

THE CORPORATION OF THE TOWN OF DEEP RIVER

BY-LAW NUMBER 31-2025

A BY-LAW TO PROVIDE FOR THE PROTECTION, PRESERVATION, AND MANAGEMENT OF TREES ON MUNICIPAL PROPERTY

WHEREAS Section 135(1) of the *Municipal Act*, 2001, SO 2001, c. 25, permits the enactment of a By-Law by to prohibit or regulate the destruction or injuring of trees;

AND WHEREAS the Council of the Corporation of the Town of Deep River recognizes the environmental, social, and economical benefits of protecting trees on municipal lands, including road allowances;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of Deep River hereby **ENACTS** the following:

PART I - GENERAL

1 DEFINITIONS

“Critical Root Zone” means the area of land within a radius of ten (10) centimetres from the trunk of a tree for every one (1) centimetre of trunk diameter.

“Destroy” includes any act causing irreversible damage or removal of a tree.

“Diameter at Breast Height (DBH)” means diameter of tree measured at 1.37 meters (4.5 feet) above ground level.

“Director” means the Director of Operations of the Town of Deep River, or their designate.

“Ecological Value” means the significance of a tree in providing critical wildlife habitat, improving air quality, stabilizing soil, and contributing to biodiversity.

“Historical Significance” refers to a tree’s association with important events, people, or landmarks that have contributed to the history of the Town of Deep River.

“Injure” includes any damage that could affect the growth, health, or survival of a tree, including but not limited to cutting, carving, tapping for sap, or excessive pruning.

“Minor Maintenance” means any activity undertaken by the resident that does not impact the health or growth of the tree and does not interfere with the Town's Tree Protection By-law, including but not limited to watering and light pruning of branches.

“Municipal Property” includes all highways, road allowances, parks, and lands owned by the Town of Deep River that are designated for public use or administration.

“Municipal Tree” means any tree, including a boundary tree, that is located completely or partially on municipal property.

“Native Tree” means a species that naturally occurs in the local environment and region, as identified by the Town.

“Road Allowance” means the strip of land reserved for the development and maintenance of a public road, including any area owned by the municipality that may be used for sidewalks, utilities, landscaping, or other public purposes adjacent to or within the roadway.

“Significant Tree” means any tree that meets the criteria outlined in this By-law for notable characteristics, including size, species, historical significance, ecological value, or aesthetic value.

“Town” means the Corporation of the Town of Deep River.

“Tree” means any species of woody perennial plant, including its root system, which has reached or can reach a minimum four (4) meters at physiological maturity.

“Tree Care Notice” refers to the document provided by the Town to residents regarding the proper care and maintenance of trees planted through the Tree Planting Program.

“Tree Permit” means a written authorization issued by the Town permitting the injury or destruction of a tree on municipal property under specified conditions.

“Tree Planting Permit” means a written authorization issued by the Town permitting the planting of a tree on municipal property under specified conditions.

PART II – MUNICIPAL TREE PROTECTION

2 SCOPE

- 2.1 The provisions of this Part apply to all trees located on municipal property, including parks, public lands, road allowances, and highway corridors within the jurisdiction of the Town of Deep River.

3 PROHIBITED ACTIVITIES

- 3.1 No person shall, without a Tree Permit issued by the Town, injure or destroy any tree on municipal property, including road allowances.

- 3.2 No person shall, without a Tree Permit issued by the Town, cause or bring about the injury or destruction of any tree on municipal property by any third party, including, but not limited to, tree maintenance service providers, garden and landscaping contractors, or any other person acting on behalf of the person.
- 3.3 No person shall, without a Tree Permit issued by the Town, carry out any work within the critical root zone of a municipal tree that may result in injury or destruction to a municipal tree, including, but not limited to, grade changes and soil compaction. injure or destroy any tree on municipal property, including road allowances.
- 3.4 Tree maintenance conducted in a manner that does not result in the destruction or long-term injury of the tree, including, but not limited to, watering and light pruning of branches, does not require a permit.

4 PERMIT PROCESS

- 4.1 A person wishing to remove or injure a tree on municipal property must apply for a Tree Permit using the Town of Deep River Tree Permit Application Form.
- 4.2 Applications must include:
 - a) The reason for tree removal or injury,
 - b) The proposed method of carrying out the work,
 - c) The number of trees affected,
 - d) The location of tree(s), and
 - e) Any application fee required as described in the Schedule of Fees and Charges By-law, as amended from time to time.
- 4.3 The Tree Permit Application Form shall be submitted to the Director for review. Upon receipt of the application, the Director will evaluate the request, taking into account:
 - a) The health and condition of the tree(s),
 - b) The impact of the proposed action on the municipal tree canopy and surrounding areas,
 - c) Any planned replanting or remediation efforts, and
 - d) Any other considerations deemed appropriate by the Director to protect the municipal tree.
- 4.4 The Director may issue a Tree Permit for approved applications, specifying any conditions of approval. In cases where the permit is denied, the applicant will receive an explanation.

- 4.5 The Director may approve the removal of a municipal tree from a highway where the municipal tree by its very existence denies an owner of a property abutting the highway access to such owner's property provided that the owner of the property abutting the highway has requested the removal of the municipal tree and has provided evidence to the Director that no practical or economical option for access is possible, and has agreed to pay the Town the cash value of a replacement tree.

5 IDENTIFYING MUNICIPAL LANDS AND ROAD ALLOWANCES

- 5.1 Property owners or occupiers are wholly responsible for determining whether a tree is on municipal property before any work that may injure or destroy a tree is conducted. Owner/occupiers may submit a request to the Town for written confirmation of whether a tree is located on municipal land or a road allowance.

6 EXEMPTIONS

- 6.1 This By -Law does not apply to:
- a) Trees deemed by the Town to be dead, diseased, hazardous, or must be removed by the Town during an emergency for public safety.
 - b) Regular maintenance conducted by the Town or its agents.
 - c) Trees removed as part of an infrastructure project or roadwork approved by the Town.
 - d) Trees removed in accordance with the Town's Forest Management Plan.

PART III - TREE PLANTING ON MUNICIPAL PROPERTY

7 SCOPE

- 7.1 The provisions of this Part apply to all municipal property, including all road allowances, parks and open space.

8 PROHIBITED ACTIVITIES

- 8.1 No person shall plant a tree or install associated infrastructure on municipal property without the written approval of the Director.
- 8.2 Any tree planted without such approval may be subject to removal.

9 APPLICATION FOR TREE PLANTING APPROVAL

- 9.1 A person wishing to plant a tree on municipal property must apply for a Tree Planting Permit using the Town's Tree Planting Permit Application Form.
- 9.2 Applications must include:
- a) the location of the proposed planting on municipal property, and
 - b) The proposed selection of a preferred native tree species.
- 9.3 The Tree Planting Permit Application Form shall be submitted to the Director for review. Upon receipt of the application, the Director, in consultation with local experts as required, will evaluate the request, taking into account:
- a) The suitability of the preferred species for the proposed location,
 - b) The location of existing utilities and municipal infrastructure,
 - c) Impact on the safety and convenience of vehicles and pedestrians, and
 - d) Any other considerations deemed appropriate by the Director.
- 9.4 The Director may approve the planting of a tree on municipal property specifying any conditions as determined by the Director, including, but not limited to, the location, species, and size of the tree.

10 RESPONSIBILITIES

- 10.1 The Town shall be responsible for procuring the selected native tree species from a supplier.
- 10.2 The Town will be responsible for planting the tree on the approved road allowance, ensuring appropriate planting practices are followed.
- 10.3 The Town will provide initial care after planting, including the use of mulch and staking, if necessary, to ensure the tree is properly supported.
- 10.4 At the time of planting, the Town will provide residents with a Tree Care Notice, which will outline the specific needs of the newly planted tree, including watering and care requirements.
- 10.5 The applicant shall be responsible for regularly watering the newly planted tree as outlined in the Tree Care Notice provided by the Town.
- 10.6 The applicant shall be responsible for performing minor maintenance that does not impact the health or growth of the tree and does not contravene the provisions of this By-law, such as pruning and monitoring the tree for signs of disease or pests,

as outlined in the Tree Care Notice provided by the Town.

- 10.7 If any issue with the tree is observed or suspected, including signs of disease, damage, or decline in health, it is the resident's responsibility to notify the Town as outlined in the Tree Care Notice.

11 OWNERSHIP AND LIABILITY

- 11.1 Trees planted under the Tree Planting Permit program remain the property of the Town of Deep River and are regarded as municipal trees, protected by all relevant municipal by-laws concerning tree protection and preservation.
- 11.2 Applicants waive any right to hold the Town liable for any damage, injury, or loss caused by the tree. The applicant assumes full responsibility for any risks or damages associated with the tree.

PART IV - SIGNIFICANT TREES

12 SCOPE

- 12.1 The provisions of this Part apply to all trees located on any lands within the municipal boundaries of the Town of Deep River.

13 CRITERIA FOR SIGNIFICANT TREE STATUS

- 13.1 A tree may be designated as a Significant Tree based on the following criteria:
- a) Size: trunk diameter (DBH), height, or crown spread, with trees of exceptional size considered significant.
 - b) Species: native or rare species, particularly those at risk, or species of cultural importance to the community.
 - c) Age: trees with a long lifespan, particularly those existing before the town's establishment or linked to historical events.
 - d) Historical Significance: trees associated with important town events, persons, or landmarks.
 - e) Ecological Value: trees providing critical wildlife habitat, soil stabilization, or serving as a keystone species.
 - f) Aesthetic Value: trees with unique or desirable shapes or those enhancing public spaces aesthetically.
 - g) Location: trees located in prominent areas, such as near waterways or at key intersections, contributing to the town's natural heritage.

- h) Required Plantings and Retained Trees: trees that are designated as a condition of development (e.g., mature trees preserved in new subdivisions) or those identified for preservation in the Town's Forest Management Plan. These trees may also be required to meet environmental or urban planning objectives, such as enhancing the town's tree canopy or supporting biodiversity.

14 NOMINATION AND DESIGNATION PROCESS

14.1 Nominations: any resident or group may nominate a tree for Significant Tree status by submitting a Significant Tree Nomination to the Director. The nomination must include:

- a) Tree description,
- b) Tree location,
- c) Nominator's name and contact information,
- d) Property owner's written consent (if not nominator), and
- e) Explanation of how the tree meets one or more of the Significant Tree criteria.

14.2 Review Process: Upon receipt of a nomination, the Director, along with local experts as required, will review the tree to assess its suitability for Significant Tree status. If the tree meets the criteria, the Director may approve the designation, and the tree will be added to the Significant Tree registry.

15 RECORD

15.1 All trees designated as Significant Trees will be recorded in a registry maintained by the Town. The registry will include information such as tree species, location, significance, and the date of last inspection.

15.2 All trees designated as Significant Trees will be identified with a marker or plaque provided by the Town of Deep River. The plaque shall indicate the tree's status and may include relevant information such as species, year of designation, or a brief note on its significance.

16 PROTECTION

16.1 No person shall injure or destroy or permit the injury or destruction of a Significant Tree.

16.2 No person shall carry out any work within the critical root zone of a Significant Tree that may result in injury or destruction of the Significant Tree, including, but not limited to, grade changes and soil compaction.

17 REMOVAL FROM THE PROGRAM

17.1 A tree may be removed from the Significant Tree registry under the following circumstances:

- a) The tree is determined to be dead, diseased and/or presents a hazard to public safety. In such cases, the Town will document the findings and update the registry to reflect the removal, including the date and reason.
 - b) The legal property owner submits a request for the removal of a Significant Tree from the registry, provided the tree is located entirely on their privately owned land. Upon verification of ownership and location, the Town shall update the registry accordingly, and the protections under this By-law will cease to apply.
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PART V – ENFORCEMENT, OFFENCES AND PENALTIES

18 ENFORCEMENT

18.1 This By-law may be enforced by every Municipal Law Enforcement Officer or Police Officer.

19 OFFENCES AND PENALTIES

19.1 Any person, including any third party acting on behalf of another person, who contravenes any provision of this By-Law, or causes or contracts another person to contravene any provisions of this By-Law, is guilty of an offence and is liable to a fine in accordance with the provisions of the *Provincial Offenses Act*, 1990 c.P33, and to any other applicable penalty.

19.2 Any person who hinders or obstructs a person lawfully carrying out the enforcement of this By-law, or exercising a power or performing a duty under this By-Law, is guilty of an offence and is liable to a fine in accordance with the provisions of the *Provincial Offenses Act*, 1990 c.P33, and to any other applicable penalty.

20 SEVERABILITY

20.1 Each provision of this By-Law is independent of all other provisions and if any provision of this By-Law is declared invalid for any reason, all other provisions of this By-Law shall remain valid and enforceable.

21. REPEAL

By-Law No. 691 and any other predecessor By-Laws are hereby repealed.

22 EFFECTIVE DATE

22.1 This By-Law shall take effect upon the final passing thereof and upon approval by the Ministry of the Attorney General.

READ A FIRST, SECOND, AND THIRD TIME AND FINALLY PASSED THIS 11TH DAY OF JUNE, 2025.

Glenn Doncaster, REEVE

Jackie Mellon, CLERK

THE CORPORATION OF THE TOWN OF DEEP RIVER

SCHEDULE “A” TO BY-LAW 31-2025

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PENALTIES UNDER PART 1 PROVINCIAL OFFENCES ACT

ITEM	COLUMN 1 Short Form wording	COLUMN 2 Provision creating or defining Offence	COLUMN 3 Set Fine
1.	Fails to comply with provisions of this by-law.	s. 19.1	\$1,000.00
3.	Obstructs or attempts to obstruct Officer	s. 19.2	\$1,000.00