



THE CORPORATION OF THE TOWN OF HALTON HILLS

BY-LAW NO. 93-106

A By-law to Regulate the Planting, Trimming, Propagation, Preservation and Removal of Trees on Highways Under the Jurisdiction of the Town of Halton Hills

WHEREAS Section 312, of The Municipal Act, R.S.O. 1990, Chapter M.45, provides for Councils of local municipalities to enact by-laws regulating the planting, preservation, trimming and removal of Trees upon municipal owned Highways;

AND WHEREAS Council for The Corporation of the Town of Halton Hills considers it desirable to enact a by-law regulating the care of Trees on public Highways;

NOW, THEREFORE, THE COUNCIL FOR THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:

1. For the purposes of this by-law:

"Highway" means a Highway as defined in Section 1 of the Highway Traffic Act, R.S.O. 1990, Chapter H.8 and includes a street and a bridge forming part of a Highway over or across which a Highway passes and includes the whole of a road allowance.

"Municipal Location Consent" means permission granted by the Town Engineer for a Utility to locate works on a Public Highway.

"Notice" means actual notice and includes the leaving of a notice with a person over the age of eighteen (18) years residing on the property, or if the property is unoccupied, by posting it in a conspicuous place on the property.

"Owner" means any Owner of property upon which a Tree is planted or property adjacent to which a Tree is planted pursuant to this by-law.

"Permit for Construction/Excavation on Public Highways" means permit issued under By-law No. 92-199, a By-law to Adopt Procedures Relative to Construction/Excavation on Public Highways in the Town of Halton Hills.

"Town" means The Corporation of the Town of Halton Hills.

"Town Engineer" means the Town Engineer for the Town of Halton Hills, and in addition, includes any persons designated by the Town Engineer to act on his behalf with respect to matters contained in this by-law.

"Tree" includes a growing tree or shrub planted on or left growing on either side of a Highway for the purpose of shade, ornament, or environmental purposes.

“Utility” means Bell Canada, Union Gas, Halton Cable, Region of Halton, Canada Post Corporation, and the Halton Hills Hydro-Electric Commission.

2. No person shall plant, or cause to be planted, a Tree on any Highway under the jurisdiction of the Town, without the consent of the Town Engineer, in writing.
3. (a) Any person having gained the consent of the Town to plant a Tree on a Highway may only plant Trees of a species and size set out in Schedule “A” attached to and forming part of this By-law.

(b) A Tree planted on a Highway under the provisions of this Section shall be maintained by the Owner of the property adjacent to that section of the Highway upon which the Tree is planted. The Town has the exclusive right to trim and remove any such Tree in accordance with the provisions of The Municipal Act.
4. The Town may, with the consent of the property Owner, plant Trees adjacent to any Highway under the jurisdiction of the Town at the expense of the Town. Once planted, such Trees become the property of the Owner of the land on which the Tree is planted and the Town is not liable for the maintenance or otherwise in respect of any Trees so planted.
5. The Town Engineer shall supervise the planting and trimming of Trees upon any Highway under the jurisdiction of the Town.
6. The Town Engineer may also direct the trimming of trees growing on lands adjacent to the Highway where their branches extend over the Highway. Such trimming may be at no cost to the Owner of the tree with branches overhanging the road allowance, if the Town Engineer considers it inappropriate to charge the Owner for such works. When the Town Engineer considers it appropriate for the Town to be reimbursed by the Owner of the Tree for the costs incurred by the Town in trimming the Owner’s Tree, the following steps shall be taken:
 - (a) The Town Engineer shall provide the Owner of any Tree growing adjacent to a Highway which, in his opinion, requires trimming, with ten (10) days’ notice to trim such Tree.
 - (b) If, after the ten (10) day notice period, it is the opinion of the Town Engineer that the Tree still requires trimming, the Town may proceed to trim the Tree and, upon doing so, the Owner shall reimburse the Town for all costs incurred by the Town.
7. The Town Engineer may remove decayed or dangerous Trees growing adjacent to a Highway under the jurisdiction of the Town. If a Tree growing adjacent to a Highway is considered decayed or dangerous, in the opinion of the Town Engineer, the following steps shall be taken:
 - (a) The Town Engineer shall provide the Owner of any Tree growing adjacent to the Highway which, in his opinion, is decayed or dangerous, with 10 days’ notice to remove the Tree.

- (b) If, after the ten (10) day notice period, the Tree has not been removed, the Town may proceed to remove the Tree and, upon doing so, the Owner shall reimburse the Town for all costs incurred in removing the Tree.
8. Except as authorized under the provisions of this by-law, no person shall injure or destroy any Tree on a Highway under the jurisdiction of the Town.
 9. Any person damaging, or destroying a Tree, on any Highway under the jurisdiction of the Town, shall pay, to the Town, all costs incurred by the Town to repair such damage, or replace the tree to the satisfaction of the Town Engineer.
 10. Subject to Section 13, no person may do excavation work or make grade changes within the dripline of a Tree, or do works within the crown of a Tree, located on a Highway under the jurisdiction of the Town without the approval of the Town Engineer.
 11. No person may undertake surface works or deposit, store or maintain any materials within 1.2 metres of the trunk of a Tree located on a Highway under the jurisdiction of the Town without first obtaining the approval of the Town Engineer.
 12. Notwithstanding that neither injury nor destruction of the Tree may result, no person shall attach any object or thing to a Tree located on any Highway under the jurisdiction of the Town except with the consent of the Town Engineer.
 13. As part of the process by which means any person or Utility proposes to install, alter, repair or maintain a portion of their services or do any work, within the dripline of a Tree or within the crown of a Tree, upon a Highway under the jurisdiction of the Town, such person or Utility shall:
 - (a) Apply to the Town for a Municipal Location Consent approval or permit for construction/excavation on Town Highways.
 - (b) Provide the Town with an inventory of Trees within 2.5m of the proposed works which shall include species, diameter, extent of dripline, condition of the Trees and exact location as it relates to the proposed work.
 - (c) Provide the Town with methods of construction and steps to be taken to protect the Trees within the work area.
 - (d) Proceed with such work in accordance with a method of construction approved by the Town Engineer to ensure that minimal damage is done to Trees.
 - (e) Properly guard and protect all Trees insofar as is reasonably possible during the period of construction which shall include clean up and restoration all to the satisfaction of the Town Engineer.
 - (f) Ensure that adequate openings are left for the penetration of water, fertilizer and air to the roots of any tree.

14. In the case of emergency repairs, the Utility shall receive verbal authorization from the Town Engineer to proceed with such emergency works in a manner that ensures that minimal damage is done to adjoining Trees.
15. Where, under this By-law, the Town is entitled to be reimbursed by the Owner of a Tree, for expenses incurred by the Town, the Town may recover its expenses by invoicing the Owner, by instituting court proceedings, or in like manner as municipal taxes pursuant to Section 326 of The Municipal Act. The exercise of any one of these remedies shall not preclude the exercise of any other available remedy.
16. In this by-law, unless the content otherwise requires, words importing the singular number shall include the plural and words importing the masculine gender shall include the feminine.
17. By-law No. 56-26 of The Corporation of the Town of Georgetown, regulating the planting and removal of Trees upon Highways is hereby repealed.

BY-LAW read a first, second and third time and finally passed and enacted this 14th day of June, 1992.

MAYOR

CLERK

SCHEDULE "A" – LIST OF TREES

THE CORPORATION OF THE TOWN OF HALTON HILLS

The following is a list of recommended Shade Trees for Planting within Urban and Rural Road Allowances in the Town of Halton Hills:

TOWN-WIDE

Acer <u>platanoides</u> "Crimson King"	(Norway Maple)
Acer <u>platanoides</u> "Schwedleri"	(Norway Maple)
Acer <u>platanoides</u> "Drummondii"	(Norway Maple)
Acer <u>platanoides</u> "Summershade"	(Norway Maple)
Fraxinus <u>pennsylvanica</u> "Honeyshade"	(Green Ash)
Fraxinus <u>pennsylvanica</u> "Marshall's Seedless"	(Green Ash)
Gleditsia <u>triacanthos inermis</u> "Skyline"	(Honey Locust)
Gleditsia <u>triacanthos inermis</u> "Sunburst"	(Honey Locust)
Pyrus <u>calleryana</u> "Bradford"	(Bradford Pear)
Quercus <u>robur</u>	(English Oak)
Robinia <u>pseudoacacia</u>	(Black Locust)

RURAL ONLY

Acer <u>rubrum</u>	(Red Maple)
Acer <u>saccharum</u>	(Sugar Maple)
Aesculus <u>hippocastanum</u> "Baumanni"	(Horse Chestnut)
Fagus <u>sylvatica</u>	(European Beech)
Ginkgo <u>biloba</u> (male only)	(Ginkgo)
Quercus <u>rubra</u>	(Red Oak)
Tilia <u>americana</u>	(Basswood)
Tilia <u>cordata</u>	(Little Leaf Linden)
Celtis <u>occidentalis</u>	(Common Hackberry)

Minimum Dimensions:

Calliper	-	50mm
Height	-	minimum 3m
	-	maximum 3.5m

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