

Authority: Item 11, Planning Committee
Report: 14-012 (PD02229(f))
CM: August 15, 2014

Bill No. 213

**CITY OF HAMILTON
BY-LAW NO. 14-213**

**To Amend: By-law No. 2000-118, the Town of Ancaster Tree Protection By-law;
By-law No. 4513-99, the Town of Dundas Tree Protection By-law; By-law 4401-96,
the City of Stoney Creek Tree By-law; By-law No. R00-054, the Regional
Municipality of Hamilton-Wentworth Conservation By-law**

WHEREAS Council wishes to amend By-law No. 2000-118, the Town of Ancaster Tree Protection By-law; By-law No. 4513-99, the Town of Dundas Tree Protection By-law; By-law No. 4401-96, the City of Stoney Creek Tree By-law; and By-law No. R00-054, the Regional Municipality of Hamilton-Wentworth Woodland Conservation By-law;

AND WHEREAS the City of Hamilton Act, 1999 did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is successor to the following former area municipalities: The Corporation of the Town of Ancaster, The Corporation of the Town of Dundas, The Corporation of the Town of Flamborough, The Corporation of the Township of Glanbrook, The Corporation of the City of Hamilton, and The Corporation of the City of Stoney Creek; and the successor the former Regional Municipality of Hamilton Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the By-laws of the former area municipalities and the former Regional Municipality of Hamilton-Wentworth remain in force, in respect of the part of the municipal area to which they applied on December 31, 2000, until they expire or are repealed or amended to provide otherwise.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

By-law No. 2000-118, the Town of Ancaster Tree Protection By-law:

1. Section 3.3 of By-law No. 2000-118 of the Town of Ancaster Tree Protection By-law is deleted and replaced with the following new Section 3.3:

3.3 COMPLIANCE WITH OTHER STATUTES AND BY-LAWS

- 3.3.1 The provisions of this By-law apply in addition to the provisions contained in any other applicable By-laws of the City of Hamilton or applicable provincial or federal statutes or regulations.
- 3.3.2 In the event of a conflict between this By-law and any other applicable By-law of the City of Hamilton:
- (i) where one or more conflicting provisions provides for public health or safety, then the provision which is most protective of public health or safety prevails; or,
 - (ii) where none of the conflicting provisions provides for public health or safety, then the provision which is most protective of trees prevails.

By-law No. 4513-99, the Town of Dundas Tree Protection By-law:

2. Section 3 of By-law No. 4513-99 of the Town of Dundas is amended by adding the following new Sub-section 3(g):
- (g) (i) The provisions of this By-law apply in addition to the provisions contained in any other applicable By-laws of the City of Hamilton or applicable provincial or federal statutes or regulations.
 - (ii) In the event of a conflict between this By-law and any other applicable By-law of the City of Hamilton:
 - 1. where one or more conflicting provisions provides for public health or safety, then the provision which is most protective of public health or safety prevails; or,
 - 2. where none of the conflicting provisions provides for public health or safety, then the provision which is most protective of trees prevails.

By-law No. 4401-96, the City of Stoney Creek Tree By-law:

3. The first Recital of By-law No. 4401-99 of the City of Stoney Creek is amended by deleting the words “and prescribing fees for the permit”.
4. Section 4 of By-law No. 4401-99 of the City of Stoney Creek is deleted and replaced by the following new Section 4:

4.
 - (a) The provisions of this By-law apply in addition to the provisions contained in any other applicable By-laws of the City of Hamilton or applicable provincial or federal statutes or regulations.
 - (b) In the event of a conflict between this By-law and any other applicable By-law of the City of Hamilton:
 - (i) where one or more conflicting provisions provides for public health or safety, then the provision which is most protective of public health or safety prevails; or,
 - (ii) where none of the conflicting provisions provides for public health or safety, then the provision which is most protective of trees prevails.
5. Section 17 of By-law No. 4401-99 of the City of Stoney Creek is deleted and replaced with the following new section 17:
 17. Where the person injuring or destroying the trees is not the owner, the applicant for a permit under this by-law shall provide proof of public and general liability insurance to the satisfaction of the City Clerk upon submitting the application.
6. Section 36 of By-law No. 4401-99 of the City of Stoney Creek is deleted.
7. Schedule "A" of By-law No. 4401-99 of the City of Stoney Creek is deleted.
8. Schedule "C" of By-law No. 4401-99 of the City of Stoney Creek is amended by deleting the words "and shall pay the required fees as set out in Schedule "A" of this by-law" from the third paragraph.

By-law No. R00-054, the Regional Municipality of Hamilton-Wentworth:

9. Section 2 of By-law No. R00-054 of the Regional Municipality of Hamilton-Wentworth is amended by adding the following new Sub-section 2(3):
 - (3)
 - (a) The provisions of this By-law apply in addition to the provisions contained in any other applicable By-laws of the City of Hamilton or applicable provincial or federal statutes or regulations.
 - (b) In the event of a conflict between this By-law and any other applicable By-law of the City of Hamilton:
 - (i) where one or more conflicting provisions provides for public health or safety, then the provision which is most protective of public health or safety prevails; or,

- (ii) where none of the conflicting provisions provides for public health or safety, then the provision which is most protective of trees prevails.

10. This By-law comes into force on the date of its passing.

PASSED this 15th day of August, 2014.

R. Bratina
Mayor

M. Gallagher
Acting City Clerk