

Property Maintenance

Chapter 762 Trees - Protection

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Article 1 - Short Title

762.1.1 Citation

This Chapter may be cited and known as the "Tree By-law."

Article 2 - Interpretation

762.2.1 Boulevard - defined

"boulevard" means that portion of a public road allowance which is not used as a sidewalk or as a travelled roadway. By-law 6192, 7 March, 1985.

762.2.2 City Arborist - defined

"City Arborist" means any person or persons within the Corporation's Parks and Recreation Department (Parks Division) who is or are responsible to supervise and carry out the provisions of this Chapter. By-law 6192, March 7, 1985; By-law 8762-12, May 17, 2012.

762.2.3 Corporation - defined

"Corporation" means The Corporation of the City of Woodstock. By-law 6192, March 7, 1985.

762.2.4 Nuisance tree - defined

"nuisance tree" means any woody vegetation that is considered by the City Arborist to cause an unreasonable amount of litter such as a heavy fruit droppings, including, but not limited to walnuts, chestnuts, and other nuts, as well as larger fleshy fruit such as ginkgos, large crabapples, and other fruits, on City property. By-law 8686-11, May 19, 2011.

762.2.5 Public property - defined

"public property" means land under the control of or owned by The Corporation of the City of Woodstock.

762.2.6 Tree - defined

"tree" means any woody vegetation situated in the City of Woodstock.

762.2.7 Tree on public property - defined

"tree on public property" includes a tree, the trunk of which, at ground level, is partially on public property. By-law 6192-85, March 7, 1985.

762.2.8 Utility - defined

"utility" means Bell Canada, Woodstock Hydro, and Union Gas Ltd. By-law 8686-11, May 19, 2011.

Article 3 - General Provisions

762.3.1 Existing trees - preservation

Every practical attempt shall be made to preserve any existing tree on public property.

762.3.2 Removal - necessity - determination - City Arborist

Trees shall be removed only as deemed necessary by a City Arborist due to death, decay, driveway installation, street widening, sidewalk construction, sewer obstruction or any other situation of necessity.

762.3.3 Removal - supported - consent - required

No tree on public property may be cut down, removed or supported without the prior written consent of a City Arborist.

762.3.4 Removal - on request of owner - utility – requirements

If any tree on public property is to be removed at the request of a private owner or utility, with the approval of a City Arborist, such removal may be made only by a competent person or persons able to carry out such removal and at the expense of the private owner or utility.

762.3.5 Trimming - removal - by City - as necessary

The Corporation may trim or remove a tree on public property when considered necessary.

762.3.6 Removal - notice - to owner - if possible

The owner of the abutting property shall be given reasonable notice of any

intended removal, if possible.

762.3.7 Dead - dangerous - Corporation's expense

The Corporation shall assume the cost of trimming or removal of any tree on public property which, in the opinion of a City Arborist, is dead or presents a danger to the public.

762.3.8 Vandalism - breaking - damage - other – prohibited

Except when expedient to the public interest or safety in an emergency situation, no person shall mark, cut, break, debark, deface, damage or in any manner injure a tree on public property.

762.3.9 Bills - notes - attachment to tree - prohibited

Except when expedient to the public interest or safety in an emergency situation, no person shall tack, paste or attach a bill, note or any other thing or object to a tree on public property or to a stake, post, guard or other object supporting such a tree.

762.3.10 Water - nutrients - to roots - obstruction – prohibited

Unless authorized by a City Arborist, no person shall deposit, place, store or maintain on public or private property any stone, brick, sand, concrete, soil or other material or equipment which may impede the free passage of water, air or nutrients to the roots of any tree on public property.

762.3.11 Toxic substances - contact with tree – prohibited

Unless authorized by a City Arborist, no person shall allow any gaseous, liquid or solid substance which may be harmful or toxic to a tree on public property to come into contact with such a tree.

762.3.12 Property development - standards - Schedule 'A'

When the development of any property in the City of Woodstock affects any tree on public property, such development shall follow the tree protection standards as set out in Schedule 'A' to this Chapter.

Article 4 Trees - Removal

762.4.1 Driveway installation - widening - procedure

Where, in the opinion of a City Arborist, a tree is prohibiting construction or widening of a driveway, the tree may be removed; however, a property owner shall first obtain a work order or signed agreement from the Corporation authorizing the curb cut or approving the application before consideration will be given to the removal of any tree.

762.4.2 Driveway installation - requirements

Any tree affected pursuant to Section 762.4.1 will then be removed in accordance with Sections 762.3.1 through 762.3.4 inclusive of this Chapter.

762.4.3 Street construction - utility installations – procedure

A City Arborist, when notified of impending work, may meet with any representative of the construction and utility companies to discuss the proposed project in an effort to minimize damage or disruption of any tree in the project area.

762.4.4 Street construction - requirements

Any tree affected pursuant to Section 762.4.3 shall then be removed or trimmed in accordance with Sections 762.3.1 through 762.3.4 inclusive of this Chapter.

762.4.5 Property damage - by roots - growth - City not liable

The Corporation shall not be responsible for any damage to sidewalks, driveways, foundations, patios, etc. caused by tree roots or tree growth on private property.

762.4.6 Interference - with buildings - assessed – individually

Any tree on public property which may interfere with a proposed or existing building will be assessed on an individual basis and if removal is necessary, it will be done in accordance with Sections 762.3.1 and 762.3.2.

762.4.7 Roots - in private drains - assessed - individually

Tree problems involving roots in private drains shall be evaluated on an individual basis.

762.4.8 Roots - in private drains - removal - conditions

If a tree is in sound condition and of an acceptable species (having a confined root zone) it shall not be removed unless it is causing continual sewer blockage and its position is such that it will impede replacement of the sewer. If it requires removal such will be done in accordance with Sections 762.3.1 and 762.3.2. By-law 6192-85, March 7, 1985.

762.4.9 Nuisance tree - removal

The City Arborist shall have the authority to remove any tree on City property that he/she considers to be a nuisance tree. By-law 8686-11, May 19, 2011.

Article 5 – Trimming - Pruning

762.5.1 Authorized persons only

No person shall trim, prune or remove any tree on public property except one authorized by the Corporation; or by Bell Canada or public utility or hydro companies doing line clearance under the *Power Corporation Act*. By-law 8246-06, September 7, 2006. (See Set Fine).

762.5.2 Purposes - general - set out

In general, trimming shall be done to provide road and line clearances, improve street lighting, storm damage or for safety or aesthetic purposes. By-law 6192-85, March 7, 1985.

762.5.3 Arboricultural Specifications - adherence to

Any trimming and pruning shall be done in accordance with the arboricultural specifications as set out by the International Society of Arboriculture.

Article 6 - Plantings

762.6.1 On public road - authorized persons - only

Only a City Arborist or a person authorized by a City Arborist shall plant a tree within a public road allowance in the City of Woodstock.

762.6.2 On boulevard - less than 3m wide - approval required

No planting shall occur on any boulevard less than 10 feet (3 metres) wide unless approved by a City Arborist.

762.6.3 Species - as authorized - by City Arborist

Only those tree species authorized by a City Arborist may be planted on a boulevard.

762.6.4 Plantings - where trees removed - new areas

In general, the Corporation will attempt to replace trees in new areas or areas where removals have occurred.

762.6.5 Interference - utilities - services - avoided

The Corporation will attempt to plant species whose nature, size and planting location will not affect utilities and services below or above ground.

762.6.6 Specifications - International Society of Arboriculture

All trees shall be planted in accordance with the specifications set out by the International Society of Arboriculture. By-law 8686-11, May 19, 2011.

Article 7 – Enforcement

762.7.1 Fine – For contravention

Every person who contravenes any of the provisions of this Chapter is guilty of an offence and upon conviction is liable to a fine or penalty as provided in the *Provincial Offences Act*. By-law 7139-94, June 2, 1994.

Article 8 - Repeal - Enactment

762.8.1 By-laws - inconsistent

The provisions of all by-laws or parts thereof inconsistent with the provisions of this Chapter are hereby repealed.

762.8.2 Effective date

The by-law upon which this Chapter is founded came into force and effect as of the third and final reading thereof. By-law 6192-85, March 7, 1985.

Schedule

Schedule 'A' - Tree Protection Standards

In general, when trees are to be saved in a construction area, the following recommendations have to be followed to ensure the longevity of those trees:

- Where possible, no excavation should be carried out within the "drip line" of trees to be saved. Root loss must be minimal. (drip line = outer extent of branches).
- No heavy equipment should be driven over the tree lawn area, to alleviate soil compaction around the tree roots.
- No soil or construction materials should be piled over the tree lawn areas or around the trunks.
- A snow fence or other barrier could be erected around the tree to at least the "drip line" of the tree. The small, fibrous roots which feed the tree are in most cases located primarily at the extremities of the root system and, therefore, must be protected.
- If a situation arises where services must be located in line with the root system of a tree or trees, and the trees are to be saved, the following methods of installation must be followed if the trees are to remain viable after construction.
- The City of Woodstock standard guidelines for tunnelling lengths at or near trees shall be used to determine the distance from the tree where open cut is generally not permitted.
- Where impossible to tunnel the distance required by the above criteria, it is suggested that tunnelling begin at the specified distance with sufficient surface openings to make work feasible.
- Within the specified distances from the tree trunk, no roots over one inch (1") in diameter are to be cut if avoidable; any that are cut should be cleanly cut.
- Where tunnelling has been used, extreme care must be taken when backfilling so that no air pockets remain to further injure the tree.
- It is further directed that when backfilling under trees a good soil mixture be used. It should consist of 100% genuine top soil. Such soil should help greatly in promoting the growth of new roots.
- Where an apparent irreconcilable difference of opinion occurs between the proponent of the construction project and the Parks Department of the City of Woodstock, the proponent shall have the right to appeal the decision of the Parks Department to Woodstock City Council.

If comments or questions regarding trees to be saved should arise, the services of the City Arborist's Office will be available at 539-1291 at any time before or during construction. By-law 8686-11, May 19, 2011; Schedule 'A'.

Schedule 'B' - Repealed: 8686-11, May 19, 2011

Proposed Arterial and Collector Roads where tree planting in the boulevard is not permitted. By-law 8686-11, May 19, 2011.