

A BYLAW OF THE VILLAGE OF SEDLEY TO PROVIDE FOR THE PROTECTION OF TREES

The Council of the Village of Sedley in the Province of Saskatchewan enacts as follows:

**SECTION 1
INTERPRETATION**

Name of Bylaw

1.1 The name of this bylaw, for citation, is the “Protection of Trees Bylaw”.

Definitions

1.2 In this Bylaw:

‘arborist’ means a certified arborist;

‘hazardous tree’ means a tree that is in imminent danger of falling and causing injury to a person or damage to property;

‘hedge’ means five or more trees or shrubs less than five metres high and planted less than 1.25 metres apart;

‘owner’ includes a registered owner, an owner under agreement, and a cooperative association;

‘relocation tree’ means a living tree that, according to a tree plan, an owner intends to relocate or has relocated or that, according to this bylaw, an owner must relocate on a site;

‘site’ means one or more parcels of land that adjoin one another;

‘tree’ means a self-supporting, perennial, woody plant that has a trunk or stem and a root system;

‘tree permit’ means a permit issued by the Administrator for the Village of Sedley; and

‘tree plan’ means a plan required under section 3.3(a).

**SECTION 2
APPLICATION OF BYLAW AND EXEMPTIONS**

Application of Bylaw to Hedges

2.1 All provisions of this bylaw apply to individual trees in a hedge, except only to the extent that any such provision specifically excepts, excludes, or exempts a hedge.

Exemption for Small Trees

2.2 This bylaw does not apply to a tree that has a trunk or stem the diameter of which, or two or more trunks or stems the combined diameter of the two or three largest trunks or stems of which, measured 1.4 m above the existing grade of the ground adjoining its base, is less than 20 cm, except for a replacement tree or tree that is part of a hedge.

Exemption for Public Utility

2.3 This bylaw does not apply to the removal, relocation, or replacement of a tree in connection with the construction or maintenance of a public utility.

Exemption for Council

2.4 This bylaw does not apply to the removal, relocation, or replacement of a tree in connection with any site or development under the jurisdiction of Village of Sedley Council.

SECTION 3 TREE PERMITS

Requirement for Tree Permit

3.1 A person must not cut down or kill a tree on a site, remove a tree from a site, relocate a tree on a site, or plant a replacement tree on a site, except in compliance with this bylaw and the tree permit issued for such removal, relocation, or replacement.

Application for Tree Permit

3.2 An owner of a site may apply for a tree permit, along with the required permit fee of \$1.00 to remove a tree from a site, to relocate a tree on a site, or to plant a replacement tree on a site, which application must be in the form prescribed by Village Council.

Submissions with Tree Permit Application

3.3 With the tree permit application, the applicant must submit all information required under this bylaw for issuance of the tree permit including:

- a) A tree plan with respect to the site
 - i. Location and trunk diameter of each such tree the owner intends to remove

Issuance of Tree Permit

3.4 Village Council may issue a permit to remove a tree from, or to relocate or replace a tree on, a site only if:

- a) The location of the tree is within the building envelope defined or described under a building permit, and changing the siting of an accessory building within that envelope to allow retention of the tree is not possible;
- b) A certified plumber certifies that the roots of the tree are interfering with, blocking, or damaging a drainage or sewage system;
- c) An arborist certifies that damage to the tree has occurred to the extent that the tree is likely to suffer from disease or die prematurely;
- d) An arborist certifies that the tree is dying and is likely to be dead within six months or is dead; or
- e) By permission of Council.

Conditions of Tree Permit

3.5 Village Council may include conditions regarding the removal, relocation, or replacement of a tree in a tree permit, and the tree permit holder must comply with those conditions.

Posting of Tree Permit

3.6 During the removal, relocation, or replacement of a tree, the tree permit holder must post the tree permit, and keep it posted, in a conspicuous location on the site that is visible from an adjacent street.

Duration of Tree Permit

3.7 If a tree permit holder has not removed a tree within six (6) months after the date of issuance of the tree permit:

- a) The tree permit expires, and has no further force or effect; and
- b) The tree permit holder must obtain a new tree permit before removing or relocating the tree.

SECTION 4 PROTECTION OF TREES DURING CONSTRUCTION

Demolition, Excavation, or Construction

4.1 A person must not commence or carry on demolition, excavation, or construction on a site, except in accordance with the requirements of this bylaw and any applicable tree permit.

SECTION 5 CARE AND MAINTENANCE OF TREES

Care of a Tree

5.1 The owner of a site must care for each tree on the site in accordance with the requirements of this bylaw and any applicable tree permit.

Treatment of a Tree

5.2 A person must not:

- a) Remove bark from, or cause any damage to, a tree;
- b) Do anything that would cause a tree to become a hazardous tree;
- c) Do anything that would cause a tree to die; or
- d) Top or prune a tree to the extent that it is unlikely ever to regain its health or characteristic appearance.

Root Pruning

5.3 A person must not prune the roots of a tree unless that person is an arborist.

SECTION 9 EMERGENCY REMOVAL

Emergency Removal

6.1 If a tree on a site becomes a hazardous tree as a result of damage from a natural cause, the owner or occupier of the site may remove the tree before obtaining a tree permit.

Issuance of Tree Permit after Emergency

6.2 A person who has removed a tree under Section 6.1 must, within 14 days after the date of removal, apply for a tree permit for such removal, and take all action necessary to obtain issuance of such tree permit.

SECTION 7 ENFORCEMENT

Revocation of Tree Permit

7.1 If:

- a) Village Council and / or the Administrator has issued a tree permit in error;
- b) Village Council and / or the Administrator has issued a tree permit on the basis of false, misleading or incorrect information; or
- c) A tree permit holder has failed to comply with the tree permit;

Village Council, upon giving notice to a tree permit holder, may revoke the tree permit.

Unlawful Damage or Removal of a Tree

7.2 In addition to a fine under this Section 7, a person who, in contravention of this bylaw or a tree permit:

- a) Cuts or damages a tree on a site to the extent that, in the opinion, of Village Council, it is or will become a hazardous tree, it has lost its characteristic appearance, it is or will become diseased, or it is dead or will die prematurely; or
- b) Removes a tree from a site;

Promptly upon receive of an order from the Village Administrator must comply with Section 7.3.

Replacement of Unlawfully Damaged or Removed Tree

7.3 A person referred to in section 7.2 must:

- a) Within 14 days after receipt of an order from the Village Administrator under section 7.2, replace any tree referred to in such order.

Requirement to Discontinue or Carry Out Work

7.4 Village Council empowers any employee of the Village to order or direct any person to:

- a) Discontinue or refrain from proceeding with any work or doing anything that is in contravention of this bylaw; and
- b) Carry out any work or do anything required by this bylaw or any tree permit;

And failure on the part of such person to comply with such order or direction within the time specified in such order or direction is a violation of this bylaw.

Service of Notice

7.5 The bylaw enforcement officer may serve an order, direction, or notice under this bylaw:

- a) By mailing it by regular mail to the owner of the applicable site at the address shown on the real property tax assessment roll;
- b) By mailing it by regular mail to the person who is the addressee of the notice;
- c) By handing it to the person who is the addressee of the notice; or
- d) If the notice refers to real property, by posting it on the real property.

Offence under Bylaw

7.6 A person who:

- a) Contravenes any provision of this bylaw, or does any act or thing which contravenes any provision of this bylaw, or suffers or allows any other person to do any act or thing which contravenes any provision of this bylaw;
- b) Neglects to do or refrains from doing anything required to be done by any provision of this bylaw; or
- c) Fails to comply with an order, direction, or notice given under any provision of this bylaw or suffers or allows any other person to fail to comply with an order, direction, or notice given under any provision of this bylaw.

is guilty of an offence against this bylaw, and liable to the penalties imposed under this Section 7.

Separate Offence

7.7 A person who breaches this bylaw in a manner or to an extent that affects more than one tree is guilty of an offence against this bylaw in respect of each tree.

Fine for Offence

7.8 Every person who commits an offence against this bylaw is punishable on conviction by a fine of \$250.00 for each offence.

Fine for Continuing Offence

7.9 Every person who commits an offence of a continuing nature against this bylaw is punishable on conviction by a fine of \$250.00 for each day such offence continues.

Village of Sedley

Bylaw 2010 - 27

Force and Effect

8.1 This bylaw is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2010.

Mayor

Administrator

Certified a true copy of Bylaw No.
026/10 adopted by resolution of Council
on the _____ day of _____, 2010.

Administrator