

CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD

BY-LAW NO. 53-2020

BEING a By-law to adopt a Tree Care and Maintenance Policy for the Corporation of the Village of Merrickville-Wolford

AND WHEREAS Section 5(3) of the *Municipal Act, 2001*, as amended, states that municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law, unless the municipality is specifically authorized to do otherwise;

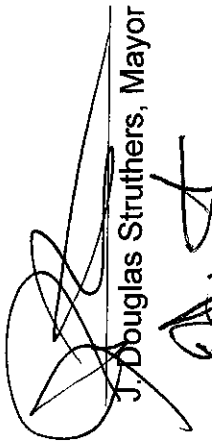
AND WHEREAS the Council of the Corporation of the Village of Merrickville-Wolford does hereby deem it prudent to adopt a policy with respect to the care and maintenance of the Village's trees;

NOW THEREFORE the Council of the Corporation of the Village of Merrickville-Wolford does hereby enact as follows that:

1. Attached hereto and forming Schedule "A" to this by-law is hereby adopted as the "Tree Care and Maintenance Policy" for the Village of Merrickville-Wolford.
2. This by-law shall come into full force and effect upon the date of its passing.

READ a first and second time this 13th day of October, 2020.

READ a third and final time and passed this 13th day of October, 2020.


J. Douglas Struthers, Mayor


Doug Robertson, CAO/Clerk



MERRICKVILLE-WOLFORD
Jewel of the Rideau

Tree Care and Maintenance Policy

1. Purpose

Trees located on municipal property are one of the Village's most valuable natural assets. The purpose of this policy is to regulate the care, maintenance, removal and planting of trees located in municipal parks and on other municipal property. This policy conforms with one of the main priorities identified in the Village's Strategic Plan's, being "protecting heritage, rural and natural environments".

2. Authority

The Operations Department of the Village of Merrickville-Wolford is responsible for the care and maintenance to all trees on municipal property and parks as well as the monitoring and administration of this policy.

3. Policy Guidelines

The maintenance of tree cover is recognized as contributing to the health and quality of life for the residents of Merrickville-Wolford. It is the Village's goal to maintain and help promote responsible forestry and arboricultural practices that maintain healthy woodlands and urban plantings. The policy also assists in achieving the following:

- Providing and protecting habitat for wildlife;
- Preventing soil erosion and water run off;
- Reducing airborne pollution;
- Providing cooler temperatures in the summer;
- Maintaining the aesthetic value of woodlands and trees; and
- Protecting natural heritage features and areas.

3.1 Tree Removal

It must be determined by the Village's Manager, Operations or designate and/or a certified arborist that the tree in question does need to be removed. The Village's Operations Department will determine whether the tree is located on municipal property.

Where ownership of a tree is in question, the Village's Operations Department will determine whether the tree is located on municipal or private property. Trees

determined to be entirely on private property are the sole responsibility of the property owner. Trees entirely on municipal property are the sole responsibility of the municipality.

When it is determined by means of measuring or survey, where available, that a tree is located with a portion of its trunk on municipal property and a portion of its trunk on private property, the following policy will apply:

- a) Where a tree has more than half its trunk diameter located on municipal property (has grown to encroach on private property) the municipality will pay the full cost of removal and or maintenance to the tree, should the tree be deemed necessary to be removed or maintained.
- b) Where a tree has more than half of its trunk diameter located on private property (has grown to encroach on municipal property) the municipality will pay the portion of the cost of removal or maintenance to the tree equal to the percentage of the tree located on municipal property, should it be deemed necessary to remove or maintain the tree. As an example, should a tree be determined to be located 75% on private property and 25% on municipal property, the municipality will pay 25% of the removal and/or maintenance costs and the property owner will be billed for their portion.

3.2 Requirements for Removal

Trees represent one of the Village's assets which have grown in value over time and enhance the natural beauty of our community. Trees will not be removed from municipal property without just cause. Trees may be removed from municipal property or maintained or pruned when:

- It is determined by the Manager, Operations or designate that the tree(s) are a safety hazard to the public and/or property.
- It is determined by an arborist that the tree is diseased and the infection could be spread to other trees or cause an unsafe condition.
- It is determined by an arborist that the tree is dead, unhealthy or in a continually declining state and due to its age or location will not respond to mitigative practices.
- It is determined that the tree is providing sightline issues at intersections.
- It is determined by the Manager, Operations or designate that the tree is causing obstructions of, or damage to, underground infrastructure.

Trees will not be removed as determined by Manager, Operations or designate, or arborist because of a temporary pest infestation or a litter problem from leaf fall.

Operations Staff are authorized to remove trees which meet one or more of the above-noted criteria. Property owners who would like to have municipally-owned trees removed from municipal property adjacent to their home for other reasons including leaves in the fall, problems growing grass under the trees in the summer or they simply do not like the tree in its present location, must receive Council approval for such a tree removal. Property owners will be required to provide written notice of their request for removal so as it may be considered by Council. In most cases, these removals, if approved by Council, will be at the property owner's expense, and a suitable replacement tree, as per this policy will be planted at the property owner's expense.

3.3 Emergency Situations

If a tree located on municipal property is found to create an immediate danger to property or persons, the municipality will have the right to authorize the immediate removal of the tree despite any other provision within this Policy.

3.4 Stump Removal

Tree removals from municipal property will include the removal of the tree stump to a depth of 6 inches below grade, wherever possible. The resulting hole will be filled with quality topsoil, compacted, and seeded.

3.5 Tree Replacement

In an effort to ensure that ongoing required tree removals do not deplete the Village's overall tree population, the following tree replacement policy will be followed:

- Trees removed from municipal property will be replaced with a tree that is a minimum height of 6-8-inches. The location and variety of trees to be planted will be determined and/or approved by the Manager, Operations or designate.
- Whenever possible, trees that were removed along municipal streets will be placed at the same or similar location as the removal.
- If the same or similar location is not possible for a replacement, the replacement tree will be planted along the same street.
- If there is insufficient space to locate the replacement tree in the immediate neighbourhood, the replacement tree will be planted on municipal property.
- Trees will not be planted within a 3-metre radius of a structure.

3.6 Tree Pruning/Maintenance

The Operations Department is continually involved in ongoing tree pruning. Trees located on municipal streets are pruned for a variety of reasons which may include the removal of broken, dead or diseased limbs, alleviating obstruction branches which may interfere with traffic signs or traffic signals, or in order to restrict their growth habit.

Any inquiries regarding the pruning of trees for any of the above reasons should be directed to the Operations Department.

3.7 Tree Types

The following trees are considered to be most favourable for planting within the Village of Merrickville-Wolford:

- Linden
- Hard maples
- Sugar maples
- Flowering Crab
- Sunburst Locust
- Crimson King Maple
- Honey Locust
- Oak or other nut-producing trees (Butternut, Walnut, etc.)
- Colorado Blue Spruce
- Scotch Pine

The Village of Merrickville-Wolford does not support the planting of the following trees within municipal road allowances due to their tendencies to break and shed branches in windstorms.

- Willow
- Poplar
- Silver Maple
- Manitoba Maple

3.8 New Development

Landscaping and tree plantings will be addressed through the development approval process and the Village's Official Plan.