

CITY OF MARTENSVILLE
FORESTRY BYLAW
BYLAW 20-2013

A BYLAW TO REGULATE AND CONTROL TREE FORESTS WITHIN THE CITY
OF MARTENSVILLE.

The Council of the City of Martensville in the Province of Saskatchewan enacts as follows:

1. SHORT TITLE:

This Bylaw may be cited as the “Forestry Bylaw.”

2. DEFINITIONS:

- a) “MANAGER” means the Manager for the City, or person authorized to act on their behalf.
- b) “BOULEVARD” means the portion of a street right-of-way not used or intended for the passage of vehicles.
- c) “DIRECTOR” means the Director of Recreation & Community Services for the City, or person authorized to act on their behalf.
- d) “DISEASED TREE” means a tree that is exhibiting symptoms of disease or insect infestations.
- e) “HAZARD TREE” means a tree that:
 - i) poses a threat or hazard to public safety;
 - ii) poses a threat or hazard to public or private property; or
 - iii) interferes with or provides obstruction to pedestrians, cyclists, vehicle traffic or public utilities on streets.
- f) “PARKS FOREMAN” means the Parks Foreman for the Recreation and Community Services Department for the City of Martensville, or person authorized to act on their behalf.
- g) “PESTICIDE” means any chemical substance or mixture of chemical substances that is intended, sold or represented for use in preventing, destroying, repelling or mitigating any insect, nematode, rodent, predatory animal, bacteria, fungus, weed or other form of plant or animal life or virus.
- h) “PROPERTY OWNER” means a person who owns, occupies or controls land in the City.

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- i) “PUBLIC LAND” means any real property owned or controlled by the City and includes without limiting the generality of the foregoing, titled property, property controlled by lease or easement and public reserves.
- j) “STREET” means a street as defined by the Cities Act.
- k) “SUPERINTENDENT” means the Public Works Superintendent for the City, or person authorized to act on their behalf.
- l) “CITY” means the City of Martensville, in the Province of Saskatchewan.
- m) “TREE” means a tree, hedge, shrub or other similar horticultural vegetation having one or more stems.

3. TREES ON PUBLIC LAND:

No Person other than the Director, Parks Foreman or Superintendent, shall on public land:

- a) plant any tree;
- b) damage, disturb, prune or remove any tree;
- c) attach any notice, bill, poster, sign, wire, rope, cord, nail or other object to or around any tree;
- d) remove or interfere with any protective barrier, structure or devise on or around any tree;
- e) apply or administer in any form any pesticide to any tree.

4. TREES ON STREET BOULEVARDS:

- a) Private Planting on Boulevards:
Property owners are authorized to plant trees on the street boulevard abutting their property, subject to the provisions of this Bylaw.
- b) Property Owner Expense:
Property owners who plant trees on the street boulevard do so at their expense and risk and are responsible for all maintenance and removal costs associated with the tree.

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- c) Hazard Trees:
No property owner shall plant a tree on the street boulevard abutting their property in such a manner or location which will cause the tree to become a hazard tree when reaching maturity.
- d) Diseased Trees:
No property owner shall fail to remove and properly dispose of any diseased tree which they planted on the street boulevard abutting their property, and shall restore or repair the boulevard surface.
- e) Corner Sight Lines:
No property owner of a lot on a street corner shall plant trees within the corner sight line as shown on “Appendix A” attached to and forming part of this Bylaw.
- f) Notice To Trim Or Remove Trees:
Where the Director, Parks Foreman or Superintendent, determines that a tree located on the street boulevard that was planted by the abutting property owner is a hazard tree or diseased tree, the Director, Parks Foreman or Superintendent, may issue a notice in accordance with the provisions of Section 6, to trim or remove the tree as the case may be.
- g) Tree Trimming Or Removal By Town:
Notwithstanding the provisions of Subsection (f) the Director, Parks Foreman or Superintendent, may without notice to the abutting property owner, trim or remove any hazard tree located on the street boulevard where he or she determines that the condition of the tree constitutes an imminent danger to public safety or public or private property.
- h) Protection Of Trees:
No person other than the Director, Parks Foreman or Superintendent, shall on street boulevards:
 - i. remove any tree without the express written permission of the Manager;
 - ii. commence any work or activity liable to damage or interfere with the root system or upper structure of any tree;
 - iii. attach any notice, bill, poster, sign, wire, rope cord, nail or other object to or around any tree;
 - iv. remove or interfere with any protective barrier, structure or devise on or around any tree;
 - v. alter the grade level or drainage pattern, or construct any walkway, driveway or paving in a manner so as to interfere with the access of water, air or nutrients to any tree.

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5. TREES ON PRIVATE PROPERTY:

- a) Hazard Trees:
No property owner shall permit a tree on their property to become or remain a hazard tree;
- b) Diseased Trees:
No property owner shall fail to remove and properly dispose of any diseased tree on their property.
- c) Entry To Inspect Trees:
The Director, Parks Foreman or Superintendent, may enter upon any land for the purpose of inspecting any tree which he or she believes may be a hazard tree or a diseased tree. The Director, Parks Foreman or Superintendent, may also take sample or specimens of any tree located on private property for the purpose of determining if it is a diseased tree.
- d) Notice To Trim Or Remove Trees: Where the Director, Parks Foreman or Superintendent, determines that a tree located on private property is a hazard tree or a diseased tree, the Director, Parks Foreman or Superintendent, may issue a notice in accordance with the provisions of Section 6, to trim or remove the tree as the case may be.
- e) Tree Trimming Or Removal By City:
Notwithstanding the provisions of Subsection (d), the Director, Parks Foreman or Superintendent, may without notice to the abutting property owner, trim or remove any hazard tree located on private property where he or she determines that the condition of the tree constitutes an imminent danger to public safety or public or private property.

6. NOTICE TO PROPERTY OWNERS:

- a) Notice Of Hazard Or Diseased Tree:
The Director, Parks Foreman or Superintendent, may declare any tree located on the street boulevard or on private property, to be a hazard tree or a diseased tree, and may issue a notice to the property owner to trim and or remove the hazard tree or diseased tree in whole or part by a specified date.
- b) Form Of Notice:
The notice in Subsection (a) shall be as set out in "Appendix A" attached to and forming part of this Bylaw.

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- c) Appeal Of Notice:
The property owner may appeal a notice issued by the Director, Parks Foreman or Superintendent, pursuant to Subsection (a) to the Manager who may confirm, rescind or vary the notice.
- d) Remedy By Owner:
The property owner shall trim and/or remove any hazard or diseased tree in accordance with the requirements of the notice in Subsection (b):
 - i. within seven (7) days where the notice has been delivered to the property owner by personal service;
 - ii. within twelve (12) days where the notice has been delivered to the property owner by prepaid ordinary mail, which shall be deemed to have been received five (5) days after mailing.
- e) Remedy By City: where the property owner fails to trim and or remove the hazard or diseased tree in accordance with the requirements and date specified in the notice, the Director, Parks Foreman or Superintendent, may enter onto the land and do or cause to be done the specified trimming and or removal of the tree.
- f) Costs Of Remedy:
 - i. Where the Director, Parks Foreman or Superintendent, does carry out or causes to be carried out the work required in the notice, the costs incurred in carrying out the work are a debt due to the City and will be recovered from the property owner.
 - ii. The costs of the work required under this section, shall be as set out in “Schedule 1” attached to and forming part of this Bylaw.
 - iii. The property owner shall be notified of the costs incurred in carrying out the work, as set out in “Appendix B” attached to and forming part of this Bylaw. If these costs are not paid by the property owner within 30 days of the notice, the costs will be added to and shall form part of the taxes of the property.

7. GENERAL PROVISION:

- a) Severability:
If any court of competent jurisdiction should declare any section, subsection, sentence, clause, phrase or other portion of the Bylaw to be invalid for any reason, that portion shall be deemed a separate, distinct and independent provision and the holding of the court shall not affect the validity of the remaining portions of the Bylaw, nor shall that portion be construed as having persuaded or influenced Council to pass the remainder of the Bylaw and it is hereby declared that the remainder of the Bylaw shall be valid and shall remain in force and effect.

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- b) Notations:
Explanatory headings and notations included in the Bylaw are intended to assist in interpretation of the provisions, but shall not derogate from any powers or duties created or imposed by the Bylaw.
- c) Liability:
No liability whatsoever shall attach to the City, the Manager, Director, Parks Foreman or Superintendent, or other person acting under this Bylaw and in good faith.
- d) Penalties:
Any person who contravenes any provision of this Bylaw is guilty of an offense and shall be liable on summary conviction to the penalties provided in the General Penalty Bylaw of the City.
- e) Repeal:
Forestry Bylaw P25-95 is hereby repealed.
- f) Effective Date:
This Bylaw shall come into force and take effect on the date of final passage thereof.

Read a first time this 15th day of October, 2013
Read a second time this 15th day of, October 2013
Read a third time this 15th day of, October 2013

MAYOR

CITY CLERK

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“SCHEDULE 1”

COST OF TREE TRIMMING OR REMOVAL BY CITY OR CONTRACTOR

1. \$100.00 per hour subject to a two hour minimum if removal is done by the City.
2. All costs incurred for removal of a tree(s) that have been ordered by the City and contracted out will be charged to the homeowner as per Section 6, Sub-Section (f) of this Bylaw.

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“APPENDIX A”

NOTICE TO TRIM OR REMOVE TREE(S)

Date: _____

To: _____

RE: Civic Address: _____

LOT: _____ BLOCK: _____ PLAN: _____

You are hereby given notice that the tree(s) on your property at the locations indicated are required to be trimmed or removed as specified here by the date given. Failure to complete the required work as specified will result in the City or its agent undertaking the work, the cost of which will be added to your property taxes. This notice is being sent to you in response to a concern or complaint that the tree(s) in question are:

_____ a hazard to the public or to property.

_____ interfere with the passage of pedestrians or vehicles on the sidewalk, street or alley.

_____ diseased.

LOCATION OF TREE(S): _____

TREE TRIMMING OR REMOVAL WORK REQUIRED: _____

Trees or tree branches removed must be disposed of as part of the work requirement

DATE BY WHICH TREE TRIMMING OR REMOVAL MUST BE COMPLETED: _____

OTHER COMMENTS OR REASONS: _____

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COST OF WORK: (if done by the City)

\$_____ per hour, subject to a minimum charge of \$_____.

APPEAL: if you disagree with this work or any portion thereof, you may contact the Director, Parks Foreman or Superintendent to discuss this matter. In addition you may also appeal this matter to the City Manager.

SIGNING AUTHORITY

FOLLOW UP:

Date Property Checked: _____ **By:** _____

Work Completed or Incomplete: _____

Date Work Done By City: _____ **By:** _____

Hours To Complete Work: _____ **Cost: \$** _____

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“APPENDIX B”

NOTICE OF COSTS TO TRIM OR REMOVE TREE(S)

Date: _____

To: _____

RE: Civic Address: _____

LOT: _____ BLOCK: _____ PLAN: _____

Pursuant to the Notice To Trim or Remove Tree(s) previously sent to you, be advised that as the required work was not completed by the specified date, the City has now completed the work. You are required to submit payment for this work in the amount specified below within 20 days of the date of this notice. Failure to make payment within 30 days will result in these costs being added to your property taxes. Any such added amount will be subject to the penalties provided for in the Tax Discount/Penalty Bylaw.

COST OF WORK AMOUNT DUE: \$ _____

CITY MANAGER

FOLLOW UP:

Date Paid By Owner: _____

Receipt No: _____

Date Added To Property Tax Roll: _____ By: _____