

The Corporation of the Township of Huron-Kinloss



BY-LAW

2020-07

By-Law To Amend the Municipal Tree Cutting Policy
for the Township of Huron-Kinloss

WHEREAS The Council for The Corporation of the Township of Huron-Kinloss deems it expedient to establish policies;

AND WHEREAS the Municipal Act S.O. 2001, c 25, Section 5(3), as amended provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law;

AND WHEREAS the Council for The Corporation of the Township of Huron-Kinloss passed By-Law 2004-49 to adopt a Municipal Tree Cutting Policy and it is now deemed desirable to amend the policy;

NOW THEREFORE the Council of The Corporation of the Township of Huron-Kinloss enacts as follows:

- 1.0 That the Corporation of the Township of Huron-Kinloss Council hereby adopts the amended a Revised Township Use Policy as contained in the attached Schedule "A" to this by-law.
- 2.0 That By-Law No. 2004-49 is hereby repealed.
- 2.0 This by-law shall come into full force and effect upon final passage.
- 3.0 This by-law may be cited as the "Adopt Amended Municipal Tree Cutting Policy."

READ a FIRST and SECOND TIME this 13th day of January, 2020.

READ a THIRD TIME and FINALLY PASSED this 13th day of January, 2020.



Mitch Twolan, Mayor



Emily Dance, Clerk



Policy

Section: 4.0 Public Works

Policy: Municipal Tree Cutting

By-Law: 2004-49

Date: 17 May 2004

Revision: 6 January 2020

Coverage:

This policy shall govern the removal of trees from Municipal property.

Policy Statement:

Trees shall not be removed from Municipal property without prior consent of the Director of Public Works of the Township of Huron-Kinloss, or designate.

Legislative Authority:

N/A

Contents:

Terms of Application

The Applicant is required to complete a "Request for Tree Cutting on Township Property" application form (see attached) prior to the removal of any trees deemed to be on Township property. By signing the application, the Applicant agrees to all terms of this policy and the application form including the Waiver of Liability.

Any trees removed without an approved application from the Director of Public Works, or designate, shall result in prosecution or restitution of the wood.

Use of Township Roadways

The Applicant may not interfere with the safe passage of vehicles and pedestrians on Township roadways without receiving approval from the Director of Public Works, or designate, at a minimum of forty-eight (48) hours prior undertaking such action. Approval must be granted regardless of whether or not the roadway is maintained by the Township at the time of the work being done.

Any work that infringes on Township roadways in any way must be done in accordance with Ontario Traffic Manual (OTM) Book 7, as amended.

Tree Marking

The Applicant shall mark all trees that are to be included in the Permit with fluorescent flagging tape. The Director of Public Works, or designate, must review the marked trees before the Permit will be signed. The Applicant will not be permitted to remove any unmarked trees once the Permit has been signed.

Restoration of Township Property

The Applicant is not permitted to remove or injure any Township infrastructure, including road surfaces, road signs and utility poles, in the process of completing this work. Any such damage must be reported to the Township immediately. All cost incurred as a result of this damage will be recovered from the Applicant.

Restoration of Township property beyond the roadway that has been impacted due to the activities of the Applicant, must be completed within sixty (60) days of commencing the work, unless an extension is granted by the Director of Public Works, or designate.

After forty-five (45) days of the work being completed, the Director of Public Works, or designate, shall notify the Applicant of the outstanding restoration issues. If the restoration work is not completed within fifteen (15) days of this notice, the Director of Public Works reserves the right to make the necessary arrangements to complete the restoration work and recover all costs incurred from the Applicant.

Restoration beyond the roadway includes, but is not limited to:

- Brush and stump removal
- Topsoil, grass and ditch reinstatement
- Trimming of injured limbs on adjacent trees

Cancellation of Permit

If the tree removal work is not completed within one year of the date of this Permit, then the Permit shall be deemed null and void.



The Corporation of the Township of Huron-Kinloss

P.O. Box 130
21 Queen Street
Ripley, Ontario
N0G 2R0

Phone: (519) 395 3735
Fax: (519) 395 4107
Email: info@huronkinloss.com

Request for Tree Cutting on Township Property

Name(s) of Applicant:

Date:

Mailing Address of Applicant:

Telephone Number:

Alternative Telephone Number:

Roll # of Property:

Date(s) of Removal:

Location:

Species	Trunk Diameter	Number of Trees

Reason for Removal:

The following section shall be completed if the purpose of tree removal includes lumber harvesting:

Estimated quantity of lumber to be harvested: board-feet

Average value of lumber to be harvested: \$ per board-foot

Estimated amount to be transferred to the Township: \$



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A Waiver of Liability must be signed by the Applicant:

In consideration of being permitted to participate in the activity contemplated by this application (the "Activity"), **I HEREBY RELEASE AND FOREVER DISCHARGE** the Corporation of the Township of Huron-Kinloss and its employees, council members, officials, officers, representatives, agents and volunteers (collectively the "Releasees") from all claims, demands, costs, expenses, actions or causes of action in respect of death, injury, loss or damage to my person or property, or to the person or property of any of the above-named person(s) for whom I am in law responsible, however caused, arising directly or indirectly by reason of my/our participation in the Activity. **I FURTHER AGREE TO INDEMNIFY AND SAVE HARMLESS** the Releasees from and against any and all liability, costs and expenses incurred by the Releasees for any damage to property of, or personal injury to, any person arising from or as a result of my actions as a participant in the Activity. **I FURTHER AGREE THAT THIS RELEASE AND INDEMNITY** shall be binding upon my heirs, executors, administrators and assigns.

By signing this form, I certify that I have read the waiver above and agree to its conditions.

I understand that failure restore the area disturbed due to my activities to the satisfaction of the Director of Public Works, I will be required to provide financial compensation to the Township for the total cost of restoration as determined by the Director of Public Work

Signature(s) of all owners of Property:

Date:

Signature of Director of Public Works:

Date:

In accordance with the Municipal Freedom of Information and Privacy Act, personal information is collected under the authority of the Municipal Act, 2001 and will only be used for the purpose of reviewing tree cutting requests. Questions about the collection of the personal information may be addressed to the Clerk at the Township of Huron-Kinloss, 21 Queen Street, P.O. Box 130, Ripley, ON, N0G 2R0 or (519) 395 3735