



The Corporation of the City of Peterborough

By-Law Number 19-042

Being a By-law to facilitate the protection and enhancement of the tree canopy in the City of Peterborough

Recitals

- A. Subsection 10(2) of the **Municipal Act, 2001**, S.O. 2001, c. 25, as amended (the “**Act**”) permits a single tier municipality to pass by-laws respecting the economic, social and environmental well-being of the municipality.
- B. Subsection 135(1) of the **Act** permits a local municipality to pass by-laws to prohibit or regulate the destruction or injuring of trees within the municipality.
- C. Subsection 270(1) of the **Act** requires a municipality to adopt and maintain policies respecting the manner in which the municipality will protect and enhance the tree canopy and natural vegetation in the municipality.
- D. An objective of the City’s Urban Forest Strategic Plan is that there be no net loss of the City’s tree canopy.
- E. Council of the City has determined that a by-law requiring disclosure of the proposed destruction of trees on private property will contribute to the City’s objective that there be no net loss of the City’s tree canopy as contemplated by the City’s Urban Forest Strategic Plan and by the **Act**.

Now Therefore, The Corporation of the City of Peterborough by its Council hereby enacts as follows:

- 1. In this By-law:
 - a) “Act” means the **Municipal Act, 2001**, S.O. 2001, c. 25, as amended.
 - b) “By-law” means this by-law as it may be amended from time to time.
 - c) “City” means, as applicable, The Corporation of the City of Peterborough or the geographic area described as the City of Peterborough.
 - d) “Commissioner” means the City’s Commissioner of Infrastructure and Planning Services and includes the City’s Manager, Infrastructure Management.
 - e) “DBH” is an acronym for “Diameter at Breast Height” meaning the diameter of a Tree measured outside the bark of the stem or trunk of the Tree at a point 1.37 metres above the existing grade of the ground adjoining the Tree’s base.
 - f) “Destroy” means any action which causes or which could cause irreversible decline or death of a Tree including removal of the Tree and “Destruction” describes the result.
 - g) “Nursery” means land on which the principal use is the growing of plants, shrubs and trees for sale to the public.
 - h) “Officer” means each of the City’s Urban Forest Manager and the City’s Urban Forest Technologist.
 - i) “Orchard” means land on which the principal use is the growing of fruit for sale to the public.

- j) “Owner” means each person who owns land on which a Tree exists.
 - k) “Tree” means any species of woody perennial plant, including its root system, which has grown to or has the potential to grow to a height of at least 4.5 metres and a DBH of at least 7.5 centimetres.
2. No person may Destroy a Tree or permit the Destruction of a Tree except with the prior written consent of all of the Owners and:
- a) unless exempt pursuant to section 3 of this By-law; or
 - b) except with notice given pursuant to section 4 of this By-law.
3. This By-law does not apply to a:
- a) Woodland or to a Plantation Woodland as defined by the City’s Woodland Conservation By-law;
 - b) Tree with a DBH of less than 7.5 centimetres;
 - c) Tree located within a rooftop garden or a solarium;
 - d) Tree located within a Nursery or an Orchard;
 - e) Tree to which the City’s By-law 82-82 or Chapter 765 of the City’s Municipal Code applies;
 - f) Tree the subject of a property standards order issued on behalf of the City; or to an
 - g) activity to which subsection 135(12) of the Act applies.
4. A person who intends to Destroy a Tree or to permit the Destruction of a Tree must give to the Commissioner no less than seventy-two (72) hours’ written notice of the Destruction. The notice is effective when given by e-mail to treebylaw@peterborough.ca or when received in City Hall, 500 George St. N., Peterborough, Ontario, marked to the attention of the City’s Urban Forest Manager as “Tree By-law Notice”. The notice shall include for each Tree the following particulars:
- a) each Owner’s name, mailing address, telephone number and, if applicable, e-mail address;
 - b) species;
 - c) DBH;
 - d) the reasons, if any, for the proposed Destruction including, as applicable, the Tree’s condition; and
 - e) each Owner’s plan, if any, to replace the Tree.
5. Officers may enter upon land to determine compliance with this By-law and to inspect Trees the subject of notices given pursuant to this By-law. For these purposes, Officers may:
- a) require information from any Owner concerning a matter related to the inspection; and may
 - b) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.
6. Each person who fails to comply with this By-law is guilty of an offence and, upon conviction, is liable to a fine of no less than \$500 for each Tree to which the offence relates.
7. By-law 17-120, Being a By-law to Regulate the Removal and Replacement of Trees in the City of Peterborough, entitled the Tree Conservation By-law, is repealed.

By-law read a first, second and third time this 25th day of March, 2019.

Dianne Therrien, Mayor

John Kennedy, City Clerk