

**Town of Kamsack
Bylaw Number 22-2019**

**A BYLAW OF THE TOWN OF KAMSACK TO PROHIBIT AND REGULATE THE DESTRUCTION OR
INJURING OF TREES IN THE TOWN OF KAMSACK.**

The Council of the Town of Kamsack in the Province of Saskatchewan enacts as follows:

Part I: Purpose and Statutory Authority

Short Title:

1. This bylaw shall be known as the “Tree Protection Bylaw”

Purpose:

2. The purpose of this Bylaw is to:
 - a. To affirm that trees on Town Property are “living” assets owned by the Town of Kamsack and maintained as a legacy for the citizens of the Town of Kamsack.
 - b. To protect, preserve and perpetuate the health, beauty and safety of the Town of Kamsack’s urban forest for the enjoyment of its citizens, past, present and future.
 - c. To ensure that all trees on Town Property are adequately protected from unnecessary destruction, loss and damage.
 - d. To affirm the contribution trees make to human health and quality of life.
 - e. To mitigate greenhouse gas emissions and reduce the effects of climate change.

Statutory authority

3. The authority for this Bylaw is Section 8 of *the Municipalities Act*.

Part II: Definitions and Administrative Requirements

Definitions

4. In this Bylaw, the following definitions apply:
 - f. Town – means the Town of Kamsack.
 - g. Town Property – means all land owned, controlled or maintained by the Town including parks, boulevards, buffer strips, medians, streets, rights-of-way and natural stands.
 - h. Boulevard – means that portion of a right-of-way that extends from the edge of the street to the property line of the adjacent property, not including the sidewalk.
 - i. Pruning – means the removal of specific branches for the purpose of preserving the health and appearance of a tree and for public safety.
 - j. Tree or trees – means any species of woody perennial plant, including its root system, which has reached or can reach a height of at least 4.5 metres at physiological maturity
 - k. Agencies – means public and private utilities.
 - l. Additional Costs – means all labour, vehicles, equipment, and materials of the Town associated with the removal, relocation, pruning and other tree maintenance activities.
 - m. Straddling Tree – means a tree that straddles Town and Private Property.

Application of the Bylaw

5. This Bylaw pertains to all trees on property owned by the Town of Kamsack and all straddling trees.

General Prohibitions

6. No person shall injure or destroy or cause the injury or destruction of a tree.

Planting

7. The planting, care and maintenance of trees on Town Property will be in accordance with the standards and practices established by the Town.
8. Residents may, subject to Town approval, plant trees on Town Property.
9. The Town will not allow signage in recognition of the donor of trees planted on Town Property except in the case of signage for veterans' memorials.

Maintenance and Removal

10. The Town will observe the following priorities when responding to requests from residents, contractors and agencies for the maintenance or removal of trees on Town Property:
 - a. Public hazard;
 - b. Interference with overhead utility lines;
 - c. Disease; and
 - d. General tree care.
11. The Town will observe the following considerations when responding to request from residents, contractors and agencies for the maintenance or removal of trees on Town Property:
 - a. Trees will not be pruned, trimmed or removed merely for the purpose of opening up views from private property;
 - b. Except for traffic signs or signals or street signs, trees obstructing commercial signs, billboards or other forms of advertising will not be pruned trimmed or removed merely for the purpose of making commercial signs more visible to the public.
12. Trees will not be removed for the purpose of relocating driveways or structures unless:
 - a. the tree can be successfully relocated; or
 - b. the tree can be replaced by one of similar quality; and
 - c. the replacement or removal costs will be paid by the owner making the request, and such costs will be based on the Compensation Formula and any additional Costs.
13. Requests to remove or replace trees for reasons other than those cited above will be dealt with on their own merit; however, in general:
 - a. trees that are healthy and sound, and over 15cm (6") dbh will not be removed;
 - b. trees that are healthy and sound, and less than 15 cm (6") dbh can be relocated, subject to the Additional Costs; and
 - c. trees that are not healthy and sound, may be pruned and monitored for health, or removed.

Protection

14. The Town will expect residents, contractors, agencies working near or carrying on any operation near a tree on Town Property to take reasonable precautions to prevent damage to such trees.
15. The Town will seek to hold liable residents, contractors, Agencies and motor vehicle owners or drivers for any loss of or damage to tree(s) on Town Property occurring as a consequence of work, operations, deliberate acts, motor vehicle accidents or negligence, and such loss claimed will be an amount based on the Compensation Formula and any Additional Costs.

Building Moves

16. The building mover (contractor) is responsible for all damages to Town trees, associated with the move, and all associated costs.

Equitable Compensation Formula And Tree Valuation

17. If an existing tree is 6" or less in diameter, the cost per tree to move it to an alternate location is approximately \$500, however, actual cost of labour, equipment and materials will be charged after completion of the work.
18. If a tree is larger than 6" in diameter and requires cutting down, the cost is approximately \$1,500 (including labour, equipment and materials), however, actual cost will be charged after completion of the work.
19. If the tree is replaced at the same or an alternate location, the cost of a new tree is \$310, plus labour, equipment and materials for staking, mulching and watering, ranging from approximately \$110 to \$200, depending on location and bid price, however, actual cost will be charged after completion of work.

Violation Offences and Penalties

20. No person shall:
 - a. fail to comply with an order made pursuant to this Bylaw;
 - b. obstruct or interfere with any Designated Officer or any other person acting under the authority of this Bylaw; or
 - c. fail to comply with any other provision of this Bylaw.
21. A Designated Officer who has reason to believe that a person has contravened any provision of this Bylaw may serve on that person a Notice of Violation.
22. The applicable penalties for contravention of this Bylaw shall be as provided for in Schedule "A" attached to and forming part of this Bylaw.
23. Where the Municipality receives payment of the amount prescribed under Section 21, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
24. Every person who contravenes any provision of this bylaw is guilty of an offence and liable on summary conviction:

- a. in the case of an individual, to a fine of not more than \$10,000;
- b. in the case of a corporation, to a fine of not more than \$25,000; and
- c. in the case of a continuing offence, to a maximum daily fine of not more than \$2,500 per day.

Coming Into Force

25. This Bylaw shall come into force on the day of its final passing.

Introduced and read for the first time this ____th day of _____, 2019

Read a second time this ____th day of _____, 2019

Read a third time and adopted this ____th day of _____, 2019.

{Seal}

Mayor

Administrator

BYLAW NO. 22/2019

SCHEDULE "A"

Section	Offence	Amount
5.0	Unauthorized Pruning	\$200.00
5.0	Unauthorized removal of a tree less than 6" in diameter	\$500.00
5.0	Unauthorized removal of a tree greater than 6" in diameter	\$1500.00