

**BY-LAW NUMBER 5-2003
OF THE CORPORATION OF
THE CITY OF STRATFORD**

BEING a By-law regulating the planting, maintenance, protection, preservation and removal of trees on highways within the City.

WHEREAS section 135 of the *Municipal Act, 2001, S.O. 2001 c.25* authorizes a local municipality to prohibit or regulate the destruction or injuring of trees;

AND WHEREAS section 62 of the Act authorizes a municipality, at reasonable times, to enter upon land lying along any of its highways to inspect trees, and conduct tests on trees, and to remove decayed, damaged or dangerous trees or branches of trees if, in the opinion of the municipality, the trees or branches pose a danger to the health or safety of any person using the highway;

NOW THEREFORE BE IT ENACTED by Council of The Corporation of the City of Stratford as follows:

1.0 TITLE

1.1 This by-law shall be known as the "Stratford Street Tree By-law" of The Corporation of the City of Stratford.

2.0 INTERPRETATION

In this By-law, unless a contrary intention appears:

2.1 "Director" means the Director of Community Services Department for the City of Stratford or authorized designate;

2.2 "highway" means a common and public highway, street, avenue, parkway, roadway, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

2.3 "person" includes a company, a corporation, a partnership or an individual person, and the singular shall include the plural, and

2.4 "tree" means any shade or ornamental tree, all or part of which is located on, above or below a public highway.

3.0 AUTHORITY AND DUTIES OF THE DIRECTOR

3.1 The planting, care and removal of all trees shall be under the supervision of the Director.

3.2 The Director is hereby authorized;

i) to plant or cause to be planted, trees on the highway;

ii) to water, fertilize, spray, trim or cause to be watered, fertilized, sprayed, or trimmed any tree growing on a highway, or on private property where the branches extend over a highway;

- iii) to remove or cause to be removed without notice or compensation to any person, anything which in his or her opinion adversely affects a tree, a stake, post, guard or other object supporting such tree;
- iv) to remove or cause to be removed any tree or part of a tree which in his or her opinion is decayed, diseased or hazardous to the public;
- v) to remove or cause to be removed any tree or part of a tree which interferes with existing or proposed municipal services;
- vi) to impose such terms and conditions he or she deems necessary in granting written authorization;
- vii) to take whatever measures deemed necessary in his or her judgement to extend the useful life of a tree without impacting on public liability.

4.0 PROHIBITED ACTIVITIES

4.1 No person shall, without the prior written authorization of the Director, do or cause or permit to be done, any of the following:

- i) plant, remove, or cut down a tree or any part of a tree;
- ii) mark, cut, break, debark, deface, damage or in any manner injure or destroy a tree, or any part of a tree;
- iii) spray, fertilize, prune, trim, disturb, or alter a tree or any part of a tree;
- iv) tack, paste or attach a bill or note or any other thing to a tree or to a stake, post, guard or other object supporting such tree;
- v) do or cause to be done any work on a public highway or lands adjacent thereto which will affect any tree growing thereon;
- vi) deposit, place, store or maintain any stone, brick, sand, soil, concrete or other material, or any vehicle or equipment that may impede the free passage of water, air or nutrients to the roots of a tree;
- vii) allow any gaseous, liquid or solid substance which is harmful or toxic to trees to come into contact with any tree;
- viii) interfere with fences, boxes or other protective devices placed around any tree;
- ix) alter or change soil levels in the vicinity of any tree in a manner likely to cause injury to the tree, and
- x) excavate, disturb or compact soil within the dripline of a tree, being the area at the outer edge of the spread of the tree's branches.

5.0 PLANTING

5.1 Where a person has received prior written authorization from the Director to plant, or cause to be planted, a tree on any highway, such planting shall be done under the supervision and to the satisfaction of the Director, and in accordance with the terms and conditions of the written authorization.

6.0 CONSTRUCTION AND EXCAVATION

6.1 Where a person has received prior written authorization from the Director to do or cause to be done any work on a highway or lands adjacent thereto which will affect any tree growing thereon, such work shall be done in accordance with the terms and conditions of the written authorization and if the same cannot be followed for any reason, such person shall apply to the Director for instructions and directions.

7.0 REMOVAL

7.1 Where a person has received prior written authorization from the Director to remove or cause to be removed a tree in order to carry out any work on a highway or lands adjacent thereto, such person shall pay to the City the cost for the Director to effect such removal, relocation or replacement, including such costs for loss of amenity as the Director may determine.

8.0 REVOCATION OF WRITTEN AUTHORIZATION

8.1 The Director may revoke written authorization that has been previously granted where:

- i) the terms and conditions of the written authorization are not complied with, or
- ii) any instructions or directions of the Director are not complied with.

9.0 TREES LOCATED ON PRIVATE PROPERTY

9.1 No person shall cause or permit any part of a tree planted on private property to obstruct, be a hazard to or interfere with travel on a highway. The Director may require the removal of any part of the tree which causes an obstruction, a hazard to or interference with travel by notice in writing to the owner of the property on which the tree is planted. If the demand for removal is not complied with within the time-limit provided therein, the Director may cause any part of the tree to be removed from the public highway and may charge the cost of such removal to the owner of the property by adding the cost to the tax rolls of the property, to be collected in the like manner as municipal taxes.

10. CITY AND PUBLIC UTILITY INSTALLATIONS

10.1 The provisions herein shall not limit the rights and obligations of the City, or any public utility to construct, install, maintain and repair any road, sidewalk, sewer, watermain, public utility or telephone or other installation pursuant to any statute or regulation.

11. PENALTY

11.1 Except as otherwise provided in this By-law, every person whether as principal or agent, or an employee of either of them, who contravenes any provisions of this By-law, is guilty of an offence and, is liable to a fine of not more than \$5,000 pursuant to the provisions of the *Provincial Offences Act*.

11.2 Any sum due to the City in connection with the enforcement of this By-law may be added to the collector's roll for the appropriate property and be collected in the like manner as municipal taxes.

Read a FIRST, SECOND and THIRD time and

FINALLY PASSED this 27th day of January, 2003.

Mayor – Karen Haslam

Clerk – Joan L. Thomson