

# Public Information Centre No.1

## Site Alteration Bylaw And Tree Bylaw



## **PURPOSE AND NEED OF SITE ALTERATION BYLAW AND STUDY:**

### **Problem/Opportunity:**

City of Brantford does not have a Site Alteration Bylaw

### **What is a Site Alteration Bylaw?**

- Site Alteration Bylaw provides the municipality with the legal means to control and enforce placement or dumping of fill, alteration of grade and/or the removal of topsoil from land in the City
- Intended to regulate activities with the potential for environmental degradation (illegal dumping, erosion, sediment transport and deposition), drainage problems (blockages, watercourse alterations) and public nuisance (tracking of mud on City thoroughfares, dust, noise)
- Site Alteration Bylaw does not replace the existing Land Development Approval Process

**The Study has been initiated to identify and evaluate implementation options for such Bylaws**

**Any proposed Bylaws must be easily understood by the public/stakeholders and efficiently administered by the City**

## LEGISLATIVE FRAMEWORK:

- **Municipal Act, 2001** authorizes municipalities to pass and implement bylaws that:
  - a) Prohibit or regulate the placing or dumping of fill
  - b) Prohibit or regulate the removal of topsoil
  - c) Prohibit or regulate the alteration of the grade of the land
  - d) Require that a permit be obtained for the placing or dumping of fill, the removal of topsoil or the alteration of the grade of land
  - e) Impose conditions to a permit, including requiring the preparation of plans acceptable to the municipality relating to grading, filling or dumping, the removal of topsoil and the rehabilitation of the site
  
- **Section 142 of the Municipal Act, 2001, S.O. 2001, c.25 as amended** authorizes local municipalities to pass bylaws prohibiting or regulating the placing or dumping of fill, the removal of topsoil and the alteration of the grade of land
  
- **Section 135(1) of the Municipal Act, 2001** authorizes municipalities to pass bylaws to prohibit or regulate the destruction and injuring of trees

## WHAT IS A PRIVATE TREE BYLAW?

### ➤ Tree By-law Legislation

- The *Municipal Act* (2001) allows municipalities of any size to enact tree by-laws.
- Key elements of the legislation are in the Natural Environment sections (Ch. 25, Sections 135 to 147), and include: by-law administration through a permitting process, the ability to hand out stop work orders in cases of infractions, appeal procedures, ceilings on fines, and different fines for individuals versus corporations.

### ➤ Tree By-law Purpose

- To provide municipalities with effective tools for protecting trees within its boundaries.

### ➤ Tree By-law Practice

Specific clauses in the act give a municipality the authority to, through a private tree by-law:

- require permits and impose conditions to a permit;
- order discontinuation of activity;
- set fines for convictions of up to \$10,000 for persons and \$50,000 for corporations for a first time offense, and up to \$25,000 for persons and \$100,000 for corporations for a subsequent offense; and
- order an offender to replant trees in addition to the above fines.

## CURRENT BRANTFORD PRIVATE TREE BYLAW

### By-law Number 171-2002

#### **Problem/Opportunity:**

Current City of Brantford Tree Bylaw is limited in scope with trees subject to protection under the by-law within:

- Woodlots (>1 acre)
- Lands pending an application for development approvals for :
  - a subdivision
  - a condominium
- An Environmental Protection Policy Area or an Environmental Control Policy Area

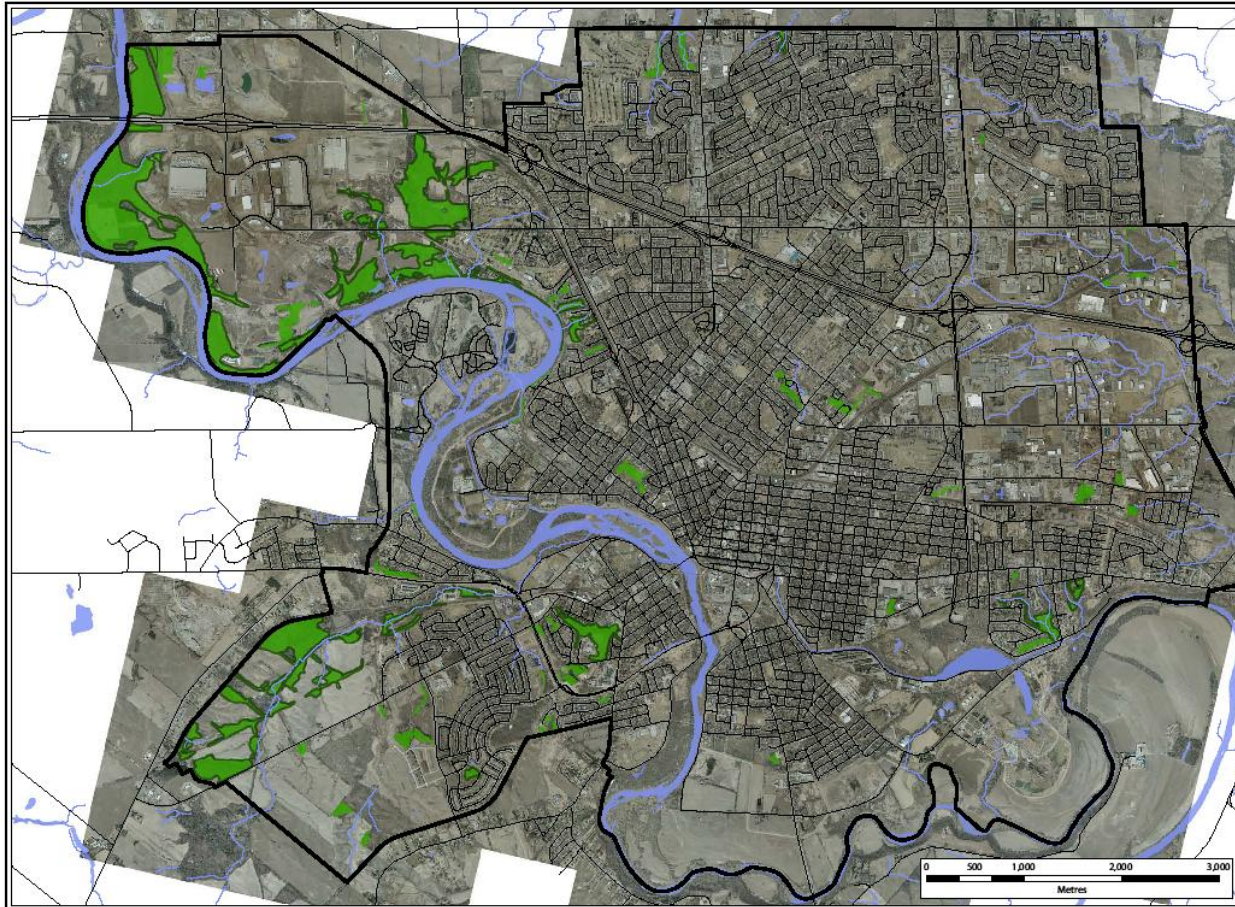
Trees naturally occurring as the following species are subject protection:

- American Chestnut, Dwarf Hackberry, Kentucky Coffee, Blue Ash, Dwarf Chinquapin Oak, Hills Oak, Schumard Oak, Sweet Pignut Hickory, Cucumber Tree, Red Mulberry, Hop Tree.

#### Penalties

- 1<sup>st</sup> conviction \$10,000 or \$1,000 per tree (whichever is greater)
- Subsequent convictions \$25,000 or \$2,500 per tree (whichever is greater)

**The City of Brantford has initiated an update to the Tree Bylaw to address the preservation in a more comprehensive manner.**



- Legend**
- Study Area
  - Water Feature
  - Road
  - Tree Bylaw Woodlots**
  - Woodlots
  - Woodlots contained by Environmental Policies

**City of Brantford  
Schedule B  
One Acre Woodlots**



PROJECT: DA09-02-401

CLIENT: City of Brantford

DATE: MARCH 2010

SCALE: NTS

DRAWN BY: LW

CHECKED BY: KSL

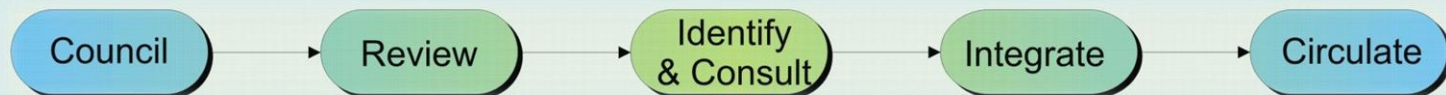
FIGURE

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This information displayed on this map has been compiled from various sources. While every effort has been made to accurately depict the information on this map, the user should be advised that the user should not rely on this map for any legal or financial purposes. The user should consult with a professional for any legal or financial purposes. The user should also consult with the City of Brantford for any information on the use of this map.

## BYLAW DEVELOPMENT PROCESS

- Council direction provided to staff to complete a city-wide Site Alteration Bylaw and Updated Tree Bylaw
- Review of similar bylaws and policies adopted by other area Municipalities in the Province
- Identify stakeholders and arrange public meetings to enable input and keep the public informed of the process
- Ensure integration of new bylaws with existing City of Brantford Permits and Planning Policies
- Circulate reports to agencies and hold two (2) Public Information Centres (P.I.C.'s)



## PROJECT CONSULTATION

The Public Consultation for the Site Alteration Bylaw and Updated Tree Bylaw includes meetings and discussions with the following organizations:

- City of Brantford – various Departments
- Grand River Conservation Authority
- Private Tree Bylaw Task Force
- Environmental Policy Advisory Committee
- Heritage Committee
- Cultural Advisory Committee
- Brantford Home Builders Association
- General Public





## PROJECT SCHEDULE

Consultant Background Information Review		January 2010 & February 2010
Public Open House		March 9, 2010
Draft Bylaw	Legal Review	March/April 2010
	Review with City	April 15, 2010
	Committee of the Whole	May 3, 2010
Public / Stakeholder Meetings (Second Round)		May 2010 (TBD)
Final Bylaw	Legal Review	
	Review with City	June 3, 2010
	Committee of the Whole	June 21, 2010
Report To Council		June 28, 2010

## NEXT STEPS

- Receive public comments by March 19, 2010;
- Review comments received from the public and agencies to date;
- Draft bylaws, conduct legal review and report to City and Committee of the Whole; and
- PIC No. 2 – May 2010.