



Corporation Of The Municipality of South Huron Schedule "A" to By-Law #___ - 2017

Tree Removal and Replacement Policy

Policy Number: ___ - 2017
Effective Date: July 17, 2017
Revision Date:

Department: Environmental Services
Applies To: Council, All Departments

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.

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 an equal number of new trees.

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 tree 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 in urban areas, it shall be the policy of the Municipality to offer the adjacent landowner one (1) replacement tree for each tree removed in front of their property.
6. Where trees are removed from the municipal road allowance outside the urban area, 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.
7. It shall be the responsibility of the landowner to plant and care for the replacement trees. The Municipality shall not be responsible for the future health of the tree planted on private property.
8. Landowners receiving replacement trees will not be permitted to plant the trees within the municipal road allowance.
9. 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.
10. All replacement trees shall be delivered to the property owner in the spring or fall of the year when the tree order is placed.
11. 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.
12. Trees may be purchased through the Ausable Bayfield Conservation Authority (ABCA) through either their spring or fall tree order program where possible.
13. 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.
14. For trees offered for replanting, a preference shall be given for species native to the area, based on consultation with the ABCA.
15. 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.
16. The implement and enforce this policy shall be the sole responsibility of the Municipal manager under whose department the trees are maintained.

7 Financial Implication

1. 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.
2. 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.

8 Policy Review

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

9 Enquiries

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