

**The Corporation of the
Township of South-West Oxford**

By-law No. 12-2018

**A By-law to Regulate the Planting and
Removal of Public Trees on any Township Highway,
Adjacent to any Township Highway, or on any Township
owned lands in the Township of South-West Oxford**

Whereas the Municipal Act, S.O. 2001, c. 25, Part III Section 62 stipulates that a municipality may, at any reasonable time, enter upon land lying along any of its highways to inspect trees and to remove decayed, damaged or dangerous trees or branches if, in the opinion of the municipality, the trees or branches pose a danger or immediate danger to the health or safety of any person using the highway

And Whereas the Municipal Act, S.O. 2001, c. 25, Part II Section 11 (2) 5. stipulates that a lower-tier municipality may pass by-laws, respecting the environmental well-being of the municipality, subject to the rules set out in subsection (4);

And Whereas the Council of the Township of South-West Oxford recognize that trees as well as other ecological systems, improve the sustainability of a community and offer environmental benefits which include the absorption of greenhouse gas emissions;

And Whereas the Council of the Township of South-West Oxford desires to set a written policy for the planting and removal of trees on any Township roadway;

Now Therefore the Council of the Corporation of the Township of South-West Oxford Enacts as Follows:

1. Short Title

1.1 This By-law shall be known as the "Tree By-law".

2. Definitions

2.1 **Chief Administrative Officer** means the Chief Administrative Officer for the Township of South-West Oxford or his/her designate.

2.2 **Corporation** means the Corporation of the Township of South-West Oxford.

2.3 **Highway or Highways** means all allowances for roads made by the Crown Surveyors, all highways laid out or established under the authority of any statute, all roads on which public money has been expended for opening them or on which status labour has been usually performed, all roads dedicated by the owner of the land to public uses, and all alterations and deviations of and all bridges over any such allowance for

road, highway or road, are common and public highway in the Township of South-West Oxford.

- 2.4 **Improved Highway** means a highway that has been reconstructed or rebuilt and shall be determined by the Work's Superintendent.
- 2.5 **Municipal Law Enforcement Officer** means a person appointed by the Corporation for the purposes of enforcing by-laws and, for the purposes of this by-law, shall include the Work's Superintendent.
- 2.6 **Public Tree** means any tree which has fifty (50) percent or more of its main stem situated on a public park, highway or any lands owned by the Township of South-West Oxford.
- 2.7 **Works Superintendent** means the Works Superintendent for the Township of South-West Oxford or his/her designate.

3. General Regulations

- 3.1 The planting, inspection, maintenance, protection and removal of all public trees shall be under the supervision and authorization of the Township of South-West Oxford Works Superintendent.
- 3.2 The Works Superintendent is authorized to:
- i. Plant, or cause to be planted, public trees;
 - ii. Maintain, or cause to be maintained, any public tree;
 - iii. Inspect, or cause to be inspected, any public tree;
 - iv. Transplant, remove, or cause to be transplanted or removed, any public trees where deemed necessary in the public interest;
 - v. Remove, or cause to be removed, without notice or compensation to any person any object or thing that adversely affects a public tree;
 - vi. Remove, or cause to be removed, without notice or compensation to any person any tree planted without permission in a public park or on a highway;
 - vii. Remove, or cause to be removed, without notice or compensation to any person, any parts of a tree which may be hazardous or create an unsafe condition, is located on private property and extends over a highway or public park;
 - viii. Implement, or cause to be implemented, necessary treatments for insect and disease problems associated with a public tree;
 - ix. Remove, or cause to be removed, a public tree which is dead, hazardous, creates an unsafe consideration, or no longer viable to maintain, certified as such by the Works Superintendent;
 - x. Remove, injure, or cause the removal or injury of a public tree, as may be required to facilitate emergency work, deemed by the Works Superintendent;
 - xi. Remove, or cause to be removed, a healthy public tree where a written request for tree removal that includes a landscape plan satisfactory to the Work Superintendent has been received from an adjacent property owner. Such requests for removal may be subject to conditions which include payment to the

- Township in an amount equivalent to the tree value, removal and replacement costs and the replanting of a replacement tree or trees by the applicant;
- xii. Refuse a request for the removal of a public tree;
 - xiii. Permit the pruning of public tree branches or roots in accordance with good arboricultural practices causing minimal damage to the tree. Such requests for injury may be subject to conditions which include the payment of tree value, removal and replacement costs, and the planting of a tree or trees by the applicant;
 - xiv. Stop any work causing injury or destruction to a public tree that is taking place without permission from the Works Superintendent.

3.3 Trees planted on private property are the sole responsibility of the property owner.

4. Specific Regulations Regarding Tree Planning on Improved Highways and Adjacent Properties

4.1 Trees shall be planted along or adjacent to improved highways using the following guidelines:

4.1.1 Trees should not be planted within 60 metres of the intersection of any road allowances.

4.1.2 Trees should be planted at spacing of 25 metres to 30 metres depending on available space.

4.1.3 Planting of trees may be prohibited in areas that:

- i) present future maintenance problems, such as overhead wires or underground services;
- ii) interfere with snow removal/clearing operations.

4.1.4 Planting of trees may be prohibited within 50 metres of any known Municipal, Award or Private Drainage System.

4.1.5 Planting of trees may be prohibited within 6 metres of a driveway, sidewalk or underground vault.

4.1.6 Planting of trees may be prohibited within 15 to 20 metres of a street light or fire hydrant.

4.1.7 Tree species will be in accordance with Schedule "A" attached hereto and forming part of this By-law.

4.1.8 Notwithstanding Section 4.1.7 of this by-law, tree species may also be selected by the Works Superintendent as recommended by the local Conservation Authority.

5.0 Specific Regulations Regarding Public Health and Safety

5.1 The Works Superintendent is hereby authorized and directed to remove decayed or dangerous public trees, in the interests of public safety, health and the general welfare of the public, on highways or improved highways under the jurisdiction of the Township of South-West Oxford, and Township owned lands.

6.0 Prohibitions

6.1 No person shall injure, destroy or remove a public tree without the prior written approval of the Works Superintendent. Approval may be subject to conditions at the discretion of the Works Superintendent, and may include payment to the Township of the tree's value, removal and replacement costs and/or replanting of the tree(s).

7.0 Enforcement

7.1 The administration and enforcement of this By-law shall be performed by persons designated by Council as Municipal Law Enforcement Officers.

8.0 Penalty

8.1 Any person who contravenes the provisions of any section of this By-law is guilty of an offence and liable to a system of fines according to the Municipal Act, 2001, as follows:

- i. A minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000. However, a special fine may exceed \$100,000.
- ii. In the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000. The total of all daily fines for the offence is not limited to \$100,000.
- iii. In the case of multiple offences, for each offence included in the multiple offences, a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000. The total of all fines for each included offence is not limited to \$100,000.

8.2 The Township designates that the destruction of each public tree is one offence in a series of multiple offences.

8.3 If a person is convicted of an offence for contravening this By-law the Court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the person to rehabilitate the land or to plant or replant public trees in such a manner and within such period of time as the Court considers appropriate.

9. Severability

9.1 In the event that any of the provisions of this by-law are deemed ultra vires by any Court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

10. Repeal and Effective Date

10.1 By-law 32-2010 is hereby repealed.

10.2 This By-law shall come into effect on the day that it is passed.

Read a First and Second time this 20th day of February, 2018.

Read a Third time and Finally Passed this 20th day of February, 2018.

**Mayor
David Mayberry**

**Clerk
Julie Forth**

Schedule "A"

By-law 12-2018

Large Native Shade Trees

Crimson King Maple	Acer Platandides "Crimson King"
Sugar Maple	Acer Saccharum
Bur Oak	Quercus Macrocarpa
Red Oak	Quercus Rubra
Black Oak	Quercus Velutina
White Oak	Quercus Alba
Bitternut Hickory	Carya Cordiformis