

SUMMER VILLAGE OF GHOST LAKE

BYLAW 233

BEING A BYLAW OF THE SUMMER VILLAGE OF GHOST LAKE TO PROTECT PUBLIC TREES

WHEREAS it is desirable to protect, preserve and retain trees of all public spaces in the Summer Village of Ghost Lake;

AND WHEREAS the Village's forested areas provide many environmental, health, and economic benefits to the community including:

- Improvement of air quality by removal of gaseous pollutants and dust particulates;
Absorption of carbon dioxide;
- Climate moderation and energy conservation;
- Soil and plant stabilization in riparian areas (along streams, wetlands and lakefront)
- Wildlife habitat;
- Aesthetics; and
- General improvement of quality of life;

AND WHEREAS public trees share limited space with services such as utilities and transportation infrastructure, the repair and replacement of which can cause loss of valuable trees;

AND WHEREAS the Municipal Government Act, R.S.A. 2000, c. M-26 provides that Council may pass bylaws for regulating people, activities and things in public places or places that are open to the public;

NOW, THEREFORE, THE COUNCIL OF THE SUMMER VILLAGE OF GHOST LAKE ENACTS AS FOLLOWS:

1. CITATION

This Bylaw may be referred to as the "Tree Protection Bylaw".

2. DEFINITIONS

In this Bylaw;

- (a) "Boulevard" means the strip of land between the near edge of the road and the property line;
- (b) "CAO" means the person appointed by the Council of the Summer Village of Ghost Lake as its Chief Administrative Officer;
- (c) "*Summer Village*" means the Summer Village of Ghost Lake or, where the context requires, the area comprised within the boundaries of the Summer Village as it may exist from time to time while this Bylaw is in force;
- (d) "*Summer Village Lands*" means property owned, controlled, leased or maintained by the Summer Village including parks, greenspaces,

walkways, medians, Boulevards, shoreline, breakwater and road rights-of-way;

- (e) "*Emergency Personnel*" includes fire rescue personnel, emergency medical providers, law enforcement officers, local, provincial and federal authorities; and workers engaged in emergency repair to a Public Utility;
- (f) "*Enforcement Officer*" means a member of the Royal Canadian Mounted Police or a Bylaw Enforcement Officer of the Summer Village;
- (g) "*Fine*" means that unless otherwise specified in a bylaw, a person who is found guilty of an offence is liable to a fine in an amount not less than that specified in the bylaw, and not exceeding \$10,000.00.
- (h) "*Offence*" means a contravention of any provision of this bylaw.
- (i) "*Move*" means uprooting and transferring a tree from one location to another;
- (j) "*Penalty*" means a person who is found guilty of an offence is liable to the imposition of a penalty for the offence that is in addition to a fine so long as the penalty relates to a fee, cost, rate, toll or charge that is associated with the conduct that gives rise to the offence;
- (k) "*Pruning*" includes the cutting of tree branches, twigs or roots;
- (l) "*Public Tree*" includes any tree or shrub which has any part of its trunk or stem located on Summer Village Lands;
- (m) "*Public Utility*" means a system or works used to provide one or more of the following for public consumption, benefit, convenience or use:
 - (i) drainage;
 - (ii) electric power;
 - (iii) heating and cooling;
 - (iv) roads, sidewalks, or pathways;
 - (v) waste management; and
 - (vi) telecommunications;and includes the thing that is provided for public consumption, benefit, convenience or use;
- (n) "*Regulation*" includes Summer Village Bylaws;
- (o) "*Remedial order*" means an order issued pursuant to section 545 of the Municipal Government Act, R.S.A. 2000, c. M-26;
- (p) "*Shrub*" means a woody plant smaller than a tree, usually having multiple permanent stems branching from or near the ground, also known as a bush;

- (q) “*Tree*” includes any perennial woody plant that normally has one or few upright stems and is maintained as a tree;
- (r) “*Tree Protection Barrier*” means a fence or other protective cordon surrounding a tree to restrict access.

3. APPLICATION

- (1) Nothing in this Bylaw relieves a person from complying with any federal or provincial law or regulation, other bylaw or any requirements of any lawful permit, order, consent or other direction.
- (2) Every provision of this Bylaw is independent of all other provisions, if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

4. PROHIBITIONS

- (1) Unless exempted under Section 4, or in accordance with a permit, written notice, or order under this Bylaw, no person shall;
 - (a) remove, move, cut, or prune a Public Tree or cause a Public Tree to be removed, moved, cut, or pruned without prior written authorization from the CAO.
 - (b) plant trees or shrubbery on Summer Village Lands or cause trees or shrubbery to be planted on Summer Village Lands without prior written authorization from the CAO.
- (2) No person shall remove or caused to be removed any part of a Tree Protection Barrier or enter into or cause another person to enter into the area enclosed by a Tree Protection Barrier.
- (3) No person shall use a Public Tree to secure any object.
- (4) Without restricting the generality of section 6, no person shall secure dog chains, clothes lines, guy wires, swings, nets, or tree houses to a Public Tree.
- (5) No person shall put anything in the branches of a Public Tree or cause anything to be put in the branches of a Public Tree.
- (6) Notwithstanding section 3 (6), a person may place seasonal decorations in a Public Tree for a maximum of three consecutive months, so long as doing so does not offend any Regulation or create a safety hazard.
- (7) No person shall place, apply or spray or cause to be placed, applied or sprayed any substance other than water on or near any Public Tree without

the prior written authorization of the CAO.

5. EXEMPTIONS FROM REQUIREMENT FOR PERMIT

- (1) In accordance with Regulations governing Public Utilities, a Public Utility may perform such pruning as necessary to comply with safety regulations and to maintain safe operation of their facilities provided that:
 - (a) the pruning is carried out in accordance with accepted arboricultural standards and practices; and
 - (b) the Public Utility follows any specific directions of the CAO as to how the work shall be carried out.
- (2) The CAO may order the Public Utility to stop any pruning performed by a Public Utility if appropriate arboricultural practices are not being followed.
- (3) Members of the Summer Village of Ghost Lake Natural Environment and Lake Stewardship Committee, as directed by the Chair of the Committee or by Council, may move, cut, plant, or prune a Public Tree located in the West End Protection Area to support the health and wellbeing of the ecosystem.
- (4) Where removal or pruning of a Public Tree is determined to be necessary by Emergency Personnel responding to an emergency, such tree or part of it may be cut or removed without first obtaining written authorization to do so.
- (5) Emergency Personnel shall notify the CAO of the emergency and work done on the Public Tree as soon as possible but no later than three days after the removal or pruning of the tree.
- (6) A person may place decorations in the designated trail within the West Protection Area.

6. APPLICATION FOR A PERMIT AND ISSUANCE

- (1) An application for a permit must be in writing on the prescribed form and be submitted to the CAO. Only complete forms will be accepted for review.
- (2) On receiving a complete application for a permit, the CAO may:
 - (a) Issue the permit; or
 - (b) Refuse to issue the permit, providing the applicant with written notice including reasons for refusal.
- (3) The CAO may require the applicant flag each tree proposed for removal or pruning or mark the ground with stakes or paint indicating where planting is proposed.
- (4) Approved permits must be displayed in an accessible and conspicuous location prior to the commencement of any work and remain displayed until all work required pursuant to the permit has been completed.

- (5) Permits are not transferable.
- (6) A permit is valid for a period of 6 months from the date on which it was issued, unless otherwise stated on the permit.
- (7) If works authorized by the permit are not completed before the permit expires, or if it becomes necessary to alter or modify the permit, upon receiving a written request from the permit holder the CAO may;
 - (a) modify, or extend the permit; or
 - (b) Deny an extension or renewal of the permit

7. OFFENCES AND PENALTIES

- (1) Where a Bylaw Enforcement Officer who is also a designated officer, believes a person has contravened any provision of this Bylaw, he may:
 - (a) in accordance with the Municipal Government Act, R.S.A. 2000, c. M-26 issue a remedial order requiring the person to remedy the contravention;
 - (b) issue to the person, a violation ticket in accordance with the Provincial Offences Procedures Act, R.S.A. 2000, c. P-24; or
 - (c) do both (a) and (b).
- (3) Where a Bylaw Enforcement Officer or Designated Officer, observes a contravention of this Bylaw with respect to a Public Tree, he may in accordance with the Municipal Government Act, R.S.A. 2000, c. M-26, issue to the owner of the property adjacent to the Public Tree a remedial order requiring the person to remedy the contravention.
- (4) If the person to whom an order has been issued pursuant to section 14 or section 15 fails to comply with the order within the time specified in the order:
 - (a) That person commits an offence under this section and a Bylaw Enforcement Officer may issue a violation ticket pursuant to the Provincial Offences Procedures Act, R.S.A. 2000, c. P-24; and
 - (b) The Summer Village may take whatever steps are necessary to remedy the breach of the Bylaw and the cost of doing so becomes a debt owing to the Summer Village by the person to whom the order was issued in accordance with the Municipal Government Act, R.S.A. 2000, c. M-26.
- (5) Any person who contravenes, violates, or fails to comply with any provision of this bylaw, any written authorization by the CAO, or order of Council, or who allows, suffers or permits any act or thing to be done in

contravention thereof, or who fails to do anything required by this Bylaw, commits an offence and is liable:

- (a) for a first offence to a fine of not less than \$175.00; and up to \$10,000
 - (b) for a second offence of the same provision within a twenty-four-month period to a fine of not less than \$350.00. and up to \$10,000.
- (6) The specified fine for a first offence, is the amount shown in Schedule "A" in respect of that offence.
 - (7) Any offence of the same provision committed by the same person within a twenty-four-month period constitutes a second offence.
 - (8) The specified fine for a second offence is double the amount shown in Schedule "A" in respect of that offence.
 - (9) A separate offence is committed for each Public Tree that is removed, moved, cut, planted, or pruned.
 - (10) All violations of this Bylaw which are of a continuing nature shall constitute a separate and distinct offence for each day the offence continues.

This Bylaw comes into force on the date it is passed.

READ A FIRST TIME THIS 26th DAY OF NOVEMBER 2019

READ A SECOND TIME THIS 26th DAY OF NOVEMBER 2019

READ A THIRD TIME THIS 26th DAY OF NOVEMBER 2019



MAYOR



CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A"

**SPECIFIED FINES PER
OFFENCE**

SECTION		SPECIFIED FINE
3	Planting tree without authorization	\$500.00
4	Removing, pruning or trimming a public tree without a permit	\$1,500.00
8	Remove or Enter Tree Protection Barrier	\$300.00
9	Securing object to a Public Tree	\$175.00
11	Put things in or on Public Trees	\$175.00
13	Apply or spray harmful substance to a Public Tree	\$1,500.00
16	Fail to comply with Enforcement Order	\$2,000.00