

## Tree Trimming, Removal & Replacement Policy Township of Springwater

Approved: November 2, 2009

Effective: November 2, 2009

Next Review: TBD

Department: Public Works

Subject: Tree removal, tree trimming, tree replacement, stump removal

Policy Number: A09 TR

### A. Authority

The authority for the Tree Trimming, Removal & Replacement Policy shall be by the approval of the Council for the Township of Springwater.

The inspection and removal of decayed, damaged or dangerous trees or branches of trees is authorized by the *Municipal Act, 2001 Section 62*.

### B. Policy Statement

Both public safety and the protection of the environment are important to Council. For various reasons, it may be necessary to remove mature trees along road allowances that are adjacent to settlement areas and homes.

Replacement tree(s) will be offered to eligible private homeowners who have had trees removed by the Township.

### C. Definitions

“Council” – means the Council for the Corporation of the Township of Springwater.

“Director of Public Works” – means the Director of Public Works for the Corporation of the Township of Springwater or his/her designate.

“Road Allowance” – means a common and public road way, street, avenue, parkway, driveway, or any part thereof, including bridges, which is intended for or used by the general public for the passage of vehicles and/or pedestrians and includes the area between the lateral property lines thereof.

“Township” – means the Corporation of the Township of Springwater.

“Tree” – means a plant having a permanently woody main stem or trunk, ordinarily growing to a considerable height, and usually developing braches at some distance from the ground.

“Tree Stump” – means the lower end of a tree remaining in the ground after most of the stem or trunk has been cut off.

## **D. Purpose**

The purpose of the Tree Trimming, Removal & Replacement Policy is to authorize the removal of trees along public road allowances for the purpose of street widening, maintenance and public safety or for other reasons as determined by the Director of Public Works.

The Tree Trimming, Removal & Replacement Policy will also serve the purpose of re-planting trees on private property adjacent to the road allowances if original trees have been removed.

## **E. Scope**

This policy applies to the removal of trees on public road allowances and the option to re-plant trees at the request of eligible property owners neighbouring the road allowances.

## **F. Procedures for the Tree Trimming, Removal & Replacement Policy**

### **Authority**

The authority for the inspection, removal and trimming of trees upon land along the road allowances is authorized through the Municipal Act, 2001 Section 62:

#### **Entry on land, tree trimming**

*62. (1) A municipality may, at any reasonable time, enter upon land lying along any of its highways,*

- a. To inspect trees and conduct tests on trees; and*
- b. 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. 2001, c. 25, s. 62(1).*

#### **Immediate Danger**

*(2) An employee or agent of the municipality may remove a decayed, damaged or dangerous tree or branch of a tree immediately and without notice to the owner of the land upon which the tree is located if, in the opinion of the employee or agent, the tree or branch poses an immediate danger to the health or safety of*

*any person using the highway. 2001, c. 25, s. 62 (2); 2006, c. 32, Sched. A, s. 26.*

## **Tree Trimming**

Within the course of their work, staff may be required to trim trees along road allowances. Trees may be trimmed along the road allowance if:

1. The tree branches are obstructing the visibility of an intersection, or road sign;
2. The tree appears to have dead sections, however does not meet the requirements for removal;
3. The Tree branches shade a portion of the road causing ice to form on the road; and/or
4. Branches over hang sidewalks maintained by the municipality so to not interfere with pedestrian traffic or maintenance equipment.

## **Tree Removal**

Within the course of their work, staff may be required to remove trees along road allowances for the purpose of street widening, maintenance, and/or public safety.

Tree removal will be authorized by the Director of Public Works.

When staff are conducting tree removals, they will follow the Tree Cutting and Disposal Policy (Appendix A: Health and Safety Policy #12 – October 19, 2007).

A property owner may request for a tree located on Township property to be removed. However, due to the restrictions of municipal resources, the Township may be unable to remove the tree in a timely fashion. The property owner may submit a request to the Township to remove the tree themselves. At the discretion of the Director of Public Works, and upon the receipt of satisfactory information (such as receipt of proper insurance), the property owner may be authorized to remove the tree and tree stump on their own accord.

As a courtesy, the wood from the removed trees will be offered to those property owners adjacent to the tree removal. If the property owners would not like the wood, the Township will leave the wood stacked in a safe distance from the road way and properly mark the wood as available. The wood will be available for any resident to claim at their own risk.

## **Tree Stump Removal**

The Township may remove tree stumps if any portion of the stump is located on a municipal road allowance or right-of-way, if:

1. The tree was removed by the Township of Springwater, and
2. The stump is deemed by the Director of Public Works to interfere with an adjacent sidewalk or municipal utility, and
3. In the case where a stump is located in part on private property, the adjacent property owner has signed a consent form authorizing the work.

The Township may remove tree stumps when the stump is located on the property line between a municipal road allowance or right-of-way, if:

1. The tree was removed by the Township of Springwater, and
2. The stump is deemed by the Director of Public Works, to interfere with an adjacent sidewalk or utility, and
3. The adjacent property owner has signed a Consent Form authorizing the work and has paid to the Township an amount equal to the estimated cost of the work times the percentage of the stump located on the private property.

Upon the removal of a tree stump, the Township may fill in the area with topsoil and grass seed.

## **Notification**

Prior to the trimming and/or removal of tree(s), property owners who are adjacent to the tree maintenance areas may be notified in writing. The notices may include the approximate date of the tree removal, location and municipal contact information.

In all events of municipal tree removal, the Township will make every effort to paint the tree with a fluorescent 'x' to identify the tree at least one (1) week prior to the start of the work.

If the tree(s) is to be removed, the notice will include the option for eligible property owners to request a replacement tree to be planted. Property owners will be asked to notify the Township within five (5) business days after removal of trees to request a tree replacement.

## **Tree Replacement**

Replacement tree(s) will be offered to private homeowners in urban, urban rural areas, or residences within 60m of the closest house corner if trees on adjacent road allowances have been removed due to maintenance and construction and are considered significant with respect to streetscape, heritage or environment as determined by the Director of Public Works.

Requested replacement tree(s) will be planted along the same side of the property as they were initially removed from. The type of tree and specific location will be determined by the Township after receipt of request. Due consideration will be given to ensure plantings will not interfere with snow removal, future traffic sightlines, below ground utilities or sidewalks.  
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If the Director of Public Works deems that sufficient room is not available for installation of a replacement tree between an existing structure and road allowance, a tree will not be offered. There will not be any other form of compensation offered.

Requested new trees may be planted through the services of an external contractor.

Replacement trees will be no less of 50mm caliper and of type to suite environment and climate. Recommended trees are as included within Appendix B: Recommended Trees.

Trees will be planted within the year of request and as weather permits.

The property owner will be responsible for maintenance and care of the new trees. Plantings must be protected from wildlife at the expense of the property owner. The Township accepts no responsibility as a result of the natural environment, traffic accidents, or acts of vandalism.

The Township will not guarantee the new tree(s). However, a warranty may be provided by the supplier.

## **Costs**

The cost for replacement of trees entirely on Township Property will be the responsibility of the Township and are not to exceed \$100.00/tree plus planting.

The cost to replace trees located on the property line will be shared between the Township and property owner. The division of cost will be determined by the Director of Public Works. The property owner will be responsible for depositing their portion of the cost with the Township prior to placement of the tree. The Township will not incur a cost greater than \$100.00/tree plus planting.

A line for new trees will be included within the Springwater Township Annual Budget Public Works section.

## **G. General**

This Policy shall be administered by the Public Works Department.

This Policy shall be referred to as the Tree Trimming, Removal & Replacement Policy.

The passing of this Policy will repeal the 1996 Stump Removal Policy.

This Policy shall come into force and effect on the day of passing.

This Policy shall be reviewed as required.

## **Appendix A: The Township of Springwater Health & Safety**

### **Subject: Tree Cutting and Disposal**

Policy Number: 12

Date Last Reviewed: October 19, 2007

Date Last Revised: October 19, 2007

### **Reference: *Occupational Health and Safety Act, Industrial Regulation 682, Section 43***

1. All tree cutting operation carried out by employees or by a contractor's employees, acting for the Corporation of the Township of Springwater, shall be carried out in accordance with Sections 107-120 of the *Occupational Health and Safety Act of Ontario* and *Regulations for Industrial Establishments* (latest revision).
2. Each chain saw operator shall be equipped with the necessary personal protective equipment (hard hat, face shield or safety glasses, ear muffs or equivalent, chaps of ballistic nylon and safety boots).
3. When replacing chain saws, all new chain saws must be equipped with the latest safety devices (anti-kickback chain and chain brake).
4. All repair work shall be carried out by trained personnel who are familiar with the equipment.
5. If the tree is to be burned, due care should be used when starting the fire or keeping the fire going. Fire extinguishers and a mobile radio shall be made available.
6. If the tree is to be chipped, a foreman who has been trained shall train the employees in the chipper's proper use.
7. During the chipping process, each operator shall be equipped with the necessary proper protective equipment (ear protection, glasses, tight fitting gloves). Each employee shall ensure that there is no loose clothing.
8. During all tree cutting and chipping operations during both regular working hours and in an emergency call in situation, there **MUST** be a minimum of two staff present.

## **Appendix B**

### **Recommended Trees for Replacement**

#### Maple

- Sugar
- Columnar
- Royal Red
- Autumn Fantasy

#### Ash

- White
- Summit
- Fall Gold
- Mountain
- Linden

#### Flowering Crab