

THE CORPORATION OF THE TOWN OF SMITHS FALLS

BY-LAW NO. 8670-2014

BY-LAW TO ADPOT THE TREE CARE POLICY FOR THE TOWN OF SMITHS FALLS

WHEREAS Section 8 of the Municipal Act, SO 2001, as amended 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 9 of the Municipal Act, SO 2001, as amended provides that Section 8 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

AND WHEREAS pursuant to Section 5(3) of the Municipal Act, 2001, as amended a municipal power, including a municipality's capacity, rights, powers and privileges under Section 9, shall be exercised by by-law unless the municipality is specifically authorized to do to otherwise;

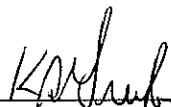
AND WHEREAS this policy outlines the provisions respecting the Tree Care Policy for the Town of Smiths Falls;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of Smiths Falls enacts as follows:

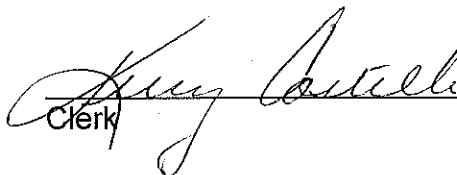
1. THAT the Tree Care Policy for the Town of Smiths Falls as "Schedule A" forming part of this by-law is hereby adopted.
2. THAT this by-law shall take effect on the date of its passing.

Read a first and second time this 7th day of April, 2014

Read a third time and passed this 7th day of April, 2014



Mayor



Clerk



TOWN OF SMITHS FALLS

TREE CARE POLICY

The Works & Utilities Department is responsible for the care and maintenance to all trees on all Town property, excluding Town owned parks.

The Parks and Recreation Department is responsible for the care and maintenance to all trees in Town owned parks.

TREE POLICY GUIDELINES

The maintenance of mature tree cover is recognized as contributing to human health and quality of life and therefore it is the Town's goal to increase the urban forest. Trees are an important element of the Town's natural and cultural landscape for the following reasons:

- The aesthetic value of woodlands and trees
- Providing recreational opportunities
- Reducing airborne pollution
- Protecting natural heritage features and areas
- Maintaining and enhancing water quality
- Preventing soil erosion and water run-off
- Providing habitat for wildlife
- Providing cooler temperatures in the summer; and
- Reducing the effects of global warming

The Town of Smiths Falls Tree Care Policy is enacted in order to control the removal of trees, to provide for the protection of trees, and to promote good forestry practices and good arboricultural practices that sustain healthy woodlands and the urban forest.

TREE REMOVALS

A tree under consideration for removal must be determined by the Town's Horticulturist that the tree in question is in fact required to be removed. The Town's Engineering Department will determine if the tree is on Town property.

When a resident calls in with a tree concern where ownership is in question, the Town's Engineering Department will determine the tree's ownership. Trees determined to be entirely on private property are the sole responsibility of the property owner. Trees entirely on Town property are the sole responsibility of the Town.

When it is determined by means of a survey that a tree is located with a portion of its trunk on Town property and a portion of its trunk on private property, the following policy will apply:

- Where a tree has over half of its trunk diameter located on Town property (has grown to encroach on private property); the Town will pay the full cost of removal and/or maintenance to the tree.
- Where a tree has over half its trunk diameter located on private property (has grown to encroach on Town property) the Town will pay the portion of the cost of removal or maintenance to the tree equal to the percentage of the tree located on Town property (ie: tree is 75% on private property and 25% on Town property, the Town will pay 25% of the removal and/or maintenance costs and the property owner will be billed for their portion).

REQUIREMENTS FOR REMOVAL

Trees represent one of the few Town assets which have grown in value over time and enhance the natural beauty of our community. Consequently, trees will not be removed from Town property without just cause. Trees may be removed from Town property when:

- It is determined by the Town's Works & Utilities Superintendent that they represent a safety hazard to the general public and/or property.
- It is determined by the Town's Horticulturist that the tree is diseased and the infection could spread to other trees or cause an unsafe condition.
- It is determined by the Town's Horticulturist that the tree is dead or in an unhealthy and continually declining state and due to its age and/or location will not respond to proper horticultural practices.
- Trees are not removed as determined by the Town's Horticulturist because of a temporary pest infestation, or a litter problem from leaf fall.
- Trees will be removed or trimmed as determined by the Town's Works & Utilities Superintendent if they are providing site-line issues at intersections.
- Trees will be removed as determined by the Town's Works & Utilities Superintendent if they are causing obstruction of, or damage to, underground infrastructure.

OTHER REMOVALS

Town staff is authorized to remove trees which meet one or more of the above-noted criteria. Property owners who wish to have Town-owned trees removed from Town property adjacent to their home for other reasons, including leaves in the fall, problems growing grass under the trees in the summer or they simply do not like the tree in its present location, must receive Council approval for such a tree removal. Property owners should provide written notice of their request for removal so as it may be placed before Council. In most cases, these removals, if approved by Council, will be at the property owner's expense, and a suitable replacement tree, as per this policy will be planted at the property owner's expense.

NOTIFICATION OF TREE REMOVAL

Once it is determined that a tree located on Town property should be removed, a written notice will be sent to adjacent property owners explaining the reason for its removal. Adjacent property owners will be given seven days from the date of the written notice to appeal the decision to remove the tree to the Manager of Planning & Sustainable Growth.

EMERGENCY SITUATION

If a tree located on Town property is found to create an immediate danger to property or persons, the Town will have the right to authorize the immediate removal of the tree at its earliest convenience, eliminating the grace period for notification of property owners.

STUMP REMOVAL

Tree removals from Town property will include the removal of the tree stump to a depth of 6" below grade wherever possible. The resulting stump hole will be filled with a good quality top soil, compacted and seed will be applied. All future care of the area, to ensure proper grass covering including watering, mowing, fertilizing and leveling of the area, will be the responsibility of the adjacent homeowner, when the tree was in the adjacent road allowance.

TREE REPLACEMENT

In an effort to ensure that ongoing required tree removals do not deplete the Town's overall tree population, the following tree replacement policy will be followed:

- Tree removal from Town property will be replaced with a minimum 6' to 8' height tree. The location and variety of trees to be planted will be approved by the Town.
- Whenever possible, street trees will be placed at the same property location as the removal.
- If this location is not suitable, the tree will be planted, if possible, somewhere on that street.

- Failing this the tree will be planted on private property somewhere in that neighborhood, as determined by the Superintendent of Works & Utilities.
- If there is insufficient space to locate the replacement trees in the immediate neighborhood, the replacement tree will be planted somewhere on Town boulevard or park property within the Town.
- The type of tree will be a species that will tolerate roadside conditions and grow to a medium height. The cost associated with replacement trees which are planted will be borne by the Town of Smiths Falls. Should the homeowner desire a larger tree to be planted, they will be responsible for the additional costs. Further care or maintenance of those trees planted on private property will be the full responsibility of the property owner/resident.
- Trees will not be planted within 3m radius of a structure.

TREE PRUNING

The Works & Utilities Department is continually involved in an ongoing tree pruning program. Town street trees are pruned for a variety of reasons. These reasons may include the removal of broken, dead or diseased limbs, elevating obstruction branches which may interfere with traffic signs or traffic signals. Other trees are pruned in order to restrict their growth habit.

Please direct any inquires regarding the pruning of trees for any of the above reasons to the Works & Utilities Department office.

TREE TYPES

The following trees are considered to be favourable for planting in the Town of Smiths Falls:

- Linden
- Hard Maples ie., Sugar Maple
- Flowering Crab (flowering tree)
- Sunburst Locust (provide a filter shade)
- Crimson King Maple (beautiful coloured leaves)
- Honey Locust
- Sugar Maple
- Oaks or other nut trees ie., Butternut Walnut
- Colorado Blue Spruce
- Scots Pine

The Town of Smiths Falls does not support the planting of the following trees, in municipal road allowances:

- Willows
- Poplar
- Silver Maple
- Manitoba Maples

ADDITIONAL QUESTIONS

The Works & Utilities Department is responsible for all tree related concerns on Town property.

Questions relating to a particular tree concern or any other aspect of tree care and maintenance should be directed to the Superintendent in the Works & Utilities Department.

NEW DEVELOPMENTS

Landscaping to be as per the development approval process.