



## **Corporation of the Municipality of South Huron Schedule "A" to By-Law #\_\_\_ - 2018**

### **Tree Removal and Replacement Policy for Municipal Road Allowances and Municipal Properties**

**Policy Number:** \_\_\_\_ - 2018  
**Effective Date:** \_\_\_\_\_, 2018  
**Revision Date:**

#### **1 Purpose**

This purpose of this policy is to provide clear guidelines for the Municipality of South Huron to remove and replace trees within the Municipal Road Allowance and on Municipal property to maintain a healthy, safe environment and enhance tree cover in the Municipality. The policy will assist the Municipality in providing excellent service to the public and contribute to continuous improvement of operations.

#### **2 Legislative Authority**

Under the Municipal Act, 2001, SO 2001, as amended, provides under section 8(1) the powers of the Municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

Under the Municipal Act, 2001, SO 2001, as amended, provides under section 44(1) the municipality that has jurisdiction over a highway or bridge shall keep it in a state of repair that is reasonable in the circumstances; and

Under the Municipal Act, 2001, SO 2001, as amended, provides under section 44(8) No action shall be brought against a municipality for damages caused by any construction, obstruction or erection, or any siting or arrangement of any earth, rock, tree or other material or object adjacent to or on any untravelled portion of a highway, whether or not an obstruction is created due to the construction, siting or arrangement

Under the Municipal Act, 2001, SO 2001, as amended, provides under Section 62 (1)(a)(b) A municipality may, at any reasonable time, 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: and

Under the Municipal Act, 2001, SO 2001, as amended, provides under Section 141 a municipality may provide trees to the owners of land adjacent to any highway and may plant the trees on the owners' land with their consent.

### **3 Introduction**

The Municipality of South Huron acknowledges that trees play a vital role in the wellbeing of all South Huron residents and the natural environment. An active tree maintenance and replacement program significantly contributes to reducing the negative effects of Climate Change. However, to protect the public and maintain appropriate infrastructure, removal of trees is sometimes necessary.

### **4 Policy Objectives**

1. Maintain and enhance tree cover in the Municipality of South Huron.
2. Reduce the impacts of tree removal on neighboring properties.
3. Provide guidelines for the location of new trees that will be planted, including the size and species of tree to be planted.
4. Designate the number of trees to be planted when trees are removed.

### **5 Definitions**

*“Tree”* means a perennial woody plant with an elongated stem, or trunk, with a caliber of greater than 100mm measured at 1.3 m above grade, supporting leaves or branches.

*“Municipal Road Allowance”* means a road right-of-way under the jurisdiction of the Municipality of South Huron, including boundary roads under agreement.

*“Municipal Property”* means any property solely owned or leased by the Municipality of South Huron

### **6 Policy Statement**

1. This policy shall apply to any tree located within a municipally owned road allowance, municipal easement, on municipally owned property including parks, green space, recreation and environmental facilities.
2. Trees will be removed within a urban road allowances and from municipally owned property by municipal staff or contractor working under the direction of the municipality, if any of the following conditions apply:
  - a. The health of the tree presents a safety hazard due to falling limbs or complete collapse.
  - b. The tree has fallen or been critically damaged due to a natural event such as an ice storm, wind storm, vehicle accident, vandalism, etc.
  - c. The tree presents a safety issue to the motoring public or pedestrians due to its size or location within the road allowance.

- d. The location is obstructing or causing issues with current or future infrastructure located within the road allowance including sidewalks, trails and walkways.
3. Where trees are removed from the municipal road allowance in an urban area or from municipal property and it is deemed as an acceptable location to plant a new tree, it shall be the policy of the Municipality to replace the trees removed with two new trees for every tree removed.
4. Should the location where a tree is removed in an urban area be deemed to be not suitable for a new tree as set out in Clause 2(c) or 2(d) or for reasons not set out in this policy, the new trees shall be planted as close as possible to the original location as to not cause an issue. Should that not be possible, the trees shall be planted on other municipally owned property such as parks, recreation facilities, transportation facilities or environmental facilities.
5. Where trees are removed from the municipal road allowance and cannot be replaced in that location, it shall be the policy of the Municipality to offer the adjacent landowner two (2) replacement trees for each tree removed in front of their property.
6. It shall be the responsibility of the landowner to plant and care for the replacement trees planted on private property. The Municipality shall not be responsible for the future health of the tree offered to the adjacent property owner and planted on private property.
7. Landowners receiving replacement trees will not be permitted to plant the trees within the municipal road allowance.
8. Where a landowner does not wish to receive their allotment of trees, the Municipality shall plant that allotment of trees on municipally owned property such as parks, recreation facilities, transportation facilities or environmental facilities.
9. All replacement trees shall be delivered to the property owner in the spring or fall of the year when the tree order is placed.
10. It shall be the responsibility of the Municipality to plant and care for any replacement tree planted within the municipal road allowance and on municipal property.
11. Trees may be purchased through the Ausable Bayfield Conservation Authority (ABCA) through either their spring or fall tree order program where possible.
12. Trees planted within municipal road allowances shall have a minimum caliper size of 25mm, shall include a root ball if available, and the Municipality shall determine the appropriate species of replacement tree.
13. For trees offered for replanting, a preference shall be given for species native to the area, based on consultation with the Ausable Bayfield Conservation Authority (ABCA)
14. Trees planted within the municipal road allowance shall be located in the standard location as per typical municipal road cross section and service location detail or a minimum of 1.5m from the edge of existing roadway, curb or sidewalk.

15. The implementation and enforcement of this policy shall be the sole responsibility of the Municipal Manager under whose department the trees are maintained.

## **7 Prohibited Matters**

1. No person shall plant or cause to be planted a tree on a boulevard without written permission of the Environmental Service Director.
2. No person shall plant or cause to be planted a species of tree designated in Schedule "A" to this by-law as a prohibited species, on a boulevard.
3. No person shall cut down, deface, trim, prune, destroy or injure a tree located on a boulevard in the Municipality.
4. No person shall hinder or obstruct, or attempt to hinder or obstruct, the Environmental Service Director in the exercise of the powers and performing the duties authorized and contained in this by-law.
5. No person shall attach any object or thing to a tree upon a boulevard without written permission from the Environmental Service Director.
6. No person shall undertake any work over, upon or under a boulevard so as to cause injury to any tree.

## **8 Financial Implication**

7. Budgets set for tree removal required due to ongoing maintenance shall include the costs for the purchase and installation of all replacement trees required by this policy.
8. The cost to replace trees due to reconstruction projects shall constitute part of the reconstruction costs of the project and shall be budgeted within the approved capital project budget.

## **9 Policy Review**

This Policy shall be reviewed by the Environmental Services Director a minimum of once per term of Council.

## **10 Enquiries**

Municipality of South Huron  
322 Main St. S., P.O. Box 759,  
Exeter, Ontario N0M 1S6  
Telephone: 519-235-0310

## **Appendix "A"**

## Recommended for Planting Trees in the Municipality of South Huron

### INVASIVE TREES

The following invasive tree species **should not** be planted on public lands.

Norway Maple	<i>Acer platanoides</i> (all cultivars potentially invasive two popular listed below)
Crimson King Maple	<i>Acer platanoides</i> 'Crimson King)
Royal Red Maple	<i>Acer platanoides</i> 'Royal Red'
Tree-of-Heaven	<i>Ailanthus altissima</i>
Siberian Elm	<i>Ulmus pumila</i>

### TREES SUITABLE for ROADSIDES, BOULEVARDS and PARKS

The following trees are suitable for planting in South Huron. Most are native to South Huron but some non-native trees are included that are not considered to be invasive and have high landscape value or are hardy along roadways and in parks. This list is not comprehensive and is meant as a guide. Other trees and cultivars may be suitable.

S = Salt Spray Tolerant

H = Hardy and heat tolerant trees for boulevard and parking lot areas

N = Native to South Huron

F = Attractive Flowers

LARGE TREES IN CAPS, small trees in lower case

#### Shade Trees:

FREEMAN MAPLE	N	<i>Acer Freemanii</i> hybrids (incl Autumn Blaze, Autumn Fantasy)
SUGAR MAPLE	N	<i>Acer Saccharum</i> (many selections available including columnar varieties for where space is confining)
BLACK MAPLE	N	<i>Acer Saccharum</i> ssp <i>nigrum</i>
Serviceberry	N, F	<i>Amelanchier</i> sp (many cultivars available)
CATALPA	H, S, F	<i>Catalpa speciosa</i>
HACKBERRY	H, N	<i>Celtis occidentalis</i> (columnar selections available)
Redbud	F	<i>Cercis Canadensis</i> (small tree)
Pagoda Dogwood	N, F	<i>Cornus alternifolia</i>
GINKGO BILOBA	H, S	<i>Ginkgo biloba</i>
HONEY LOCUST	H, S	<i>Gleditsia triacanthos</i>
KENTUCKY COFFEE TREE	H, S	<i>Gymnocladus</i>
TULIP TREE	N, F	<i>Liriodendron tulipifera</i>
Ironwood	N	<i>Ostrya virginiana</i>
SYCAMORE	N	<i>Platanus occidentalis</i>
BUR OAK	H, N	<i>Quercus macrocarpa</i>
RED OAK	N, S	<i>Quercus rubra</i>
Columnar hybrid oaks	H	eg <i>Quercus</i> 'Crimson Spire'

#### Conifers:

BLUE SPRUCE	H, S	<i>Picea pungens</i>
WHITE SPRUCE	S	<i>Picea glauca</i>
NORWAY SPRUCE	H	<i>Picea abies</i>
WHITE PINE	N	<i>Pinus strobus</i>
White cedar	N	<i>Thuja occidentalis</i>
Juniper	H, N	<i>Juniperus virginiana</i>

## LIST OF TREES NATIVE TO SOUTH HURON SUITABLE for NATURALIZATION or FOREST RESTORATION

The following trees are known to grow naturally in South Huron. These species may be suitable for site restoration or reforestation depending on soil type and other site characteristics. A planting plan and prescription detailing site preparation and follow up care prepared by a trained forestry professional should be part of all naturalization projects.

Red Maple	<i>Acer rubrum</i>
Silver Maple	<i>Acer saccharinum</i>
Sugar Maple	<i>Acer saccharum</i>
Black Maple	<i>Acer saccharum ssp nigrum</i>
Serviceberries	<i>Amelanchier sp</i>
Yellow Birch	<i>Betula alleghaniensis</i>
White Birch	<i>Betula papyrifera</i>
Blue-Beech	<i>Carpinus caroliniana</i>
Bitternut Hickory	<i>Carya cordiformis</i>
Shagbark Hickory	<i>Carya ovata</i>
Northern Hackberry	<i>Celtis occidentalis</i>
Alternate-Leaf Dogwood	<i>Cornus alternifolia</i>
Hawthorns	<i>Crateagus sp</i>
American Beech	<i>Fagus grandifolia</i>
White Ash	<i>Fraxinus americana</i>
Black Ash	<i>Fraxinus nigra</i>
Green/Red Ash	<i>Fraxinus pensylvanica</i>
Butternut	<i>Juglans cinerea</i>
Black Walnut	<i>Juglans nigra</i>
Eastern Red Cedar	<i>Juniperus virginiana</i>
Tamarack	<i>Larix laricina</i>
Tulip Tree	<i>Liriodendron tulipifera</i>
Ironwood	<i>Ostrya virginiana</i>
Red Pine	<i>Pinus resinosa</i>
Eastern White Pine	<i>Pinus strobus</i>
Sycamore	<i>Platanus occidentalis</i>
Balsam Poplar	<i>Populus balsamifera</i>
Cottonwood Poplar	<i>Populus deltoides</i>
Large-tooth Aspen	<i>Populus grandidentata</i>
Trembling Aspen	<i>Populus tremuloides</i>
Black Cherry	<i>Prunus serotina</i>
Chokecherry	<i>Prunus virginiana</i>
White Oak	<i>Quercus alba</i>
Swamp White Oak	<i>Quercus bicolor</i>
Bur Oak	<i>Quercus macrocarpa</i>
Red Oak	<i>Quercus rubra</i>

Black Oak	<i>Quercus velutina</i>
Peachleaf Willow	<i>Salix amygdaloides</i>
Black Willow	<i>Salix nigra</i>
Eastern White Cedar	<i>Thuja occidentalis</i>
Basswood	<i>Tilia americana</i>
Eastern Hemlock	<i>Tsuga canadensis</i>
American Elm	<i>Ulmus americana</i>
Red or Slippery Elm	<i>Ulmus rubra</i>
Rock Elm	<i>Ulmus thomasi</i>