

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 060-2019

A By-law of the Corporation of the City of Vaughan to amend Tree By-law 052-2018, as amended, to provide greater clarity on the tree removal application exemptions for tree nurseries and golf courses, application requirements and enforcement powers.

WHEREAS section 8(1) of the *Municipal Act*, 2001, S.O. 2001, c.25 provides that powers of a municipality shall be interpreted broadly as to confer broad authority on the municipality to (a) enable the municipality to govern its affairs as it considers appropriate, and (b) enhance the municipality's ability to respond to municipal issues;

AND WHEREAS 11(2) of the *Municipal Act*, 2001, S.O. 2001, c.25 provides that a lower-tier municipality may pass by-laws respecting the economic, social and environmental well-being of the municipality, including respecting climate change;

AND WHEREAS section 135(1) of the *Municipal Act*, 2001, S.O. 2001, c.25, without limiting sections 9, 10 and 11 and subject to a by-law passed by an upper-tier municipality, provides for a lower-tier municipality to prohibit or regulate the destruction or injuring of trees;

AND WHEREAS section 425 of the *Municipal Act*, 2001, S.O. 2001, c.25, provides for a municipality to pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence;

AND WHEREAS section 426 of the *Municipal Act*, S.O. 2001, c.25 provides that no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this Act or under a by-law passed under this Act;

AND WHEREAS section 429 of the *Municipal Act*, S.O. 2001, c.25 provides for a municipality to establish a system of fines for offences under a by-law of the municipality passed under this Act;

AND WHEREAS section 436 of the *Municipal Act*, S.O. 2001, c.25 provides for a municipality to pass by-laws that authorize it to enter on land at any reasonable time for the purpose of carrying out an inspection to

determine if a by-law of the municipality is being complied with, or to determine if an order or direction of the municipality made under the Act or made under the by-law is complied with, and may require information, inspect documents and take samples;

AND WHEREAS the Council of The Corporation of the City of Vaughan wishes to pass a by-law that, for the purpose of protecting the municipality's tree canopy, regulates the removal of trees within the City;

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. Amend the *Tree By-law* 052-2018, by adding the following definitions in alphabetical sequence:

a. "*Tree Management Plan*", to mean a document which includes:

- a list and map of all trees on a lot;
- the manner and timing in which any injury or destruction of trees will be carried out;
- the qualifications and contact information of all persons authorized to injure or destroy trees;
- the plans for replacement tree(s) and planting(s), including species, size, location, and timing of those replacements, and whether the locations will change, and why;
- all measures that will be taken to mitigate the direct and indirect effects of the destruction of the tree on other nearby trees, properties, water bodies, natural areas and other components of the ecosystem; and
- other information as directed by staff;

b. "*Tree Nursery*" to mean an area where plants are grown for the purpose of transplanting, for use as stocks for budding and grafting, and/or for sale;

c. "*Tree Nursery Owner*" to mean the *Owner* of a *Tree Nursery*; and

d. "*Tree Nursery Operator*" to mean the *Operator* of a *Tree Nursery*;

e. "*Protected Tree*" to mean a tree which is protected by regulations outside of City of Vaughan, such as, but not limited to, the Regional Municipality of York Forest Conservation, or its successor by-law;

f. "*Trees Grown for Sale*" to mean trees grown by a nursery for the purpose of sale;

g. "*Golf Course*" to mean an area of land laid out for golf with a series of holes, which include any tees, fairways, putting greens and natural or artificial hazards;

- h. “*Golf Course Owner*” to mean the *Owner* of a *Golf Course*; and
 - i. “*Golf Course Operator*” to mean the *Operator* of a *Golf Course*.
2. Amend the *Tree By-law* 052-2018, to add Section 4(i), to state that “the by-law is not applicable to any *Protected Trees* otherwise not listed above”.
 3. Amend the *Tree By-law* 052-2018, to delete Section 8(e), to remove the permit exemption for *Golf Courses* and *Tree Nurseries*.
 4. Amend the *Tree By-law* 052-2018, to add Section 8(e), to state that “a permit is not required for a *Tree Nursery Owner* or *Tree Nursery Operator* or to injure or destroy a *Tree Grown for Sale*”.
 5. Amend the *Tree By-law* 052-2018, to add Section 8(f), to state that “a permit is not required for a *Golf Course Owner* or *Golf Course Operator* to injure or destroy a tree on a *Golf Course* if it is to support the health of surrounding vegetation or enhance the playability of the *Golf Course*”.
 6. Amend the *Tree By-law* 052-2018, to delete Section 11(f).
 7. Amend the *Tree By-law* 052-2018, to add Section 11(f) provision to state “a *Tree Management Plan*, if required by the *Director of Forestry*.”
 8. Amend the *Tree By-law* 052-2018, to add Section 11(g), to state “any other documentation, reports or information required by the *Director of Forestry*.”
 9. Amend the *Tree By-law* 052-2018, to add Section 19(f) to state “enter upon any property for the purposes of conducting an inspection to ensure compliance.”

Enacted by City of Vaughan Council this 1st day of May, 2019.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

Authorized by Item No. 10 of Report No. 11
of the Committee of the Whole
Adopted by Vaughan City Council on
March 19, 2019.