

**THE CORPORATION OF THE  
MUNICIPALITY OF SOUTH BRUCE  
BY-LAW #2022-17**

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**Being a By-Law to Authorize the Adoption of a  
Municipal Tree Maintenance Policy**

**WHEREAS** pursuant to the Municipal Act, 2001 and amendments thereto, Part II, General Municipal Powers, Subsection 9 and Subsection 11 authorizes a Municipality to pass by-laws;

**AND WHEREAS** section 11(2) of the *Municipal Act*, 2001, S.O. 2001, c.25 provides that a lower-tier municipality may pass by-laws respecting the economic, social and environmental well-being of the municipality, including respecting climate change;

**AND WHEREAS** section 135(1) of the *Municipal Act*, 2001, S.O. 2001, c.25, without limiting sections 9, 10 and 11 and subject to a by-law passed by an upper-tier municipality, provides for a lower-tier municipality to prohibit or regulate the destruction or injuring of trees;

**AND WHEREAS** it has been deemed necessary to adopt a policy to manage tree maintenance within the Municipality of South Bruce.

**NOW THEREFORE BE IT RESOLVED that the Municipality of South Bruce enacts as follows:**

1. That the Mayor and CAO/Clerk are hereby authorized to sign and seal, this By-Law adopting a Tree Maintenance Policy for the Municipality of South Bruce in the attached Schedule A to this by-law;
2. That Schedule A constitutes part of this by-law.
3. That this by-law shall come into full force and effect upon its final passage;
4. That this by-law repeals and replaces by-law #2018-60 and any other by-law inconsistent to this by-law.

**THAT THIS BY LAW BE READ, ENACTED, SIGNED AND SEALED THIS 8<sup>th</sup> DAY OF FEBRUARY.**

  
Robert Buckle, Mayor

  
Leanne Martin, CAO/Clerk

SEAL

# Municipality of South Bruce

<b>Tree Maintenance Policy</b> <b>By-law # 2022-17</b> <b>“Schedule A”</b>	
<b>Department:</b> Public Works	<b>Prepared by:</b> JM/js
<b>Management Review:</b> JM	<b>Council Approval:</b>

## **Purpose:**

The standing sub-committee called the “Municipal Tree Committee” shall act as an advisory body implementing this policy.

This policy shall identify the process for removal, trimming, replacement, disposal, payment, and contraventions of the terms identified.

## **1. Procedure**

- (a) **Requests** - Anyone wishing tree removal or maintenance for any reason must submit a written request via the Municipal website (see Appendix “I” for sample request form).
- (b) **Inspection** – All trees requiring removal or trimming in an urban setting shall be inspected by the Municipal Tree Committee prior to the commencement of any work. Trees within a rural setting will be inspected by the Manager of Operations or his/her delegate. This inspection shall generally include the location of the limit of the right of way to ensure that the tree is within the road allowance. A third-party consultant/qualified arborist may be requested to provide recommendations if required. The final decision regarding the extent of the work to be completed shall be made by the Manager of Operations or his/her delegate.
- (b) **Cutting/Trimming/Stumping** - Whenever trees are cut or trimmed on the municipal road allowance, whether for municipal or private purposes, the work shall be completed by competent persons, qualified and experienced in tree cutting operations. When grinding stumps, a stump shall be considered removed when it has been ground to six inches below ground level so that it can be covered with a layer of topsoil which is sufficient to support vegetation.

## **2. Notification to property owners:**

Where it is determined that a tree is or could affect residents and visitors of the municipality, notification shall be given to property owners prior to trees being cut down or trimmed on their property or on the road allowance adjacent to their property. Where possible, notification shall be written and verbal. In all areas, trees will be marked with an “X” when they will be cut down or a “dot” when they will be trimmed.

If any resident has an objection to the removal of a tree on municipal property that cannot be resolved by way of discussion with the Manager of Operations the resident must submit their objection in writing for evaluation by the Municipal Tree Committee and if a decision cannot be reached by the Municipal Tree Committee it will go to Council for a final decision.

### 3. **Tree Removal**

In order to prolong the safe life of trees, the municipality will coordinate whenever possible the pruning of dead and dying branches in trees on municipal property.

Trees may be removed from the road allowance and/or private property when;

- They interfere with construction or maintenance operations by the municipality, utilities or private developers, but only when no other reasonable alternative can be found.
- They seriously obstruct the vision of pedestrians or drivers or otherwise present an undue hazard to the traveling public.
- They are considered dangerous; that is when the trunk or any large branch is decayed, hollow or split to the point of being structurally unsound. Trees will be removed when the amount of dead or damaged wood makes it impractical to trim them. Trees may be removed when roots have been cut such that it is felt they will not safely support the tree.
- They are infected with a disease, insect or pest which cannot be controlled, eradicated or cured such that if they are left standing, they would constitute a threat or hazard to other trees and public safety.
- They can be clearly defined as having continually caused obstruction problems with underground services. Example; water, sewer, telephone, cable.
- They cause significant sidewalk and/or driveway upheavals.
- Any tree or part thereof, posing an immediate health and safety risk, say the result of a windstorm, ice storm, etc., shall, at the discretion of the Manager of Operations, be exempt from the above rules.

Tree removal for municipal purposes includes but is not limited to the following; to allow for road and/or roadside maintenance and ditching, to remove limbs overhanging a roadway or sidewalk, to remove trees or limbs that impede the visibility of traffic or traffic signs, to remove trees or limbs that cause snow build up or icy conditions on a public roadway or sidewalk, to remove dead or dying trees for the safety of the public.

An exemption to this policy shall be given to the Farm Community where trees located on Municipal Road Allowance(s) overhang an arable field and limbs extending over field shall create a hazard to persons and/or equipment. Communication between the property owner and the Manager of Operations or his/her designate would be required.

The Municipality of South Bruce reserves the right to provide or not to provide maintenance upon unmaintained highways as per the Municipalities Minimum Maintenance Standards.

#### **4. Tree Trimming**

Trees shall be trimmed in order to:

- Remove dead, damaged or diseased limbs and branches to promote healthy vigorous tree growth and maintain structural integrity
- Provide adequate visibility for pedestrians and/or drivers
- Remove limbs and branches which restrict clearance or otherwise present a hazard to the traveling public
- Remove limbs or branches which are considered dangerous due to their poor condition

Tree trimming for municipal purposes includes, but is not limited to the following; to allow for road and/or roadside maintenance and ditching, to remove limbs overhanging a roadway or sidewalk, to remove trees or limbs that impede the visibility of traffic or traffic signs, to remove trees or limbs that cause snow build up or icy conditions on a public roadway or sidewalk, to remove dead or dying trees for the safety of the public.

#### **5. Stump Removal**

All stumps shall be ground and/or removed from municipal road allowance and covered with a layer of topsoil which is sufficient to support vegetation. Stumps left for sculpting from trees to date that the Municipality have cut down will be removed and ground to reduce all future liability issues they may impose on the Municipality. Stumps that were carved prior to enactment of this policy are permitted to remain providing they impose no immediate health and safety concern to the Municipality. When they impost such a threat, the Public Works department shall remove at the discretion of the Manager of Operations.

#### **6. Wood Chipping**

All wood chippings created by the Municipality shall be offered to the adjacent property owner at no charge. If the adjacent landowner does not want the chippings, they will be disposed of at the local landfill. All residents will then have access to the chips on a "first come, first serve" basis. The Municipality assumes no risk or liability in the taking or use of the said chips.

#### **7. Tree Planting and Development**

The Public Works department will determine health and planting locations with the assistance of the Municipal Tree Committee, if required, under the direction of the Manager of Operations and the Public Works Department and subject to further budget considerations and tree availability.

##### **Planting Program**

A tree planting program has been developed to replace trees that have been removed due to disease and old age or proximity to infrastructure installations where root base is fatally damaged.

- All new trees planted shall be native species.
- We will attempt to plant 1 or 2 trees for each tree removed, if possible, depending on budget. These locations would be determined from

observation and community feedback. The Municipality will be responsible for planting and the residents will be responsible for the care of the newly planted tree(s).

- Occupied and unoccupied utility standard locations and rights of way shall be avoided when planting trees. (i.e. overhead wires, gas lines, water and sanitary sewer lines and telecommunication lines such as fiber optics).
- Trees shall not be planted within Daylight Triangles at intersections which would impede vision.

### **Development**

- The municipality shall include as a policy for new residential developments the following requirements:
  - a) Planting a minimum of 1 tree on the frontage of every new home, as well as one on the side yard of corner lots.
  - b) Trees must be native species and size as identified in the Subdivision/Site Plan Agreement.
  - c) The Developer will be responsible for the cost of such tree(s). Upon substantial completion of a home and prior to landscaping and upon location of underground services, the Municipality shall plant the tree in the front/side yard in a location agreed upon between the property owner and the Operations Manager.
  - d) The Municipality is to supervise all tree plantings to ensure non-conflict with infrastructure services.

## **8. Tree Removal/Trimming/Stumping Costs:**

### **For Municipal purposes:**

When it has been determined by the municipality that tree removal and/or trimming is required for the municipality's purpose, trees within the road allowance will be removed at the municipality's expense, including removal of stump to ground level. Trees within the road allowance or limbs and branches overhanging the road allowance will be trimmed at the municipality's expense.

### **For Private Purposes:**

Tree removal, trimming, and/or stumping required for the installation of a new entranceway or services shall be at the property owner's expense.

Tree removal, replacement or trimming required by a property owner(s) and/or private individuals or businesses for personal benefit shall be at the expense of the property owner(s), individuals or businesses and billed based on actual costs.

The cost, for any tree requiring pruning or removal that is on part municipal land and part private land, will be shared equally between both parties.

## **9. Wood:**

When trees are cut from the municipal road allowance, the wood shall be offered to property owners and/or residents in accordance with the following;

The wood shall be offered to adjacent landowners first. If the adjacent landowner does not want the wood, then it will be offered to local residents on a “first come, first serve” basis. Municipal staff will remove the wood from the roadside, if no residents are interested. Brush, twigs and leaves will be cleaned up by the municipality.

**10. Tree Preservation, Protection, Restitution and Fines:**

Unless authorized by the Municipality, a person shall not do, cause, or permit to be done, any of the following to a tree located on lands owned by the Corporation of the Municipality of South Bruce.

- (a) Remove or cut down a tree or any part of a tree.
- (b) Mark, cut, break, debark, deface, damage or in any manner injure or destroy a tree, or any part of a tree.
- (c) Tack, paste, or attach a bill or note or any other thing, or object to a tree or to a stake, post, guard, or other object supporting such tree.
- (d) Deposit, place, store, or maintain any stone, brick, sand, soil, concrete, vehicle, equipment or other material that may impede the free passage of water, air or nutrients to the roots of a tree.
- (e) Chemically spray, fertilize, prune, trim, disturb, or alter a tree or any part of a tree.
- (f) Alter or change soil levels in the vicinity of any tree in a manner likely to cause injury to the tree.

A fine of \$200.00/per tree will be charged and invoiced to the individual from the Municipality of South Bruce who commits any of the above offences. Depending on the nature of the offence, the Municipality may also invoice the individual additional items such as, stumping, estimated wood quantity per cord and replacement costs for the trees to be replanted at a location under the Municipal Tree Committee’s discretion.

When tree removal or logging operations occur on an adjacent private property to road allowance and activity causes damage to Municipal property such as the road surface, ditching, etc. all labour, materials and equipment charges shall be assessed to the land owner where the operations occurred.

**11. Reporting:**

The Municipal Tree Committee shall report to Council any variance to the set policy and procedures for tree trimming, removal, stumping in the Municipality of South Bruce. The Committee shall provide meeting minutes to Municipal Council on a regular basis.

# Appendix I

## Sample Request Form

*Municipality of*  
**South Bruce**

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### Tree Request Form

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Required fields are marked with asterisks (\*)

Please complete this form for requests regarding trees located within the municipal road allowance.

**Please select your request. \* ?**

Please make a selection

**First and Last Name \***

**Phone Number \***

**Where is the tree located (include address and where on the property)? \***

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**Reason for your request or additional comments. \***

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**Email Address**

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**Date Requested \***

