

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (1986)-12229

A by-law to prohibit the injury or destruction of any live tree in the City of Guelph and to repeal By-law Number (1986)-12098.

WHEREAS the City of Guelph desires to prohibit the injury or destruction of trees in the City of Guelph pursuant to Section 313 of the Municipal Act, R.S.O. 1980.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF GUELPH enacts as follows:

1. THAT it shall be an offence to injure or destroy any live tree in the City of Guelph without the written approval of the City Engineer. Each live, injured or destroyed tree shall be considered a separate offence
2. Definitions
 - i) Tree, means and includes any Deciduous or Coniferous growing tree that has a minimum height of 4.5 metres (15 feet) and a minimum diameter of 75 millimetres (3 inches) at a point one metre above ground level.
 - ii) Christmas Tree (s), means and includes any Coniferous tree that has been planted, cultivated and harvested for commercial purposes.
3. THIS by-law shall not
 - a) interfere with any right or power conferred upon The Corporation of the City of Guelph by the Municipal Act or any other Act.
 - b) interfere with any right or power of Ontario Hydro that is performing its functions for or on behalf of the Crown.
 - c) apply to trees growing on any highway or upon any open road allowance.
 - d) apply to trees growing on any separately assessed parcel of land with an area of less than 30,000 square feet.
 - e) apply to specific trees where of necessity must be removed, destroyed in order to erect or demolish any building, structure or thing in respect of which a permit has been issued under the Building Code Act.
 - f) apply to trees planted for production of Christmas trees.
 - g) apply to trees cut by an Ontario Land Surveyor, registered under the Surveyors Act or any person in his employ while making a survey.
 - h) apply to any trees growing on land owned by Her Majesty the Queen in Right of the Province of Ontario or in the Right of the Dominion of Canada.
 - i) apply to any trees growing on any land of the University of Guelph occupied and used by the University for its own purposes; land owned by the Guelph Cemetery Commission or lands owned by the Roman Catholic Episcopal Corporation, Diocese of Hamilton, used for cemetery purposes.
 - j) apply to the cutting or removal of diseased or insect-infested trees which must be cut or removed in order to prevent contamination or infestation of other trees.
 - k) apply to the cutting or removal of substantially damaged trees which no longer contribute to tree conservation.
 - l) apply to the cutting or removal of trees growing on necessary access trails and walkways.
 - m) apply to the clearing and thinning of trees for the purposes of stimulating tree growth and improving the quality of woodlots without permanently breaking the canopy.

4. ANY person convicted of an offence under this by-law shall be liable to a fine of not less than \$500.00 and not more than \$2,000.00.
5. By-law Number (1986)-12098 is hereby repealed.

PASSED this SECOND day of SEPTEMBER, 1986.

Original signed by:
John Counsell - Mayor

Original signed by:
W.G. Hall - Clerk