

Village of Alliance
Bylaw 2015-06
Municipal Trees and Shrubs

A BYLAW OF THE VILLAGE OF ALLIANCE IN THE PROVINCE OF ALBERTA FOR THE PLANTING AND PROTECTING OF TREES AND SHRUBS ON ANY HIGHWAY OR PUBLIC PLACE.

WHEREAS the Municipal Government Act RSA 2000, c.M-26 and regulations as amended, provides that Council may pass Bylaws in relation to services provided by or on behalf of the municipality;

NOW, THEREFORE, the Council of the Village of Alliance, in the Province of Alberta, hereby enacts as follows:

1. TITLE:

100. This Bylaw may be referred to as the "Protection of Trees and Shrubs" Bylaw.

2. DEFINITIONS:

200. In this Bylaw, unless the content otherwise requires:
201. "**Act**" means the Municipal Government Act RSA 2000 c-M-26 and regulations made under the Municipal Government Act as amended;
202. "**Boulevards**" means that part of a Highway in an urban area that is not a roadway and is that part of the Sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians;
203. "**Bylaw Officer**" means a Bylaw Enforcement Officer appointed by the Village of Alliance pursuant to Section 555 of the *Municipal Government Act* and for the purpose of enforcement of this Bylaw.
204. "**Chief Administrative Officer (CAO)**" means the Chief Administrative Officer of the Village of Alliance regardless of any subsequent title that may be conferred on that officer by Council or statute, or his/her designate;
205. "**Council**" means the Municipal Council of the Village of Alliance;
206. "**Drip Line**" means the outer limits of a Tree's canopy. The point at which water will drip unimpeded from the perimeter of the branches to the ground;
207. "**Highway**" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes a sidewalk, including a boulevard adjacent to the sidewalk, if a ditch lies adjacent to and parallel with the roadway, the ditch, and if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be, but does not include a place declared by regulation not to be a highway as defined in the *Traffic Safety Act, R. S.A. 2000, c. T-6*;

208. "**Park**" means all named public parks, other park land, municipal reserve and environmental reserve within the Village;
209. "**Person**" means any Person, firm, partnership, association, corporation, company or organization of any kind;
210. "**Public Lands**" means all property owned by or under the control of the Village;
211. "**Public Works Foreman** " means the Supervisor of Public Works, or his/her designates;
212. "**Tree(s)**" means any City Tree(s) and shrub(s) located on Public Lands;
213. "**Tree Topping**" means the severe cutting back of limbs within a Tree's crown to such a degree so as to remove the normal canopy and structure of the Tree causing the disfiguration of the Tree;
214. "**Village**" means the Village of Alliance, a Municipal Corporation in the Province of Alberta, or the geographical area contained within the boundaries of the Village of Alliance, as the context may require;
215. "**Violation Ticket**" means a ticket issued pursuant to Part II of the Provincial Offences Procedures Act, RSA 2000, c P-34, as amended and any Regulations thereto.

3. GENERAL:

300. No person other than an employee of the Village, or a Person authorized by the Village or a contractor hired by the Village shall;
301. trim, prune, remove or otherwise alter any Tree(s) or portions thereof;
302. plant, treat, spray or otherwise disturb any Tree(s) on public lands;
303. attach any rope, wire, nails or other object to any Village Tree(s);
304. excavate any ditches, tunnels or trenches on Public Lands that are within the Drip Line of any Tree(s);
305. deposit, place, store or maintain upon any Public Lands any stone, brick, sand, concrete, soil or other materials which may impede the free passage of water, air and/or fertilizer to the roots of any Tree(s); or,
306. allow any pesticide, gaseous liquid or solid substance which is harmful to any Tree(s) to come into contact with them or set fire or to permit any fire to burn when such fire or the heat thereof will damage any portion of any Village Tree(s).
307. Nothing herein shall be construed so as to prevent a Person from watering or fertilizing any Tree(s) located on Public Lands provided that nothing is done to harm the Tree(s).
308. Public utility companies if performing work on any Tree(s), shall obtain approval from the Village to prune or remove any Tree(s) located on Public Lands for the purpose of maintaining safe line clearance and shall carry out all such work in accordance with accepted arboricultural standards.

309. Anyone who wishes to trim, prune, remove or otherwise alter any Tree(s) shall submit an application to the CAO and/or Public Works Foreman detailing the location, number, size and species of any Tree(s) affected by the proposed work. The applicant shall also specify the purpose of the proposed work.
310. The CAO and/or Public Works Foreman shall have the authority to grant and/or disallow the removal of Village Tree(s). Should the removal be granted, CAO and/or Public Works Foreman shall obtain a quote to remove the Tree(s) and inform the property owner. All costs incurred from the removal of the Tree(s) shall be a debt owing to the Village by the property owner.
311. When a Village Tree(s) is removed, the property owner that requested the removal shall pay for a new Tree(s) to be planted and all costs associated with the planting of the Tree(s). The type and location of the Tree(s) shall be determined by the CAO and/or Public Works Foreman.
312. Any Tree(s) on Boulevards, Parks or other Public Lands near any excavation or construction shall be guarded with a substantial fence, frame or box not less than four (4) feet high and ten (10) square feet in area to protect against construction damage. The stated protective enclosure shall be erected by whoever is performing such work in proximity to the Tree(s).
313. In the event of any excavation or construction in a Boulevard, Park or other Public Land, the CAO and/or Public Works Foreman may at his/her discretion; require the person performing such work to erect protective snow fence around the perimeter of the Drip Line of any Village Tree(s).
314. If, as a result of a violation of any provision of this Bylaw, the injury, mutilation, death or unapproved removal of any Tree(s) is caused through accidental or deliberate means, the cost of repair and/or removal and replacement of such plant material shall be borne by the party in violation. The replacement value of any Tree(s) shall be determined in accordance with a specification of plant appraisal as published by the International Society of Arboriculture.

4. PENALTIES AND OFFENCES:

400. Any person who contravenes any provision of this Bylaw is guilty of an offence and liable upon summary conviction, to a maximum penalty of \$10,000 and a minimum penalty equal to the specified penalty for that offence.

5. ENFORCEMENT:

500. A Bylaw Officer is for the purpose of enforcement of this Bylaw, a designated officer of the Village.
501. No person shall unreasonably hinder, prevent, delay or interfere with any Village employee(s) while engaged in in the enforcement of this Bylaw.
502. Any person who contravenes any provision of the Bylaw is guilty of an offence and is liable upon summary conviction, to a maximum penalty of \$10,000 and a minimum penalty equal to the specified penalty for that offence.

503. A Bylaw Officer is hereby authorized and empowered to issue a Violation Ticket to any person who the Bylaw Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
504. A Bylaw Officer is authorized and empowered to immediately issue a Violation Ticket to any person who the Bylaw Officer has reasonable and probable grounds to believe is responsible for a contravention of this Bylaw.
505. A Violation Ticket issued with respect to a contravention of this Bylaw shall be served upon the person responsible for the contravention in accordance with the Provincial Offences Procedure Act.
506. The person to whom the Violation Ticket may, in the case of a Violation Ticket issued pursuant to the Provincial Offences Procedure Act, plead guilty by making a voluntary payment in respect to the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided for in Schedule "A" to this Bylaw.
507. When a clerk of the Provincial Court records the receipt of a voluntary payment pursuant to Subsection 517 and the Provincial Offences Procedure Act, the act of recording constitutes acceptance of the guilty plea and also constitutes the conviction and imposition of a fine in the amount of the specified penalty.

6. EXEMPTIONS

600. In the event of an emergency situation, such as a limb falling on live wires, a danger to public safety or extremely unique situations as deemed exemptible by the CAO and/or Public Works Foreman with written approval.
601. Any Tree(s) under utility wires or other obstructions when normal pruning practices are impractical shall be exempted at the discretion of the CAO and/or Public Works Foreman. Written approval is required for this exemption.

7. APPEALS

700. A person affected by a decision of the CAO and/or Public Works Foreman pursuant to this Bylaw may appeal to Council by filing a written appeal with the Chief Administrative Officer (CAO) within fourteen (14) days of the date of the decision. The written appeal shall include a description of the circumstances giving rise to the appeal; the reasons for the appeal; all supporting documentation and the remedy requested by the appellant. Council's decision with regard to the appeal shall be final and binding.

8. SEVERABILITY:

800. It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions herein shall remain valid and enforceable.

9. EFFECTIVE DATE

900. This Bylaw shall take effect at the date of final passing.

Read a first time this 22 day of April , 2015.

Read a second time this 22 day of April , 2015.

Read a third time and finally passed this 22 day of April , 2015.

_____ Sue Thomas _____
Mayor

_____ Jacqueline Zacharuk _____
Assistant CAO

**Village of Alliance
BYLAW 2015-06
SCHEDULE "A"**

PENALTIES:

For any contravention of any provision of Bylaw 2015-06

Penalty:

First Offence \$300.00

Second and Subsequent Offences \$600.00