

BY - LAW NUMBER 135-2004

A BY-LAW TO REGULATE THE PLANTING OF TREES AND PROHIBIT THE DESTRUCTION OR INJURING OF TREES ON HIGHWAYS IN THE CITY OF WINDSOR OR ON ANY LANDS OWNED BY THE CORPORATION OF THE CITY OF WINDSOR

Passed the 10th day of May, 2004.

**WHEREAS** pursuant to Section 11(1) of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, municipalities may pass by-laws respecting highways;

**AND WHEREAS** pursuant to Section 135 (1) of the said Act municipalities may prohibit the destruction or injuring of trees;

**AND WHEREAS** Section 138 of the said Act provides that a by-law passed under Section 135 of the said Act may provide that any person who contravenes such by-law is guilty of an offence and is liable to a penalty as set out in that section;

**THEREFORE** the Council of the Corporation of the City of Windsor enacts as follows:

1. In this by-law,
  - (a) "Act" means the Municipal Act, 2001, S.O. 2001, c. 25 as amended from time to time;
  - (b) "Corporation" means The Corporation of the City of Windsor;
  - (c) "Executive Director of Parks and Forestry Services" means the Executive Director of Parks and Forestry Services of the Corporation;
  - (d) "highway" means a highway as defined in section 26 of the Act;
  - (e) "tree(s)" means trees and includes shrubs and any other vegetation;
2. The Executive Director of Parks and Forestry Services is authorized and directed to:
  - (a) administer and enforce the provisions of this by-law; and
  - (b) supervise the planting of trees upon the highway and the trimming of trees planted upon the highway or upon private property where the branches extend over a highway.
3. No person shall plant any species of tree referred to in Schedule "A" attached hereto and forming part of this by-law, on any highway in the City of Windsor.
4. The Executive Director of Parks and Forestry Services may remove without notice to any person, any of the species of tree referred to in Schedule "A", which are growing on a highway in the City of Windsor or have been planted thereon contrary to this by-law.
5. No person shall destroy or injure trees on a highway in the City of Windsor, or on any lands owned by the Corporation.
6. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine of:

- (i) (a) on a first conviction, to a fine of not more than \$10,000 or \$1,000 per tree which ever is greater; and
- (b) on any subsequent conviction to a fine of not more than \$25,000 or \$2,500 per tree, which ever is greater exclusive of costs, for such offence in accordance with the Act.
- (ii) Despite section 6 (i), where the person is a corporation:
  - (a) the maximum fines in clause (i)(a) are \$50,000 or \$5,000 per tree and;
  - (b) the maximum fines in clause (i)(b) are \$100,000 or \$10,000 per tree.

7. By-law 7545 is hereby repealed.

8. This by-law shall come into force and take effect from and after the final passing thereof.

EDDIE FRANCIS, MAYOR

DEPUTY CLERK

First Reading - May 10, 2004  
Second Reading - May 10, 2004  
Third Reading - May 10, 2004

SCHEDULE "A"  
TO BY-LAW NUMBER 135-2004

1. All poplar species (*Populus* spp.)
2. All willow species (*Salix* spp.)
3. Thorney honey locusts (*Glenditsia*)
4. Manitoba Maple (*Acer negundo*).