



# Private Tree Protection

## By-law No. 5139-19

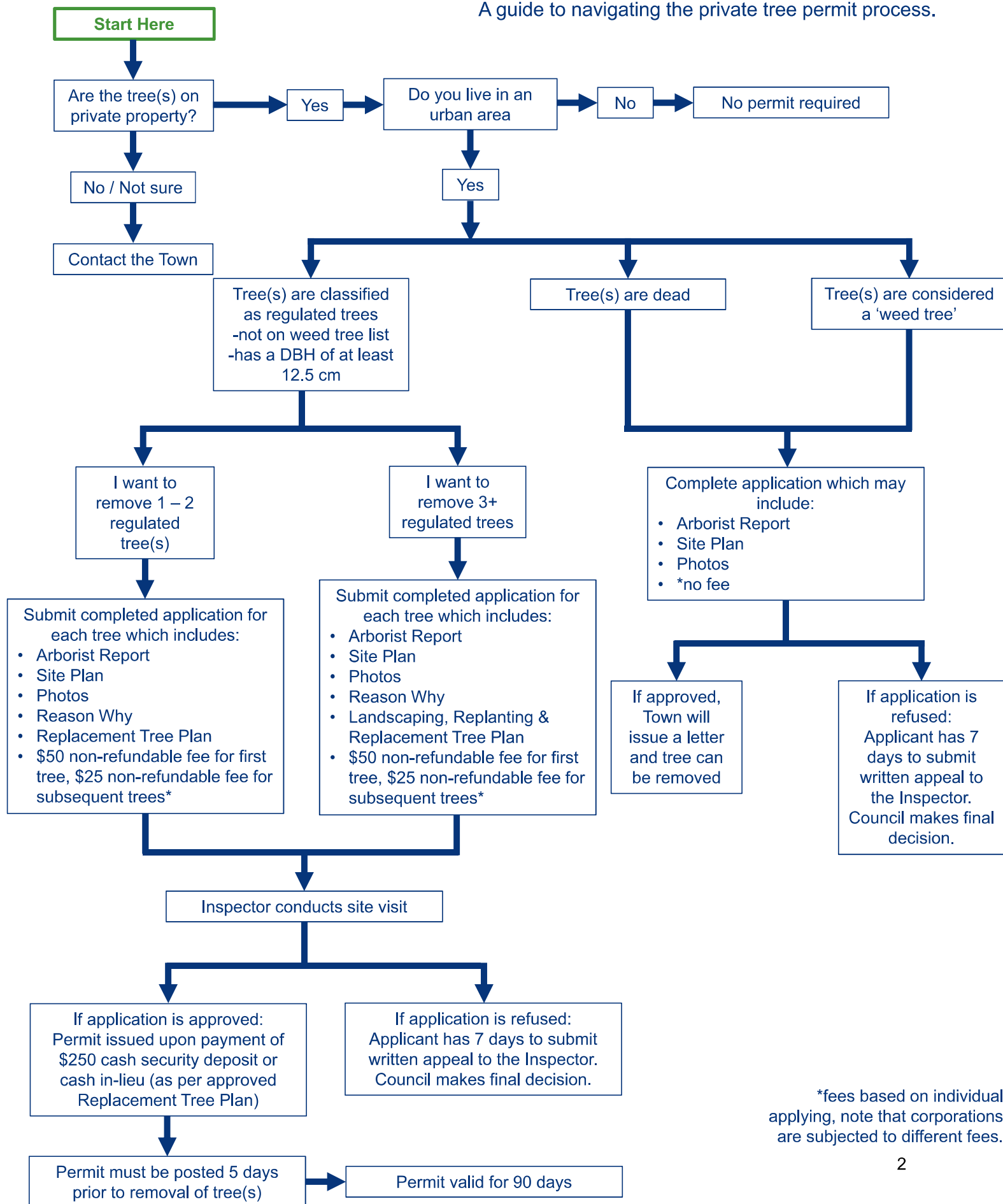
A reference guide to the private tree protection by-law.  
If you have any questions, please contact a By-law Enforcement Officer at 905-468-3266.

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# Private Tree Protection By-law No. 5139-19

A guide to navigating the private tree permit process.



Map of Urban Areas



## DBH & Tree Measurements

Diameter at breast height, or DBH, is the standard for measuring trees. DBH refers to the tree diameter measured at 1.4 metres (140 cm) above the ground.

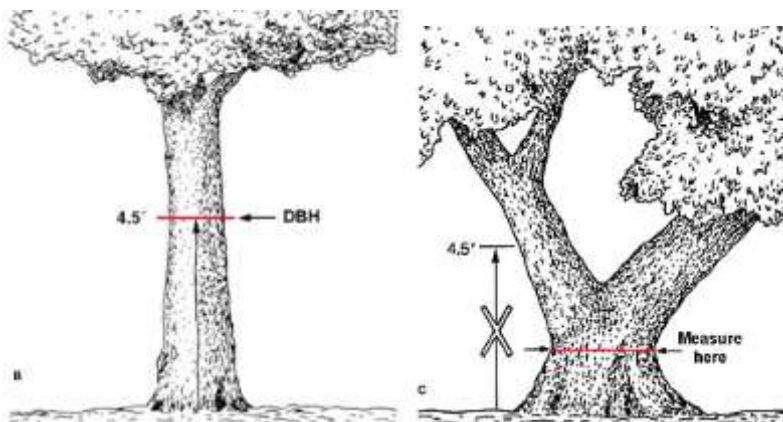
DBH can be measured quickly with a specially calibrated diameter tape, often referred to as a d-tape, that displays the diameter measurement when wrapped around the circumference of a tree. If you don't have access to a d-tape, you can find the diameter of the tree using a string, a measuring tape, a thumb tack, and a calculator.

With the measuring tape, measure 1.4 metres (140 cm) up the trunk of the tree from the ground. Use a thumb tack to mark the height on the tree.

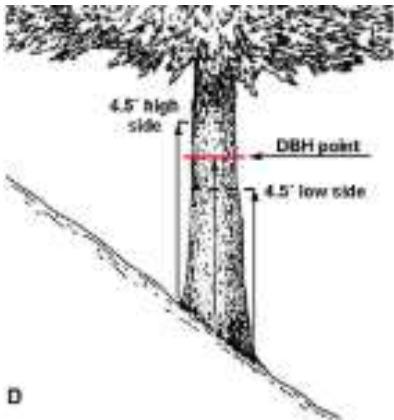
Wrap your string around the tree trunk at 1.4 meters. Make sure the string is straight and tight around the trunk, and mark or cut the circumference on the string.

Measure the length of string to get the circumference of the tree. Convert the circumference measurement to diameter by dividing the circumference by pi (3.14).

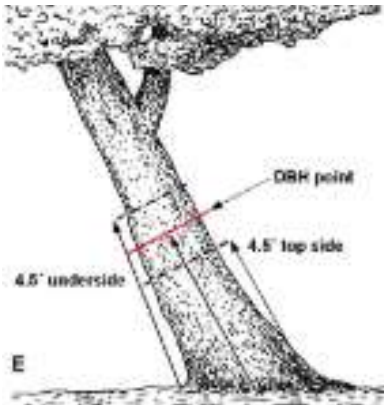
As a general rule, record the smallest trunk circumference between the DBH point (1.4 meters) and the ground, but below the lowest fork. Also record the height above the ground where measurement was taken.



For a tree on a slope, measure up 1.4 meters along the axis of the trunk on both the high and low sides; DBH point is midway between these two planes.



For a leaning tree, measure 1.4 meters along both the top and undersides of the trunk; DBH point is midway between these two planes.



## Nuisance and Weed Trees

### Nuisance Trees:

Female Ginkgo

### Weed Trees:

Autumn Olive (*Elaeagnus umbellata*)

Black Alder (*Alnus glutinosa*)

Common Buckthorn (*Rhamnus cathartica*)

Cottonwood

European or Glossy Buckthorn (*Rhamnus frangula*)

Manitoba Maple

Norway Maple

Russian Olive

Salt Cedar

Siberian Elm

Tree of Heaven

White Mulberry (*Morus alba*)

## Replacement and Replanting

Tree Replacement as the Condition of a Tree Removal Permit	
Diameter at Breast Height (DBH) in centimetres	Number of Replacement Trees
12.5-24	2
25-34	3
35-44	4
45-54	5
55-64	6
65-74	7
75-84	8
85-94	9
95-104	10
105-114	11
>115	12

The following list of trees are recommended for replacement or replanting as per the Ontario Tree Atlas, Ontario-Southwest Region 7E-3:

- Alternate-Leaf Dogwood

American Beech

American Chestnut

American Elm

American Mountain-Ash

Balsam Poplar

Basswood

Bitternut Hickory

Black Ash

Black Cherry

Black Oak

Black Walnut

Black Willow

Blue-Beech

Bur Oak

Butternut

Cherry Birch

Chokecherry

Eastern Hemlock

Eastern Redcedar

Eastern White Cedar

Eastern White Pine

Green/Red Ash

Hawthorn

Ironwood
- Largetooth Aspen

Northern Hackberry

Pawpaw

Peachleaf Willow

Pin Cherry

Pin Oak

Red Maple

Red Mulberry

Red Oak

Sassafras

Serviceberries

Shagbark Hickory

Silver Maple

Sugar Maple

Swamp White Oak

Sycamore

Tamarack

Trembling Aspen

Tulip Tree

White Ash

White Birch

White Oak

Yellow Birch

Tree planting permitted in the Chautauqua area in accordance with the native tree list prepared by the Chautauqua residents:

- |                   |                 |              |
|-------------------|-----------------|--------------|
| Shellbark Hickory | Norther Catalpa | White Pine   |
| White Spruce      | Scarlet Oak     | Columnar Oak |



## Replacement and Replanting

1.	Application Fee for Owners who are individuals	\$50 per tree for the first tree and \$25 per tree for subsequent trees under the same permit.
2.	Application Fee for Owners who are corporations	\$250 per tree.
3.	Use of Inspector for Owners who are individuals	No fee.
4.	Use of Inspector for Owners who are corporations	\$250 per visit.
5.	Cash in lieu for replacement planting by Owners who are Individuals	\$250 per tree.
6.	Cash in lieu for replacement Planting by Owners who are Corporations	\$500 per tree.

## Frequently Asked Questions

### Do I need a permit to prune or maintain trees on my property?

A permit is not required to prune trees on private property. The by-law defines maintenance pruning as “the pruning or removal of tree branches in accordance with Good Arboricultural Practice, as specified by the International Society of Arboriculture, including for purposes of removing dead limbs, maintaining structural stability and balance and encouraging natural form, but limited to the appropriate removal of no more than one-third of the live branches that make up the leaf-bearing crown of the tree within a three-year pruning cycle, or as appropriate for the specific tree species, in order to maintain the health of the tree.”

### What if there is an emergency situation with a tree on my property?

Emergency Work means any work required to be carried out immediately in order to prevent imminent danger to life, health or property, and includes the Destruction or Injuring of trees required because of the state of the trees resulting from natural events (including lightning, wind, hail or extreme snow event) or unforeseen causes (including automobile accident), or to permit repairs to building structures or drains.

Where emergency tree removal is required, the Owner shall notify the Town as soon as may be practicable with documentation including but not limited to an arborist report, if available, and photographs of the size/height of the tree and distance to building.

### Who can complete an arborist report?

An arborist report must be completed by an arborist qualified by the Ontario Ministry of Training, Colleges and Universities, a Forest Technician, a Forestry Technologist with an applicable college diploma and a minimum of two years of urban forestry experience, a certified arborist qualified by the International Society of Arboriculture, a consulting arborist registered with the American Society of Consulting Arborists or a registered professional forester as defined in the Professional Foresters Act, 2000, S.O. 2000, c. 18, as amended or replaced from time to time.

### What is a regulated tree?

A regulated tree means a specimen of any species of deciduous or coniferous growing woody perennial plant, supported by a single root system, which has reached, could reach or could have reached a height of at least 4.5 metres from the ground at physiological maturity and has a DBH of at least 12.5 cm. If a tree is listed on the weed tree list or the nuisance tree list, it is not a regulated tree.

# Application

The online application form can be found at [www.notl.org/content/private-tree-protection](http://www.notl.org/content/private-tree-protection).

Add Files

Choose File

No file chosen

Drop a file here

Applicant Information

First Name:

Last Name:

Business Name (if applicable):

Street Address:

Unit:

Town/City:

Postal Code:

Email:

Phone:

Cell Phone:

Please select your preferred method of contact:

Email

Phone

Cell Phone

Tree Information

Address of the Town of Niagara-on-the-Lake property where tree is located (if different):

Tree location Street Address:

Tree location Town:

Tree location Postal Code:

Are you the property owner where the tree is located?:

Yes

No

If you are applying on behalf of the property owner, you must supply a letter of authorization from the property owner at the site visit.

Why do you want to remove the tree? (check all that apply)

☐ Landscaping:

☐ Home or property renovations:

☐ Ash tree/suspected Emerald Ash Borer (EAB):

☐ Tree is a high safety risk:

☐ Tree is dead:

☐ Other:

Other reason:

If the tree is on a shared property line, you must have a letter of consent from the other property owner at the site visit.

Personal information on this form is collected under the authority of The Municipal Act and will be used in the administration of the private tree protection by-law. Questions about this collection may be sent to the Town of Niagara on the Lake's Supervisor of Enforcement, Town of Niagara on the Lake.