

MUNICIPALITY OF BOISSEVAIN-MORTON  
BY-LAW 2018-12

TREE MANAGEMENT

BEING A BYLAW OF THE MUNICIPALITY OF BOISSEVAIN-MORTON TO PROTECT PUBLIC TREES

**WHEREAS** it is desirable to protect, preserve and retain trees in public spaces owned or controlled by the Municipality of Boissevain-Morton;

**AND WHEREAS** the Municipality of Boissevain-Morton Urban Forest provides 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; Storm water retention; 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 causes loss of valuable trees;

**AND WHEREAS** the Municipal Act 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 MUNICIPALITY OF BOISSEVAIN-MORTON ENACTS AS FOLLOWS:**

1. This Bylaw may be referred to as the "Tree Management Bylaw".

**DEFINITIONS**

2. In this Bylaw:
  - a. "Administrator" means: the person appointed by the Council of the Municipality of Boissevain-Morton as its Chief Administrative Officer;
  - b. "Boulevard" means:
    - i. The strip of land between the curb and the sidewalk and between the sidewalk and the property line, or
    - ii. Where there is no sidewalk, the strip of land between the curb and the property line, or
    - iii. Where there is no curb, the strip of land between the near edge of the road and the property line;
  - c. "Council" means: Council of the Municipality of Boissevain-Morton.
  - d. "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;
  - e. "Move" means uprooting and transferring a tree from one location to another;
  - f. "Municipality" means the Municipality or Town of Boissevain, where the context requires, the area comprised within the boundaries of the Municipality as it may exist from time to time while this Bylaw is in force.
  - g. "Municipal Lands" means property owned, controlled or maintained by the Municipality including parks, greenspaces, walkways, medians, Boulevards and road right-of-ways;
  - h. "Pruning" includes the cutting of tree branches, twigs or roots;
  - i. "Public Tree" includes any tree which has any part of its trunk located on City Lands;
  - j. "Public Utility" means a system or works used to provide one or more of the following for public consumption, benefit, convenience or use:
    - i. water or steam;
    - ii. sewage disposal;
    - iii. public transportation operated by or on behalf of the City;
    - iv. irrigation;

- v. drainage;
  - vi. fuel;
  - vii. electric power;
  - viii. heating and cooling;
  - ix. roads, sidewalks, or pathways;
  - x. waste management; and
  - xi. telecommunications and cable television; and includes the thing that is provided for public consumption, benefit, convenience or use;
- k. "Regulation" includes Municipal Bylaws;
- l. "Tree" means any perennial woody plant that normally has one or few upright stems and is maintained as a tree and includes plants designated as trees by the Council of Boissevain-Morton.
- m. "Tree Protection Barrier" means a fence or other protective cordon surrounding a tree to restrict access.
3. Owners of the property adjacent to Municipal property that would like to remove a tree from Municipal property or Public reserve are required to submit the following information in a written application prior to the removal of the tree/s.
- a. Your name, mailing address, telephone number.
  - b. Rationale for the tree removal.
4. No person shall plant trees or shrubbery on Municipal lands or cause trees or shrubbery to be planted on Municipal Lands without prior written authorization from Council, and in the case of walkways, medians, boulevards, and road rights of way, without additional prior written authorization from Council, Land Information & Mapping, and Engineering Services.
5. No person shall remove the bark of any Public Tree or cause the bark of a Public Tree to be removed without the prior written authorization from Council.
6. No person shall use or caused to be used an object of any kind to penetrate the bark of a Public Tree without prior written authorization from the Council.
7. 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 Administrator and Council as to how the work shall be carried out.
  - c. The Administrator and Council of Boissevain-Morton may order the Public Utility to stop any Pruning performed by a Public Utility if appropriate arboricultural practices are not being followed.
8. 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.
9. Emergency Personnel shall notify the Administrator 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.
10. 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.
11. No person shall, by any means, attach a sign or poster to any Public Tree without written approval from Council.
12. No person shall use a Public Tree to secure any object.

13. Without restricting the generality of section 15, no person shall secure newspaper vending boxes, bicycle racks, dog chains, clothes lines, guy wires, swings, or tree house to a Public Tree.
14. No person shall prune without written consent from the Municipality.
  
15. 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.
  
16. A homeowner may place strings of lights in a Public Tree during the months of October, November, December, January and February so long as doing so does not offend any Regulation respecting the location of electrical cords or create safety hazard.
  
17. 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 Administrator or Council.
  
18. Any person who contravenes a provision of this bylaw is guilty of an offence and is liable:
  - a. for a first offence to a fine of not less than \$50.00; and
  - b. for a second offence of the same provision within a twenty-four month period to a fine of not less than \$250.00.
  - c. The specified penalty for a first offence, is the amount shown in Schedule "A" in respect of that offence. All violations of this Bylaw which are of a continuing nature shall constitute a separate offence for each day the offence continues.
  - d. 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.
  - e. Where this Bylaw refers to another Act, Regulation or agency, it includes reference to any Act, Regulation or agency that may be substituted therefore.
  - f. This Bylaw comes into force on the date it is passed.
  - g. Tree/s removed prior to Council's permission being granted will be subject to a fine as follows: Up to \$5,000.00 per tree removed.
  
19. **DONE AND PASSED** in open session of Council duly assembled at the Council Chambers of the Municipality of Boissevain-Morton 420 South Railway Street in the Town of Bossevain, in the Province of Manitoba this 8th day of June, 2018.

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Mayor

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Chief Administrative Officer

READ A FIRST TIME THIS 17th DAY OF MAY, 2018

READ A SECOND TIME, AS AMENDED, THIS 7th DAY OF JUNE, 2018

READ A THIRD TIME, AS AMENDED, THIS 7th DAY OF JUNE, 2018.