.

Personal Use Harvest - refer to Schedule "A". Residual Basal Area (BA) - 14 m²/ha – trees greater than 24 cm. Residual BA must meet or exceed 14m²/ha after harvest, using the assessment format defined in Schedule "A". The harvest shall not reduce the number of trees per hectare below the minimum required to be considered woodland.

PLEASE PRINT - All sections must be completed on this Notice. Failure to do so will render this Notice of Intent null and void, and it will be returned to the applicant.

Property Owner (Name): _____

Address: _____ City/Town: _____

Postal Code: _____ Tel: _____

E-mail: _____
(Required for approval communication)

Contractor Name: _____

Address: _____ City/Town: _____

Postal Code: _____ Tel: _____

E-mail: _____
(Required for approval communication)

On-Site Person in Charge of the Harvest of Trees:

Name: _____

Expected Starting Date: _____

Location of Woodlot: Lot _____ Con. _____

Municipality Woodlot is in: _____

Woodlot 911 Address: _____

Woodlot Roll Number: _____

Reason for Removal:

Firewood Removal _____ Personal Use _____

SCHEDULE "E"
NOTICE OF INTENT – PERSONAL USE

Approximate Size of Woodland: _____

Area of Harvest: Please attach property map from [County website found here: \(www.middlesex.ca\)](http://www.middlesex.ca)

Trees Marked by: _____

Mailing Address: _____

Tel. _____ E-mail _____

Qualifications if applicable: _____

Responsibility Notice:

It is the responsibility of the Owner, Person, or authorized agent to mark all trees to be harvested with paint on two sides. This Notice of Intent will become null and void if harvesting does not occur within twelve (12) months of receipt. A copy of this Notice must be on site at all times and in possession of the person in charge of cutting.

TREE HARVEST SUMMARY

Tree Species	Count	Volumes	Please submit a printed map from County website www.middlesex.ca
Total Trees			

I agree that all tree cutting operations will be in accordance with the provisions of Middlesex County Woodlands Conservation By-Law No. 7314, and that I am familiar with the components and requirements of this and acknowledge having received a copy thereof.

Further, I agree to contact the Forestry Officer (519-434-7321 ext. 2253) 24 hours prior to commencing cutting of trees set out in this notice.

Dated at _____ this _____ day of _____, 20_____.

 Signature of Property Owner or Authorized Agent



Schedule "F"

NOTICE OF TREE HARVEST

DO NOT ENTER during harvest for your own safety.

This notice does not grant unrestricted access.

Permission to enter these lands must be obtained from 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 Middlesex Woodlands Conservation By-Law, as amended or replaced.

This notice is to be posted before the commencement of the harvest and remain in place for no less than ten (10) days after the harvest is completed. Failure to post or early removal of this notice constitutes a chargeable offence.

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

County of Middlesex Forestry Officer at 519-434-7321 x 2253

SCHEDULE "G"

COUNCIL EXEMPTION FOR WOODLAND CLEARING PERMIT

PURSUANT TO WOODLANDS CONSERVATION BY-LAW NO. 7314

Name(s) of Owner: _____

Address: _____ Postal Code: Telephone: _____

Or: _____

E-mail: _____

(Required for approval communication)

Location of Trees Affected / Ownership

Municipality _____ Assessment Roll Number: _____

Lot _____ Concession _____ 911 Address _____

Property owned by 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 you purchased it. _____

Property / Forest Description _____

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

Total Area: _____ Hectares _____ Acres _____

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

Tree species to be destroyed on the described land: _____

This Permit 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 said property. Yes _____ No _____

Indicate how many acres _____ hectares _____ you are willing to replant? Total area _____

Please include a map of the proposed area you are requesting to be removed and the replanting area.

Map is included. Yes _____ (please use <https://www.middlesex.ca/departments/mapping>)

If the applicant cannot replant in lieu of destruction is the applicant willing to make payment in lieu of destruction? Yes _____

Has the owner previously made an application for and been granted permission to destroy or injure trees? Yes _____ No _____

Please return this application with a cheque made payable to the Corporation of the County of Middlesex in the amount specified per the County's By-law to Prescribe a Tariff of Fees, as amended or replaced, to the County Clerk's Office, 399 Ridout Street North, London, Ontario. N6A 2P1.

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 Clerk.

SCHEDULE "G"

COUNCIL EXEMPTION FOR WOODLAND CLEARING PERMIT

Woodland Clearing Permit Requirements / Information

- I. A Council Exemption (Woodland Clearing Permit) application must be completed in full to be processed. An application for an area greater than one (1) hectare (2.5 acres) must be accompanied by an Environmental Impact Study.
- II. When an Owner or authorized agent inquires about the Woodlands By-law, it shall be standard practice for the Officer to inspect the property to determine whether an application for a Council Exemption is necessary. Notice of this permit application shall be sent by regular mail to all landowners whose lands abut the land outlined in the application. Landowners separated by a public road allowance shall also be considered abutting landowners. The application may also be circulated to relevant government agencies for review and comments (i.e., Conservation Authorities, Ministry of Natural Resources, Ministry of Agriculture & Food, and local Municipalities).
- III. Any person applying for a Council Exemption Permit shall erect and display a public notice regarding the Council Exemption application at the entrance from the adjoining roadway to the land where the Council Exemption Permit is being sought. This notice must be placed in a position that is clear and visible to all persons, and follow the format provided in Schedule "H".
- M. The hearing for the application shall not be scheduled less than twenty-one (21) Business Days from receipt of the completed application.
- V. If the application is approved, an on-site inspection will be conducted, and the perimeter of the forest cover that will remain will be marked with paint or another clear indicator to denote the extent of the approved Permit area. Any trees destroyed outside the approved area will be considered a violation under the Woodland By-law.

Declaration

I, _____ of the _____ in the County of Middlesex, solemnly declare that:

All the above statements, and the statements contained in all accompanying exhibits, are true. I make this solemn declaration conscientiously, believing it to be true and knowing that it carries the same force and effect as if made under oath.

Declared before me at the _____ of _____
in the _____ of _____ this _____ day of _____ 20__.

Signature of Owner or Authorized Agent

A Commissioner etc.

Note 1: If signed by an agent, written authorization from the owner must accompany the application. If the applicant is a corporation, the application shall be signed by an officer of the corporation and the corporation's seal shall be affixed.

Note 2: Each application must be accompanied by a map showing the parcel of land that is the subject of the application, including the boundaries and dimensions of the total holdings. The map must also indicate the size and area of the trees to be removed, portions of the woodland to be retained, and the location of the property in relation to abutting properties, specifying their land use (e.g., residential, agricultural, cottage, commercial, etc.)



SCHEDULE "H"

PUBLIC NOTICE

Woodlands Conservation By-law

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

AN APPLICATION FOR AN EXEMPTION TO THE WOODLANDS BY-LAW HAS BEEN SUBMITTED TO COUNCIL AFFECTING THESE FORESTED LANDS:

Lot: _____
Concession: _____
Municipality: _____
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:

County of Middlesex 399 Ridout St, N. London, ON N6A 2P1

This Notice is posted under the authority of Middlesex County Woodlands Conservation By-law No. 7314.

This Notice is to remain posted no less than ten (10) Business Days prior to consideration of this application.

Further Information or written notice please contact the County of Middlesex Conservation Officer. Tel. 519-434-7321 Ext: 2253 or clerk@middlesex.ca



County of Middlesex
399 Ridout Street North
London, ON N6A 2P1
(519) 434-7321 (fax) 434-0638

SCHEDULE "I"

WOODLAND CLEARING PERMIT

Permission is hereby granted by the Council of the Corporation of the County of Middlesex to destroy trees under the direction of the Woodland Conservation Officer, as outlined below:

REFERENCE APPLICATION: _____

ISSUED TO: _____

LOT: _____

CONCESSION: _____

MUNICIPALITY: _____

DATE OF ISSUE: _____

DATE OF EXPIRY: _____

BY: MIDDLESEX COUNTY COUNCIL

PER:

Name
Director of Planning and Development
The Corporation of the County of Middlesex

**If you have any questions or concerns, please contact the
Middlesex County Woodlands Officer at 519-434-7321 x2253.**



SCHEDULE "J"

STOP WORK ORDER

YOU ARE HEREBY DIRECTED AND ORDERED to immediately stop, halt, cease, and desist from any and all activities associated with the destruction or removal of trees from the following lands:

MUNICIPAL ADDRESS/LEGAL DESCRIPTION

Lot: _____ Part Lot: _____ Concession: _____

Municipality: _____

Owner of Property: _____

Individual responsible for destruction or injury of trees: _____

Description of Infraction:

1. Failure to apply for a Council exemption for the purpose of tree clearing under Schedule "G" of the Woodlands By-law.
2. Destruction and injury of trees in contravention of the Woodland By-law 7314.
3. Destruction and injury of trees without the use of Good Forestry Practice as prescribed by a Registered Professional Forester in good standing with the Ontario Professional Foresters Association or an associate member in good standing of the Ontario Professional Foresters Association.
4. Acting on behalf of an owner and failing to submit a Notice of Intent, where every owner of Woodlands or person acting on behalf of the owner who intends to destroy or injure trees personally or through another person must submit a Notice of Intent, contrary to section 6 of the Woodlands By-law 7314.
5. Operating a vehicle, equipment, or machinery, or conduct operations in a manner or at a time that results in excessive damage to soil, wetlands, natural areas, or other portions of the woodlands.

Date of Inspection: _____

Effective Order Date: DATE OF INSPECTION To: 6 MONTHS AFTER DATE OF INSPECTION

Signature of Officer: _____ Date: _____

Pursuant to Middlesex County Woodlands Conservation By-law, Section 10(a), subsection (e), if the person to whom the Order is directed has been served in accordance with this Woodlands By-law and is not satisfied with the terms of the Order, they may appeal to County Council by filing a Notice of Appeal through personal service or certified mail to the County Clerk within thirty (30) days of the date of the Order.

It is an offence to remove or deface any Order issued under this Woodlands By-law.



County of Middlesex
399 Ridout Street North
London, ON N6A 2P1
(519) 434-7321 (fax) 434-0638

SCHEDULE "K"
NOTICE OF APPEAL

PURSUANT TO WOODLANDS CONSERVATION BY-LAW NO. 7314

Date the Stop Work Order was Issued: _____

Name(s) of Owner: _____

Address: _____

Postal Code: _____

Telephone: _____

Email: _____

Reason for Appeal of Stop Work Order

Signature of Owner or Authorized Agent

Date