



**City of Kingston
Report to Council
Report Number 26-120**

To: Mayor and Members of Council
From: Jenna Morley, City Solicitor
Resource Staff: Tim Park, Director, Planning Services
Date of Meeting: April 7, 2026
Subject: Interim Woodland Preservation By-law

Council Strategic Plan Alignment:

Theme: 2. Lead Environmental Stewardship and Climate Action

Goal: 2.3 Maintain the City's natural heritage and environmental assets.

Executive Summary:

The purpose of this report is to respond to the Council motion passed on March 24, 2026, which directs staff to prepare a temporary clear cutting by-law to prohibit all clear cutting within the geographic boundaries of the City of Kingston unless expressly authorized by permit or other exemption, and to present the proposed by-law to Council for all three readings. Staff are proposing that the associated by-law receive all three readings at the April 7, 2026 meeting to allow the clear-cutting prohibition to come into force immediately.

Recommendation:

That the by-law attached to Report Number 26-120 as Exhibit A, A By-law to Regulate and Prohibit the Clear Cutting of Trees on a Temporary Basis, be approved and receive all three readings; and

That the by-law attached to Report Number 26-120 as Exhibit B, A By-law to Amend By-law Number 2020-69, A By-law to Establish a Process for Administrative Penalties, be approved and receive all three readings.

April 7, 2026

Page 2 of 7

Authorizing Signatures:

ORIGINAL SIGNED BY CITY SOLICITOR

Jenna Morley, City Solicitor

ORIGINAL SIGNED BY CHIEF

ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Paige Agnew, Commissioner, Growth & Development Services

Jennifer Campbell, Commissioner, Community Services Not required

Neil Carbone, Commissioner, Corporate & Emergency Services Not required

David Fell, President & CEO, Utilities Kingston Not required

Desirée Kennedy, Chief Financial Officer & City Treasurer Not required

Ian Semple, Commissioner, Transportation & Infrastructure Services

April 7, 2026

Page 3 of 7

Options/Discussion:

Background

On March 24, 2026, Council passed the following motion:

Whereas on February 17, 2026, Council passed a motion directing staff to review the Tree By-Law and bring forward amendments to Council to require a tree permit for all clear cutting, including on agricultural lands, in order to ensure appropriate municipal oversight of large-scale tree removal, by the end of Q3 2026; and

Whereas as part of the motion, Council directed staff to consult with the Rural Economic & Community Development Working Group on the proposed amendments to the Tree By-Law; and

Whereas since the February 17, 2026 Council meeting, extensive clear cutting has occurred in the west end of the city, resulting in the rapid loss of significant tree canopy and prompting urgent calls from the community for immediate action; and

Whereas the City is currently undertaking a comprehensive review of the City's planning framework through the preparation of the new Official Plan that will include updated policy direction respecting the protection and management of the City's tree canopy; and

Whereas Council considers it necessary to take interim measures to prevent further clear cutting while these policy and regulatory updates are being finalized; and

Therefore Be It Resolved That Council direct staff to bring forward, at the next Council meeting, a temporary clear cutting by-law to prohibit all clear cutting within the geographic boundaries of the City of Kingston unless expressly authorized by permit or other exemption; and

That Council declare its intention that the prohibition on clear cutting apply effective as of the date of adoption of this motion, and that any by-law brought forward to implement this direction reflect Council's intent to prevent further clear cutting occurring after the date of this motion; and

That the temporary prohibition on clear cutting remain in effect until the City's new Official Plan comes into force, or until Council otherwise amends or repeals the temporary by-law; and

That the temporary by-law contain a definition of "clear cut" that generally refers to the removal of a majority of trees within an area greater than 0.2 hectares; and

April 7, 2026

Page 4 of 7

That the Tree By-Law amendments referred to in the February 17, 2026 Council motion be brought back to Council after the expiry of the temporary clear cutting by-law.

Analysis

Attached to this report as Exhibit A is the proposed Interim Woodland Preservation By-law (the "By-law"). The By-law applies to all woodlands in the geographic boundaries of the City of Kingston. The By-law prohibits any person from causing, permitting, allowing or performing any clear cutting in a woodland, except as authorized by the By-law.

The definition of "woodland" in the By-law is tied to mapping attached as a schedule to the By-law. The mapping information is derived from the 2026 Natural Heritage Study for significant woodlands, contributory woodlands and potential woodland enhancement areas. These mapped components identify locations with Ecological Land Classifications (ELC) of woodlands and forests.

The By-law defines "clear cutting" as the removal or destruction of trees within a woodland to the extent that more than half of the tree canopy in a connected area of 0.1 hectares is lost within a 12-month period. This applies whether the trees are removed all at once or gradually over several stages during that year.

The By-law contains several exemptions to the clear cutting prohibition, including:

- the statutory exemptions stipulated in the *Municipal Act, 2001*, including the injury or destruction of trees undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*, the injuring or destruction of trees by a transmitter or distributor, as defined in the *Electricity Act, 1998*, and activities or matters undertaken by a municipality, or a local board of a municipality;
- clear cutting authorized under a valid tree permit issued under the Tree By-law prior to March 24, 2026, provided the tree permit remains valid and unexpired, and the clear cutting is carried out in accordance with the terms and conditions of the tree permit;
- clear cutting that the Director of Planning Services considers necessary to address an immediate risk to public health or safety or that the Director considers necessary to control or prevent the spread of an invasive species, pest, or disease that poses a significant risk to the health of a woodland, provided that the clear cutting is limited to the minimum extent necessary to address the risk;
- clear cutting required to implement a forest management or ecological restoration plan prepared by a qualified professional and satisfactory to the Director, provided the Director is satisfied that the clear cutting will not result in unnecessary loss of tree canopy cover, and further provided that the clear cutting is limited to the minimum extent necessary to address the risk;

April 7, 2026

Page 5 of 7

- clear cutting authorized under an application for site plan control approval or final plan or subdivision approval pursuant to the *Planning Act* which has received final approval from the Director or the applicable approval authority as of the date that the By-law comes into force, provided the clear cutting is carried out in accordance with the terms and conditions of the site plan control agreement or subdivision agreement;
- clear cutting in rural areas to facilitate the construction of a house, or the expansion of an existing house, where that use is already permitted, provided the amount of clearing is limited to what is reasonably necessary and the owner has obtained a building permit for the house. This exemption ensures that trees farther away from the house are protected; and
- clear cutting previously authorized by Council or authorized by Council through an exemption to the By-law.

As indicated above, the By-law allows for Council to grant site-specific exemptions to the clear cutting prohibition where appropriate. This ensures that any proposed clear cutting may proceed only if expressly authorized by Council, allowing Council to maintain oversight and discretion on a case-by-case basis. This exception also ensures that clear cutting may proceed in certain circumstances where appropriate, such as where a pending application under the *Planning Act* has not yet received final approval, or where clear cutting is proposed as part of an agricultural operation.

As directed by Council, the By-law will expire automatically on the date the City's new Official Plan comes into force. However, Council may amend or repeal the By-law at any time prior to the new Official Plan coming into force, if desired. The By-law contains a transition provision that allows for all ongoing enforcement matters initiated under the By-law to continue beyond the expiry of the By-law.

Staff are proposing to enforce the By-law through a combination of measures, including the issuance of administrative monetary penalties and the commencement of prosecution proceedings under Part III of the *Provincial Offences Act* where warranted for serious or repeat offences. Attached to this report as Exhibit B is an amendment to the Administrative Penalties By-law, which imposes a base administrative penalty of \$5,000 for prohibited clear cutting, plus \$5,000 per 0.1 hectares of trees cleared in contravention of the By-law.

The administrative penalty amounts are designed to be proportionate to the scale and impact of the contravention and are intended to reflect the actual environmental and administrative costs incurred in addressing non-compliance. Clear cutting results in immediate and often irreversible environmental harm, including the loss of tree canopy, disruption of wildlife habitat, increased erosion risk, and impacts to drainage. Unlike other types of by-law infractions, the effects of clear cutting cannot be readily reversed in the short term. As such, lower penalty amounts would not adequately reflect the seriousness of the offence or the long-term public interest in protecting the City's tree canopy. Also, the proposed administrative penalty amounts are

April 7, 2026

Page 6 of 7

necessary to remove any economic incentive to contravene the By-law. Often, landowners may realize a significant financial benefit from clear cutting, and if the penalty amounts are too low, they risk being treated as the cost of doing business. The proposed administrative penalty amounts ensure that non-compliance is not economically advantageous to landowners.

Notably, the By-law will come into force during the migratory bird nesting season and the bat roosting season, when tree removal activities are already restricted by federal and provincial legislation to protect nesting/roosting habitat. In light of the protective provisions in the *Migratory Birds Convention Act, 1994* and the *Fish and Wildlife Conservation Act, 1997*, a reduction in clear cutting is already expected during the nesting/roosting season, which typically occurs between early April and late August for bird nesting season and between early April to late September for bat roosting season. As such, the imposition of the By-law should not significantly impact clear cutting timelines for landowners during the nesting/roosting season as it is already prohibited to damage or destroy active nests/roosts. The By-law will therefore reinforce existing seasonal constraints while providing an added layer of regulatory control over clear cutting during this period.

Climate Risk Considerations

The proposed Interim Woodland Preservation By-law supports the City’s climate risk mitigation and adaptation objectives by preserving existing tree canopy, which plays a critical role in carbon sequestration, urban cooling, stormwater management, and erosion control. By limiting large-scale tree removal on an interim basis, the By-law helps maintain ecological functions and reduces the City’s exposure to climate-related impacts while longer-term policy direction is established through the forthcoming Official Plan.

Existing Policy/By-Law

By-Law Number 2018-15, *A By-Law to Prohibit and Regulate the Destruction or Injuring of Trees in the City of Kingston*

By-Law Number 2020-69, *A By-Law to Establish a Process for Administrative Penalties*

Financial Considerations

Enforcement of the Interim Woodland Preservation By-law will be managed within existing operational budgets.

Contacts:

Jenna Morley, City Solicitor, 613-546-4291 extension 1301

Tim Park, Director, Planning Services, 613-546-4291 extension 3223

April 7, 2026

Page 7 of 7

Other City of Kingston Staff Consulted:

James Bar, Manager, Development Approvals, Planning Services

Malcolm Norwood, Supervisor, Development Approvals, Planning Services

Eugene Conners, Forestry Technologist, Public Works & Solid Waste Services

Marty Mayberry, Supervisor, Forestry, Public Works & Solid Waste Services

Exhibits Attached:

Exhibit A - A By-law to Regulate and Prohibit the Clear Cutting of Trees on a Temporary Basis

Exhibit B - A By-law to Amend By-law Number 2020-69, A By-law to Establish a Process for Administrative Penalties

City of Kingston By-Law Number 2026–XX

A By-law to Regulate and Prohibit the Clear Cutting of Trees on a Temporary Basis

1st Reading date

2nd Reading date

3rd Reading date

Passed date

City of Kingston By-Law Number 2026–XX

A By-law to Regulate and Prohibit the Clear Cutting of Trees on a Temporary Basis

1.	Interpretation	5
2.	Administration	7
3.	Application	7
4.	Prohibitions	7
5.	Exemptions	7
6.	Enforcement	9
7.	Offences & Administrative Penalties	11
8.	Miscellaneous	12

City of Kingston By-Law Number 2026–XX

A By-law to Regulate and Prohibit the Clear Cutting of Trees on a Temporary Basis

Whereas:

The *City* is a single-tier municipality incorporated pursuant to an order made under section 25.2 of the *Municipal Act*, R.S.O. 1990, c. M.45.

The powers of a municipality must be exercised by its council (*Municipal Act, 2001*, S.O. 2001, c. 25 (the “***Municipal Act, 2001***”), s. 5 (1)).

A municipal power must be exercised by by-law unless the municipality is specifically authorized to do otherwise (*Municipal Act, 2001*, s. 5 (3)).

A by-law under the *Municipal Act, 2001* respecting a matter may:

- (a) regulate or prohibit respecting the matter; and
- (b) require persons to do things respecting the matter (*Municipal Act, 2001*, s. 8 (3)).

A municipality may prohibit or regulate the destruction or injuring of *trees*, and may require that a permit be obtained to injure or destroy *trees* and impose conditions to a permit, including conditions relating to the manner in which destruction occurs and the qualifications of persons authorized to injure or destroy *trees* (*Municipal Act, 2001*, ss. 135 (1), 135 (7)).

A municipality may delegate its powers and duties under the *Municipal Act, 2001* to a person or body subject to the restrictions set out in Part II of the *Municipal Act, 2001* (*Municipal Act, 2001*, s. 23.2 (1)).

A municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances (*Municipal Act, 2001*, s. 128 (1)).

A municipality may make an order requiring a person who contravened a by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity (*Municipal Act, 2001*, s. 444 (1)).

Interim Woodland Preservation By-law

A municipality may make an order requiring a person who contravened a by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention (*Municipal Act, 2001*, s. 445 (1)).

On December 19, 2017, council for the *City* ("**council**") enacted the *Tree By-law*.

Extensive *tree* clearing activity is actively occurring in the *City*, resulting in the rapid loss of significant *tree* canopy.

The protection and preservation of *woodlands* in the City of Kingston contributes significantly to environmental sustainability, biodiversity, climate change mitigation and adaptation, erosion control, flood prevention, air and water quality, and the health, safety and well-being of residents.

The *City* is currently undertaking a comprehensive review of the *City's* planning framework through the preparation of the *new official plan* that will include updated policy direction respecting the *City's* natural heritage system that will inform future amendments to the *Tree By-law*.

Council considers it necessary and desirable for the public to take interim measures to prevent the irreversible loss of *tree canopy cover* and associated ecological functions, including impacts to biodiversity, soil stability, and stormwater management.

Therefore, council enacts:

Interim Woodland Preservation By-law

1. Interpretation

1.1 This by-law may be cited as the *Interim Woodland Preservation By-Law*.

1.2 In this by-law:

“administrative penalty” means an administrative penalty administered pursuant to the *Administrative Penalty Process By-Law*;

“Administrative Penalty Process By-Law” means City of Kingston By-Law Number 2020-69, “A By-Law to Establish a Process for Administrative Penalties”;

“City” means The Corporation of the City of Kingston;

“clear cut(ting)” means the removal or destruction of *trees* within a *woodland* that results in the reduction of more than 50% of the *tree canopy cover* within any *contiguous area* of 0.1 hectares, measured immediately prior to the removal or destruction, whether occurring as a single operation or a series of operations within any 12-month period;

“contiguous area” means an area of land containing *trees* that are adjacent to one another or separated only by minor natural or artificial breaks, including trails, drainage features, or clearings, and includes areas that are ecologically or spatially connected such that they function as a single wooded area;

“council” means the council of the *City*;

“director” means the *City’s* director of the Planning Services Department, the *director’s* designate, or, in the event of organizational changes, the director of the successor division or department responsible for the administration of this by-law;

“law” means all applicable Acts of Parliament, Acts enacted by the Legislature, and by-laws enacted by *council*, and any regulations, codes, directions, licences, orders, permits or rules made under any of them;

“Municipal Act, 2001” means the *Municipal Act, 2001*, S.O. 2001, c.25;

“new official plan” means the comprehensive official plan for the *City* intended to replace the *City’s* existing official plan, as adopted by *council* after the coming into force of this by-law and approved by the Minister of Municipal Affairs and

Interim Woodland Preservation By-law

Housing;

“**penalty notice**” means a notice given pursuant to subsections 2.2 and 2.4 of the *Administrative Penalty Process By-Law*;

“**person**” includes an individual, a corporation, a partnership, and an association;

“**Planning Act**” means the *Planning Act*, R.S.O. 1990, c. P.13;

“**Provincial Offences Act**” means the *Provincial Offences Act*, R.S.O. 1990, c. P.33;

“**provincial offences officer**” has the meaning given to it in the *Provincial Offences Act*;

“**tree**” means any species of woody perennial plant, including its root system, which has reached or can reach a height of at least 4.5 metres at physiological maturity;

“**tree canopy cover**” means the area of ground covered by the crown of *trees*, as determined by aerial imagery, field measurement, or a combination of both, using methods that are consistent with generally accepted arboricultural or forestry practices and satisfactory to the *director*;

“**Tree By-law**” means City of Kingston By-law Number 2018-15, “*A By-Law to Prohibit and Regulate the Destruction or Injuring of Trees in the City of Kingston, and to Repeal and Replace By-Law Number 2007-170, as amended*”; and

“**woodland(s)**” means a woodland identified on Schedule “A” of this by-law.

1.3 For the purposes of interpreting this by-law:

- (a) a reference to any legislation, regulation, or by-law or to a provision thereof includes a reference to any legislation, regulation or by-law enacted, made or passed in substitution thereof or amendment thereof;
- (b) any reference to legislation includes all of the regulations made thereunder; and
- (c) “include”, “includes” and “including” indicate that the subsequent list is not exhaustive.

Interim Woodland Preservation By-law

- 1.4 This by-law will not be interpreted as exempting any *person* from the requirement to comply with any other *law*. In the event of conflict between the provisions of this by-law and the provisions of the *Tree By-law*, the provisions of this by-law will prevail to the extent of the conflict. Any injury to or destruction of *trees* not governed by this by-law remains subject to the *Tree By-law*.

2. Administration

- 2.1 The *director* is responsible for the administration of this by-law.
- 2.2 Where this by-law provides that the *director* may do an act, the *director* may, when doing the act, seek and consider information or documents from any *person*, and may consult with other *City* employees, legal counsel, or other advisors, all as the *director* considers necessary.
- 2.3 Where this by-law provides that the *director* may do an act, it may be done by a *person* authorized by the *director* to do the act.

3. Application

- 3.1 This by-law applies to all *woodlands* within the geographic boundaries of the City of Kingston.

4. Prohibitions

- 4.1 No *person* shall cause, permit, allow or perform any *clear cutting* in a *woodland*, except as authorized under this by-law.
- 4.2 An owner of land is deemed to have knowledge of and to have permitted actions that violate this by-law that occur on the portion of the land over which the owner has control.

5. Exemptions

- 5.1 This by-law does not apply to:
- (a) activities or matters undertaken by the *City*, a local board of the *City*, or the entity operating as Utilities Kingston;
 - (b) activities or matters undertaken under a licence issued under the *Crown Forest Sustainability Act, 1994, S.O. 1994, c. 25*;

Interim Woodland Preservation By-law

- (c) the injuring or destruction of *trees* by a person licensed under the *Surveyors Act*, R.S.O. 1990, c. S.29 to engage in the practice of cadastral surveying or their agent, while making a survey;
- (d) the injuring or destruction of *trees* imposed as a condition to a development permit authorized by regulation made under section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under the regulation;
- (e) the injuring or destruction of *trees* by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act, 1998*, S.O. 1998, c. 15, Sched. A, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- (f) the injuring or destruction of *trees* undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*, R.S.O. 1990, c. A.8;
- (g) the injuring or destruction of *trees* undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land: (i) that has not been designated under the *Aggregate Resources Act*, R.S.O. 1990, c. A.8 or a predecessor of that Act, and (ii) on which a pit or quarry is a permitted land use under a by-law passed under section 34 of the *Planning Act*;
- (h) *clear cutting* authorized under a valid tree permit issued under the *Tree By-law* prior to March 24, 2026, provided that the tree permit remains valid and unexpired, and the *clear cutting* is carried out in accordance with the terms and conditions of the tree permit;
- (i) *clear cutting* that the *director* considers necessary to address an immediate risk to public health or safety or that the *director* considers necessary to control or prevent the spread of an invasive species, pest, or disease that poses a significant risk to the health of a *woodland*, provided that the *clear cutting* is limited to the minimum extent necessary to address the risk;
- (j) *clear cutting* required to implement a forest management or ecological restoration plan prepared by a qualified professional and satisfactory to the *director*, provided the *director* is satisfied that the *clear cutting* will

Interim Woodland Preservation By-law

not result in unnecessary loss of *tree canopy cover*, and further provided that the *clear cutting* is limited to the minimum extent necessary to address the risk;

- (k) *clear cutting* authorized under an application for site plan control approval or final plan or subdivision approval pursuant to the *Planning Act* which has received final approval from the *director* or the applicable approval authority as of the date that this by-law comes into force, provided the *clear cutting* is carried out in accordance with the terms and conditions of the site plan control agreement or subdivision agreement, as the case may be;
- (l) *clear cutting* on lands outside of the urban boundary, as identified in the City of Kingston Official Plan in force as of the date this by-law comes into effect, that is required to permit the establishment or extension of a dwelling unit, including driveways and access routes, provided: (i) the proposed use is permitted by the *City of Kingston Zoning By-law 2022-62*; (ii) there is no reasonable alternative to the *clear cutting*, as determined by the *director*; (iii) a building permit has been issued for the dwelling unit or extension; and (iv) no *tree* is destroyed or injured that is located more than 15 metres from the outer edges of the existing dwelling unit and the outer edges of the expanded dwelling unit; and
- (m) *clear cutting* previously authorized by *council* or authorized by *council* through an exemption to this by-law.

6. Enforcement

- 6.1 This by-law may be enforced by a *provincial offences officer* or other authorized employee or agent of the *City*.
- 6.2 No *person* shall obstruct or hinder or attempt to obstruct or hinder the *director*, a *provincial offences officer* or other authorized employee or agent of the *City* in the exercise of a power or the performance of a duty under this by-law.
- 6.3 The *director*, a *provincial offences officer* or other authorized employee or agent of the *City* may, in accordance with the provisions of the *Municipal Act, 2001*, enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether this by-law is being complied with.
- 6.4 For the purposes of an inspection, the *director*, a *provincial offences officer* or

Interim Woodland Preservation By-law

other authorized employee or agent of the *City* may:

- (a) require the production for inspection of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) require information from any *person* concerning a matter related to the inspection;
- (d) alone or in conjunction with a *person* possessing special or expert knowledge, make examinations or take tests or photographs necessary for the purposes of the inspection; and
- (e) if the inspection is reasonably necessary because the *director*, a *provincial offences officer* or other authorized employee or agent of the *City* has been prevented or is likely to be prevented from doing anything set out in clauses (a) to (d), undertake an inspection pursuant to an order under section 438 of the *Municipal Act, 2001*.

6.5 No *person* shall neglect or refuse to produce any information or thing or to provide any information required by the *director*, a *provincial offences officer* or other authorized employee or agent of the *City* acting pursuant to an order under section 438 of the *Municipal Act, 2001*.

6.6 If the *director* is satisfied that a contravention of this by-law has occurred, the *director* may make an order requiring the *person* who contravened this by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to:

- (a) discontinue the contravening activity;
- (b) do work to correct the contravention;
- (c) cease all site alteration activities on the land;
- (d) preserve all *trees*, stumps, and soil conditions in their existing state; or
- (e) any of the above.

6.7 An order under subsection 6.6 must set out:

Interim Woodland Preservation By-law

- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred;
- (b) the work to be done, if any; and
- (c) the date by which there must be compliance with the order.

7. Offences & Administrative Penalties

7.1 Any *person* who:

- (a) contravenes any provision of this by-law;
- (b) contravenes an order under subsection 6.6;
- (c) hinders, obstructs or interferes with the *director* or a *provincial offences officer* in the exercise of the *director's* or the *provincial offences officer's* powers or duties; or
- (d) hinders, obstructs or interferes with a *person* authorized by the *director* to do an act in the exercise of that *person's* authority to do the act;

is guilty of an offence as provided for in the *Provincial Offences Act*.

7.2 Every officer or director of a corporation who knowingly concurs in the contravention of any provision of this by-law is guilty of an offence as provided for in the *Provincial Offences Act*.

7.3 If the *director*, a *provincial offences officer* or other authorized employee or agent of the *City* is satisfied that a *person* has failed to comply with this by-law, the *director*, a *provincial offences officer* or other authorized employee or agent of the *City* may require the *person* to pay an *administrative penalty* by issuing a *penalty notice* to the *person*, and the *Administrative Process Penalty By-Law* applies to each *administrative penalty* issued pursuant to this by-law.

7.4 If a *person* is required to pay an *administrative penalty* under subsection 7.3 in respect of a contravention of this by-law, the *person* will not be charged with an offence in respect of the same contravention.

7.5 Every *person* who is convicted of an offence under this by-law is liable to a minimum fine of \$500 and to a maximum fine of \$100,000, pursuant to

Interim Woodland Preservation By-law

subsections 429 (1) and (3) of the *Municipal Act, 2001*.

- 7.6 Each offence in this by-law is designated as a continuing offence. A *person* who is convicted of an offence under this by-law is liable, for each day or part of a day that the offence continues, to a minimum fine of \$500 and a maximum fine of \$10,000, and the total of all daily fines for the offence is not limited to \$100,000 as provided for in section 429 of the *Municipal Act, 2001*.
- 7.7 When a *person* has been convicted of an offence under this by-law, the Ontario Court of Justice or any court of competent jurisdiction may, in addition to any other penalty imposed on the *person* convicted, make an order:
- (a) prohibiting the continuation or repetition of the offence by the *person* convicted; and
 - (b) requiring the *person* convicted to correct the contravention in the manner and within the period that the Court considers appropriate.

8. Miscellaneous

- 8.1 If a corporation:
- (a) is convicted of an offence under this by-law; or
 - (b) receives two or more *penalty notices* under this by-law that are not cancelled pursuant to the *Administrative Penalty Process By-law*, the *director* may publish, cause to be published, or otherwise make available to the general public the name of the corporation, a description of the offence or *penalty notice*, the date of the conviction or *penalty notice* and the corporation's sentence or the amount of the *administrative penalty*. The authority to publish under this subsection 8.1 includes authority to publish on the Internet, including on a website or in a report to *council*.
- 8.2 If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of *council* in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.
- 8.3 This by-law will come into force and take effect on the date it is passed.

Interim Woodland Preservation By-law

- 8.4 Subject to subsection 8.5, this by-law will expire on the date that the *new official plan* comes into force, in whole or in part.
- 8.5 Despite the expiry of this by-law pursuant to subsection 8.4, all prosecutions and other enforcement processes commenced under this by-law, including all orders issued pursuant to this by-law, which have not been completed on the day this by-law expires shall be completed under this by-law as if it had not expired.

1st Reading date

2nd Reading date

3rd Reading date

Passed date



Janet Jaynes
City Clerk

Bryan Paterson
Mayor



Schedule 'A' to By-Law Number 2026-XX

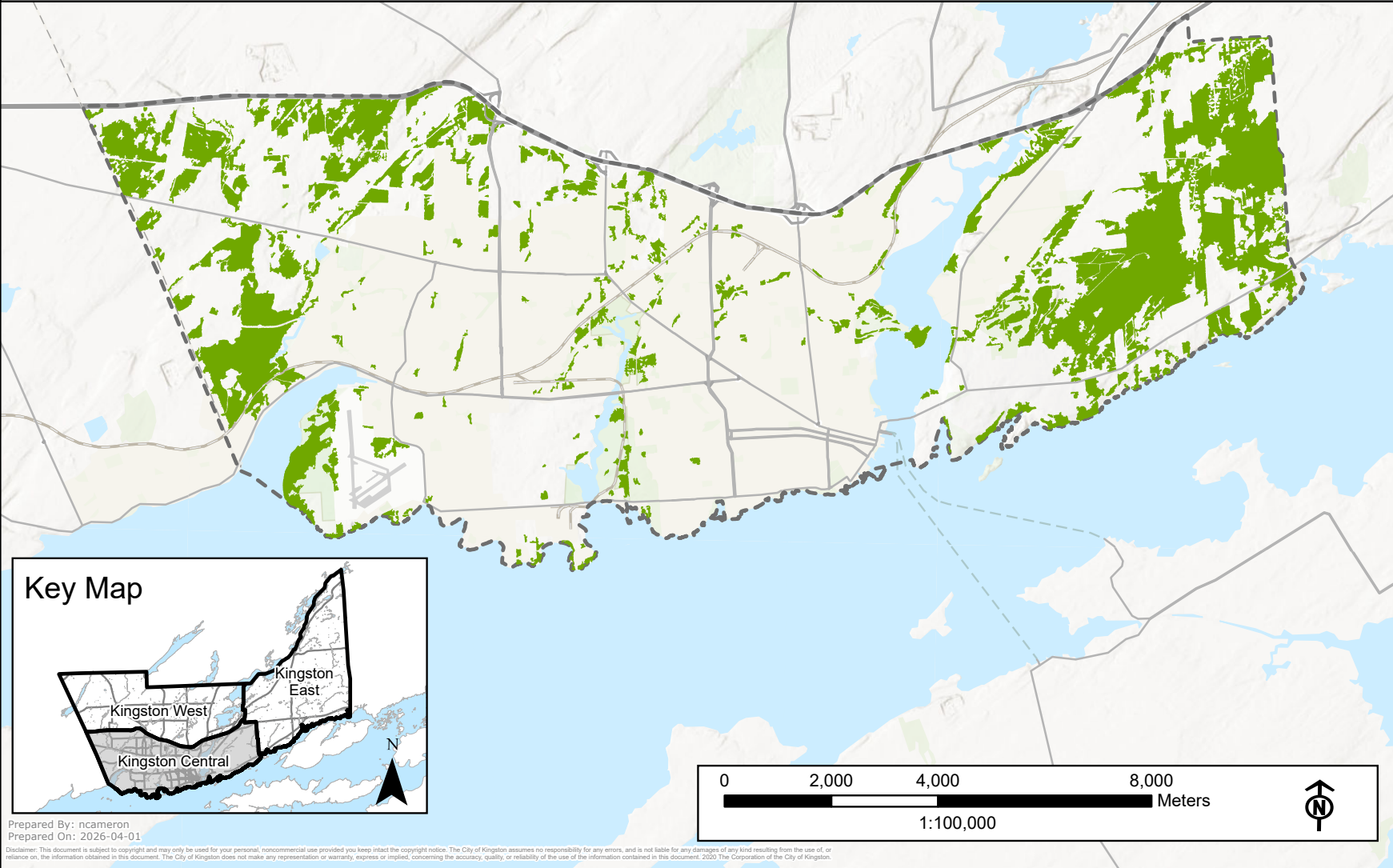
Kingston Central

-  Woodlands
-  Kingston Central

Certificate of Authentication

This is Schedule 'A' to By-Law Number ____, passed this ____ day of _____ 202_.

Mayor Clerk





Prepared By: ncameron
Prepared On: 2026-04-01

Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep intact the copyright notice. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information obtained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. 2020 The Corporation of the City of Kingston.



Schedule 'A' to By-Law Number 2026-XX

Kingston East

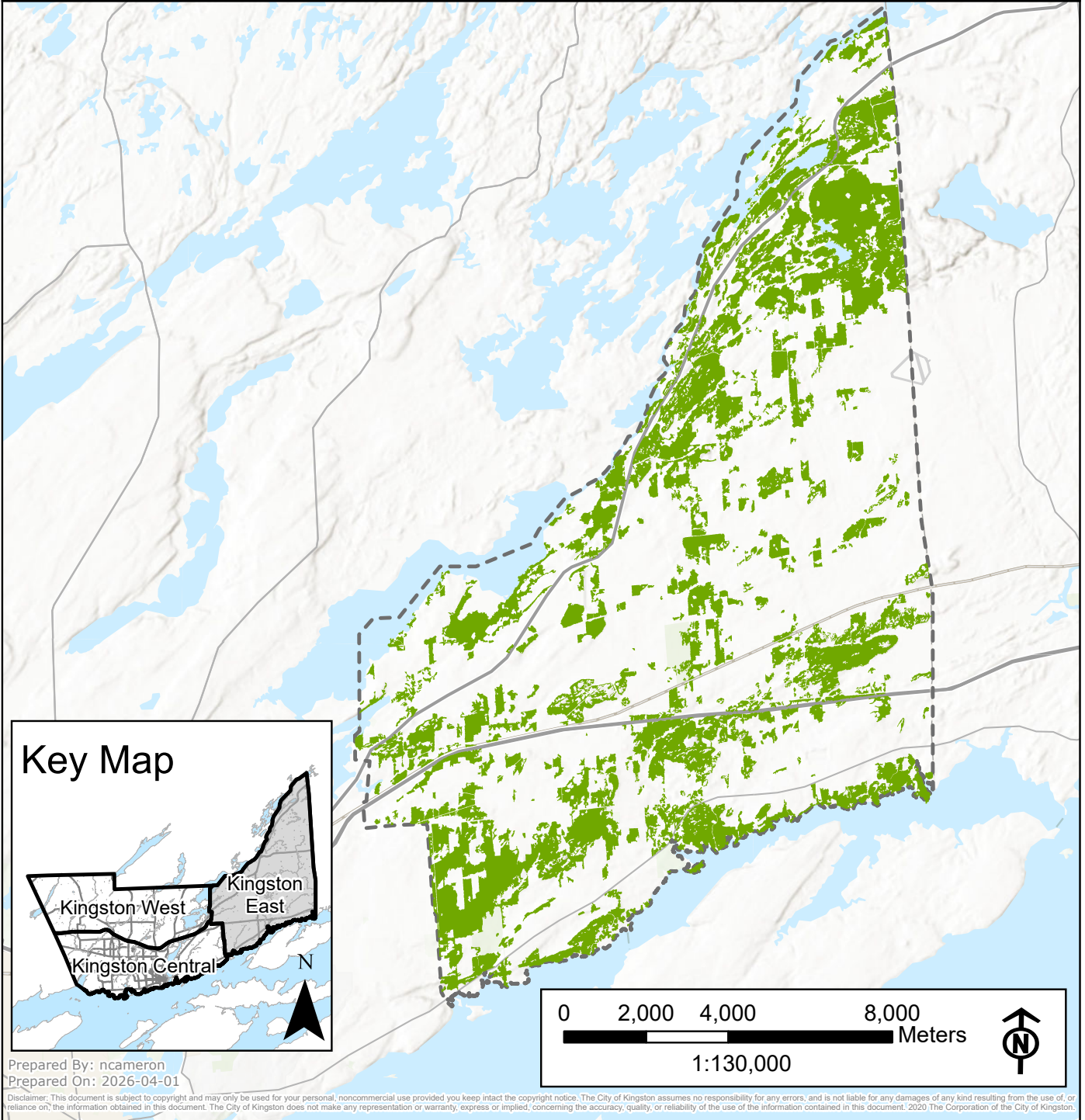
-  Woodlands
-  Kingston East

Certificate of Authentication

This is Schedule 'A' to By-Law Number _____, passed this _____ day of _____ 202_.

Mayor

Clerk



Prepared By: ncameron
Prepared On: 2026-04-01

Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep intact the copyright notice. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information obtained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. ©2020 The Corporation of the City of Kingston.

City of Kingston By-Law Number 2026–...

By-Law to Amend City of Kingston By-Law Number 2020-69 A By-law to Establish a Process for Administrative Penalties

Whereas:

The Corporation of the City of Kingston (the “**City**”) is a single-tier municipality incorporated pursuant to an order made under section 25.2 of the *Municipal Act*, R.S.O. 1990, c. M.45.

Subsection 5 (1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the “**Municipal Act, 2001**”) provides that the powers of a municipality must be exercised by its council.

Subsection 5 (3) of the *Municipal Act, 2001* provides that a municipal power must be exercised by by-law unless the municipality is specifically authorized to do otherwise.

Pursuant to subsection 10 (1) of the *Municipal Act, 2001*, a single tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public.

On April 7, 2020, council for the *City* enacted *City of Kingston By-Law Number 2020-69, “A By-law to Establish a Process for Administrative Penalties”*.

Council for the *City* considers it necessary and desirable for the public to amend *City of Kingston By-Law Number 2020-69*.

Therefore, council enacts:

1. Amendment

1.1 *City of Kingston By-Law Number 2020-69* is amended as follows:

- (a) Schedule “A” (Designated By-laws) is amended by adding the following:
 - City of Kingston Bylaw Number 2026-XX, being “A By-law to Regulate and Prohibit the Clear Cutting of Trees on a Temporary Basis”; and
- (b) By adding the following at the end of Schedule “B” (Administrative

By-Law to Amend By-Law 2020-69.

Monetary Penalties):

“Bylaw Number 2026-XX, A By-law to Regulate and Prohibit the Clear Cutting of Trees on a Temporary Basis

Bylaw section	Short Wording	Penalty Amount
4.1	Cause, permit, allow or perform any clear cutting in a woodland or a woodlot, except as authorized by by-law	\$5000 base administrative penalty, <u>plus</u> \$5000 for each 0.1 hectares (or part thereof) of area clear cut* *For the purposes of calculating the administrative penalty, the minimum area of clear cutting shall be deemed to be 0.1 hectares
6.2	Obstruct or hinder or attempt to obstruct or hinder the director, a provincial offences officer or other authorized employee or agent of the City in the exercise of a power or the performance of a duty	\$500

By-Law to Amend By-Law 2020-69.

Bylaw section	Short Wording	Penalty Amount
6.5	Neglect or refuse to produce information or thing or to provide information required by director, a provincial offences officer or other authorized employee or agent of the City acting pursuant to an order under section 438 of the Municipal Act, 2001	\$500
7.1(b)	Contravene an order under section 6.6 of by-law	\$1000"

2. Coming into Force

2.1 This by-law will come into force and take effect on the day it is passed.

By-Law to Amend By-Law 2020-69.

1 st Reading	date
2 nd Reading	date
3 rd Reading	date
Passed	date

Janet Jaynes
City Clerk

Bryan Paterson
Mayor