



BY-LAW

NO. 2024 – 071

**Being a By-law to Adopt a Tree Canopy and Natural Vegetation Policy for
The Corporation of the Municipality of Kincardine**

Whereas pursuant to the said Municipal Act, Sections 8 and 9 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas Section 270 (1) of the Municipal Act 2001, S.O. 2001, c. 25, as amended, requires a municipality to adopt and maintain a policy with respect to the manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public; and

Whereas the Council of the Corporation of the Municipality of Kincardine desires to adopt a new Tree Canopy and Natural Vegetation Policy; now therefore be it

Resolved that the Council of The Corporation of the Municipality of Kincardine **Enacts** as follows:

1. That the Tree Canopy and Natural Vegetation Policy for The Municipality of Kincardine, attached hereto as Schedule 'A' and forming part of this By-law be adopted.
2. That this By-law shall come into full force on September 1, 2024.
3. That By-law may be cited as the "Tree Canopy and Natural Vegetation Policy By-law".

Read a First, Second and Third Time and Finally passed this 8th day of May, 2024.

Mayor

Clerk

Schedule ‘A’

Policy No.: ADMIN.07

Section: Your Livable Community

Policy Title: Tree Canopy and Natural Vegetation Policy

Adopted Date: May 8, 2024

Effective Date: September 1, 2024

By-law No.: 2024 - 071

Revision Date:

1. Purpose

The Municipality of Kincardine recognizes the significant environmental, social, and economic benefits of a healthy tree canopy and natural vegetation. This policy aims to preserve, enhance, and sustainably manage tree cover and natural vegetation within the municipality to contribute to the well-being of residents, biodiversity conservation, climate change mitigation, and the overall aesthetic appeal of the community.

Section 270(1)(7) of the *Municipal Act, 2001, S.O. 2001, c25* requires the Municipality of Kincardine to adopt and maintain a policy setting out the manner in which the Municipality will protect and enhance the tree canopy and natural vegetation within the Municipality.

2. Scope

This Policy applies to the Municipality and various stakeholders within the Municipality including contractors and service providers, property owners, developers and builders, community groups and organizations and the general public.

3. Definitions

“**Biodiversity Conservation**” shall mean the protection, management, and restoration of a variety of plant and animal species within their natural habitats. Biodiversity conservation aims to maintain healthy ecosystems and safeguard the interdependence of species for the benefit of both human and ecological well-being.

“**Climate Change Mitigation**” shall mean the actions taken to reduce or prevent the emission of greenhouse gases (GHGs) into the atmosphere, or to enhance the removal and storage of carbon dioxide from the atmosphere. Tree canopies and natural vegetation contribute to climate change mitigation by absorbing carbon dioxide through photosynthesis and storing carbon in their biomass.

“**Conservation Authority**” shall mean the Saugeen Valley Conservation Authority.

“**Development**” shall mean the construction or expansion of buildings and structures, or the construction of Infrastructure.

“**Environmental Education**” shall mean the process of providing knowledge, awareness, and skills to individuals and communities to understand and actively participate in environmental conservation and sustainable practices. Environmental education aims to foster a sense of environmental responsibility and empower individuals to make informed decisions.

“**Financial Resources**” shall mean the funds and financial allocations necessary for implementing and sustaining tree canopy and natural vegetation initiatives. This may include budgetary provisions from the municipality, grants from external sources, and potential collaboration with funding agencies and community partnerships.

“**Infrastructure**” shall be as defined in the Provincial Policy Statement.

“Invasive Plant Species” shall mean the non-native plant species that aggressively spread and outcompete native vegetation, disrupting natural ecosystems and reducing biodiversity. Invasive plants often lack natural predators or diseases to keep their population in check, leading to their rapid expansion and negative impacts on native flora and fauna.

“Land-Use Planning” shall mean the process of regulating the use and development of land within a municipality. Land-use planning involves considering social, economic, and environmental factors to guide decisions on zoning, development permits, and the protection of natural areas.

“Monitoring and Reporting” shall mean the systematic collection of data and information to track the progress, effectiveness, and outcomes of policies, programs, and initiatives. Monitoring and reporting enable informed decision-making, evaluation, and accountability.

“Municipal Property” shall mean property owned by the Municipality.

“Municipality” shall mean The Corporation of the Municipality of Kincardine;

“Native Plant Species” shall mean the plant species that naturally occur and have evolved within a particular region or ecosystem. Native plants are well-adapted to local environmental conditions and provide important ecological functions, such as supporting local wildlife and pollinators.

“Natural Vegetation” shall refer to the plant life that occurs naturally in an area, including native trees, shrubs, grasses, and other flora. Natural vegetation plays a crucial role in providing habitat, maintaining biodiversity, and supporting ecosystem services.

“Site Plan Control Agreement” shall mean a legally enforceable agreement between the property owner and the Municipality registered on the property’s title.

“Technical Capacity” shall mean the knowledge, skills, and resources required to implement and manage tree planting, maintenance, and conservation programs effectively. Technical capacity includes expertise in horticulture, arboriculture, ecological restoration, and other relevant disciplines.

“Tree Canopy” shall mean the collective coverage of tree crowns when viewed from above, forming a layer of foliage and branches. It refers to the area covered by the branches, leaves, and stems of trees in a particular area.

“Tree Protection Bylaws” shall mean the regulations enacted by the municipality to legally safeguard trees from removal or destruction. These bylaws may require permits for tree removal, specify tree protection zones, and outline penalties for non-compliance.

“Vegetative Buffer” shall mean an area of dense vegetation intended to slow runoff and trap sediment adjacent to a riparian corridor, lake or steep slope.

“Waterfront Property” shall mean a property abutting a waterbody or water course as defined in the Municipality’s Zoning By-Law.

4. Responsibility

It is the responsibility of Staff to implement the Policy and to ensure that the Municipality and other stakeholders are aligned with the objectives of the Tree Canopy and Natural Vegetation Policy and follow through with the initiatives outlined within the Policy.

5. Procedure/Policy

5.1. Tree Canopy Preservation and Enhancement

- (a) The municipality will encourage the preservation and enhancement of existing tree canopies through measures such as tree protection bylaws, education and outreach programs, and financial incentives for tree planting and maintenance.

- (b) Development proposals should prioritize the retention of mature trees and promote the integration of new tree plantings into the design of built environments.
- (c) The municipality will collaborate with relevant stakeholders, including residents, community organizations, and experts, to establish tree canopy targets and develop strategies for achieving and maintaining them.

5.2. Tree Planting and Maintenance

- (a) The municipality will actively promote and support tree planting initiatives to increase tree cover across the community.
- (b) The selection of tree species for planting shall consider local climate conditions, soil suitability, and the ecological functions provided by various tree species.
- (c) Tree planting programs will focus on public spaces, including parks, streets, and open areas, while also encouraging private property owners to participate.
- (d) The municipality will provide resources, guidelines, and assistance to residents for tree planting, including information on suitable tree species, planting techniques, preferred planting locations and ongoing tree care.

5.3. Natural Vegetation Conservation

- (a) The municipality will identify and protect areas of significant natural vegetation, such as woodlands, wetlands, and natural corridors, through appropriate land-use planning mechanisms and conservation policies.
- (b) Restoration and rehabilitation of degraded natural areas will be encouraged, with an emphasis on native plant species to promote biodiversity and ecosystem health.
- (c) Invasive plant species management programs will be implemented to prevent their spread and minimize their negative impact on native vegetation.

5.4. Grass Land Maintenance

- (a) The Municipality of Kincardine recognizes the importance of properly maintaining grass areas to ensure ecological balance, aesthetic appeal, and functional use within the natural vegetation framework.
- (b) Grass maintenance practices shall aim to promote healthy grass growth, enhance biodiversity, conserve water, and reduce the use of chemicals and fossil fuels.
- (c) The municipality will adopt sustainable mowing practices that strike a balance between maintaining neat appearances and supporting ecological health.
- (d) Mowing frequency and height will be adjusted to promote the growth of native grass species, provide habitat for pollinators and other wildlife, and conserve water.
- (e) Implementation of "no-mow" or "reduced-mow" areas in appropriate locations, such as parks, open spaces, and non-critical roadside areas, will be encouraged to allow grasses to grow taller and support biodiversity.

5.5. Tree Removal for Development

Where the Tree Canopy and Natural Vegetation has been cleared on a property prior to the submission of a building or planning application the property owner shall be required to undertake remediation which will be outlined in the Site Plan Control Agreement or Subdivision Agreement.

5.6. Education and Awareness

- (a) The municipality will develop educational programs and campaigns to raise awareness about the importance of tree canopy and natural vegetation, highlighting their benefits and providing guidance on how individuals and communities can contribute to their preservation and enhancement.
- (b) Collaboration with local schools, community organizations, and environmental groups will be encouraged to promote environmental education and engage residents in tree planting and conservation initiatives.

5.7. Partners/Grants

Property Owners are encouraged to take advantage of available tree sales and grant programs offered through other associations and entities (e.g. the Saugeen Valley Conservation Authority, Alternative Land Use Services (ALUS)).

5.8. Policy Integration

- (a) The tree canopy and natural vegetation policy will be integrated into relevant municipal plans and policies, including but not limited to urban forestry plans, parks and open spaces plans, and environmental sustainability strategies.
- (b) Collaboration with neighboring municipalities, conservation authorities, and regional bodies will be pursued to ensure consistency and coordination in tree canopy and natural vegetation management across broader landscapes.

5.9. Monitoring and Reporting

- (a) The municipality will establish a monitoring and reporting framework to assess the progress of tree canopy and natural vegetation initiatives, track the implementation of this policy, and identify areas for improvement.
- (b) Regular updates on the status of tree canopy cover, tree planting efforts, and natural vegetation conservation will be provided to the public through various communication channels.

5.10. Funding and Resources

- (a) The municipality will allocate appropriate financial resources and seek external funding opportunities to support the implementation of tree canopy and natural vegetation initiatives.
- (b) Collaboration with relevant funding agencies, grant programs, and community partnerships will be pursued to enhance the financial and technical capacity for tree planting, maintenance, and conservation.

5.11. Policy Review

- (a) The municipality will periodically review and evaluate the effectiveness of this policy and associated programs to ensure they align with changing environmental conditions, emerging best practices, and community needs.

6. Related Documents/Legislation

- Schedule A – Municipal Initiatives
- Section 270(1)(7) of the Municipal Act, 2001
- Municipality of Kincardine Official Plan
- Municipality of Kincardine Zoning By-law
- Site Plan Control By-law
- Bruce County Forest Conservation By-law

7. Disclaimer

- 7.1.** This policy does not take priority over any By-laws, Plans, Policies, Resolutions or Agreements of the Municipality of Kincardine.

Schedule A to the Tree Canopy and Natural Vegetation Policy

Municipal Initiatives

The Municipality of Kincardine has a number of initiatives to promote increasing the municipal tree canopy coverage and maintaining the natural vegetation in the community.

1. Phragmites Maintenance Program

In 2013, the Municipality of Kincardine adopted the “Invasive Phragmites Management Plan – Phase 1”. This plan details the control efforts required for the shoreline north of Bruce Power. The plan is leading the way locally with positive results in controlling the destructive plant.

Phragmite control efforts begin yearly in the late spring and continue throughout the summer.

2. Tall Tree Sale

The Municipality of Kincardine conducts an annual “Tall Tree Sale” for residents to purchase different species of trees at a discounted price.

3. Downtown Tree Planting

A new program will be implemented in whereby saplings are planted within large planters along the downtown streets of Kincardine. Once these saplings have outgrown their planters, they are then transferred to locations throughout the Municipality to further grow.

4. Noxious Weeds Management

- (a) The Municipality of Kincardine acknowledges the threat posed by the presence of noxious weeds to the environment, public health, and agricultural lands.
- (b) The municipality is committed to implementing proactive measures to prevent the introduction, control the spread, and manage the eradication of designated noxious weeds within its jurisdiction.
- (c) The municipality will adhere to the list of designated noxious weeds as outlined in the Weed Control Act of Ontario and any subsequent updates or amendments.
- (d) Specific attention will be given to the management of high-priority noxious weeds commonly found in Ontario, including but not limited to Giant Hogweed (*Heracleum mantegazzianum*), Wild Parsnip (*Pastinaca sativa*), and Purple Loose strife (*Lythrum salicaria*).
- (e) Efforts will be made to inform the community about the identification, reporting, and proper management practices for noxious weeds, including the provision of educational materials and resources.

5. Tree Removal on Municipal Property

The Municipality shall replace any trees/vegetation that is removed with two (2) trees or other vegetation on Municipal Property:

- On the same Municipal Property, if feasible; or,
- On another Municipal Property in the same subwatershed; or,
- On another property in the Municipality.