



**CITY OF HAMILTON**  
**PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT**  
**Licensing and By-law Services Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 16, 2017
<b>SUBJECT/REPORT NO:</b>	Housekeeping Amendment to the Regional Municipality of Hamilton-Wentworth Woodland Conservation By-law No. R00-054, Town of Ancaster Tree Protection By-law No. 2000-118, Town of Dundas Tree Protection By-law No. 4513-99, and City of Stoney Creek Tree By-law No. 4401-96 (PED17084) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Robert Ustrzycki (905) 546-2424 Ext. 4721
<b>SUBMITTED BY:</b>	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATIONS**

- (a) That the technical and housekeeping changes to the Regional Municipality of Hamilton-Wentworth Woodland Conservation By-law No. R00-054, Town of Ancaster Tree Protection By-law No. 2000-118, Town of Dundas Tree Protection By-law No. 4513-99, and City of Stoney Creek Tree By-law No. 4401-96, detailed in the proposed amending By-law attached as Appendix “A” to Report PED17084 be approved; and,
- (b) That the amending By-law attached as Appendix “A” to Report PED17084, which has been prepared in a form satisfactory to the City Solicitor be enacted by Council.

**EXECUTIVE SUMMARY**

By-law amendments are occasionally required, to correct minor errors, and as part of continuous improvement efforts, for the most efficient and effective by-laws. Report PED17084 recommends:

- amending the Regional Municipality of Hamilton-Wentworth Woodland Conservation By-law No. R00-054 to up-date and clarify the meaning of the tree destruction restrictions in Section 3;

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*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

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- updating and harmonizing the general penalty provisions of all the City of Hamilton Tree By-laws.

***Alternatives for Consideration –Not Applicable***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial / Staffing / Legal: N/A

**HISTORICAL BACKGROUND**

The current wording of the tree destruction restrictions in Section 3 of the Regional Municipality of Hamilton-Wentworth Woodland Conservation By-law No. R00-054 does not clearly set out the four possible offences and has made enforcement problematic.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

N/A

**RELEVANT CONSULTATION**

Legal Services was consulted in the preparation of this Report and the draft amending By-law attached as Appendix “A” to Report PED17084.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

As part of continuous improvement efforts, staff work to improve enforcement activities, including updating various by-laws to address specific municipal needs identified by Council, committees, staff, public, and the courts. In addition to continuous improvement efforts, by-laws require changes over time to align with changes to legislation, improved processes and to correct obsolete or imprecise language while maintaining the by-laws’ original intent and their effectiveness.

The changes recommended in this Report are minor in nature, and do not in any way deviate from the by-laws’ intent as originally approved and enacted by Council. To remedy the incongruity identified in the tree destruction restrictions under Section 3 of the current Regional Municipality of Hamilton-Wentworth Woodland Conservation By-law No. R00-054, the amending By-law, attached as Appendix “A” to Report PED17084, makes clear that there are four separate offences which the current

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language fails to do. In addition, the penalty provisions of the Regional Municipality of Hamilton-Wentworth Woodland Conservation By-law No. R00-054, relies on the Forestry Act, which no longer applies.

Staff determined the penalty provisions are inconsistent and out-of-date in the following by-laws which protect trees and woodlands:

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

The amendments in Appendix “A” to Report PED17084 are consistent with the recently enacted Hamilton Urban Woodland Conservation By-law and Public Tree Protection By-law, thereby harmonizing the penalty provisions city-wide.

#### **ALTERNATIVES FOR CONSIDERATION**

N/A

#### **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

##### **Our People and Performance**

*Hamiltonians have a high level of trust and confidence in their City government.*

#### **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED17084 – Draft amendment to the Regional Municipality of Hamilton-Wentworth Woodland Conservation By-law No. R00-054, Town of Ancaster Tree Protection By-law No. 2000-118, Town of Dundas Tree Protection By-law No. 4513-99, and City of Stoney Creek Tree By-law No. 4401-96

KL/RU/st