

**VILLAGE OF ABBEY
ABBEE SK**

BYLAW 2012-3

**A BYLAW TO PROVIDE FOR THE MANAGEMENT, IMPROVEMENT AND
OPERATION OF TREES ON ANY PROPERTY HELD OR MANAGED BY THE
VILLAGE OF ABBEY**

The Council of the Village of Abbey enacts as follows:

TITLE

1. This bylaw may be cited as the Municipal Properties Tree Bylaw.

APPLICABILITY

2. This bylaw applies to all lands owned or managed by the Village of Abbey.

DEFINITIONS

3. In this bylaw, unless the context otherwise requires:

“boulevard” means the portion of a highway between the curb lines or the lateral lines or a roadway and the adjoining property or roadway and includes curbs, sidewalk and ditches;

“Village Tree” means any tree located on property owned or in the control of the Village of Abbey;

“Council” means the Municipal Council of the Village of Abbey;

“highway” means every highway within the meaning of the Highway Act and every road, street, lane or right-of-way designed or intended for or used by the general public for the passage of vehicles and every place or passageway owned or operated by the Village of Abbey for the purpose of providing off-street parking or for the use of pedestrian or cycle traffic;

“person” means a natural person, his heirs, executors, administrators, or assigns, a firm corporation, municipal corporation, society or party, school board, or other government or government agency;

“remove” means to cut down, remove or kill a tree or a substantial part of a tree by any means;

“tree” means a self-supporting woody plant that is a species of coniferous or deciduous genus.

PROHIBITIONS

4. (1) No person other than an employee or authorized contractor of the Village of Abbey shall plant any tree on any property owned or managed by the Village without first having obtained the written permission of the Village of Abbey.
- (2) The Council shall not permit the planting of any tree on property owned by the Village except in compliance with guidelines set by the Village of Abbey.

- (3) The selection of Village tree types shall be at the discretion of the Council.

EXEMPTIONS

5. (1) The Council may authorize the removal, transplanting or otherwise disposing of any Village tree if in their opinion the tree:

- (a) constitutes a hazard to life or property or is a public nuisance;
- (b) is infected by disease or injurious insects;
- (c) is planted too close to an abutting tree that it impedes growth of either or both;
- (d) cannot be corrected by trimming;
- (e) interferes with the lines, poles, pipes, sewer lines, signs or other public utilities;
or
- (f) at the discretion of the Council.

GENERAL PROVISIONS

6. (1) No person shall remove, deface, trim or in any way injure, impair or interfere with any Village tree except with written permission of the Village of Abbey
(remove trim)

- (2) Trees which are required to be removed, may be replaced with a suitable species at the same location or at another appropriate location at the discretion of Council
- (3) If a tree is removed the stump will be cut flush with the ground, the stump will only be ground and treated if the regrowth starts
- (4) Trees will not be removed or pruned to facilitate views or for aesthetic reasons.
- (5) Trees may be removed if they are in the way of construction if there is absolutely no alternative to its removal. Persons must then compensate the Village for the removal of the tree as in section 9 (2). Removal is at the discretion of Council.
- (6) If the removal is for the purpose of improving "gray infrastructure" (e.g. new construction, road or utilities infrastructure) and no alternative exist, then the removal will need to be weighed against the loss of green infrastructure. A plan to replace or improve "green infrastructure" may be a condition of approval
- (7) The Elm Tree Ban will be in effect from April 1 to August 31 of each year and no elm trees will be pruned during this ban, the elm tree may be removed totally if it is more than 40% dead.
- (8) The Village encourages residents to prune trees in the boulevards immediately adjacent to their properties following approved pruning guidelines to maintain the health of the trees.

OFFENCE

7. (1) Every person who violates any provision of this bylaw, or who allows any act or thing to be done or omits to do anything required to be done is guilty of an

offence against this bylaw and is liable to the penalties imposed under this bylaw.

- (2) Where more than one tree is cut down, removed or damaged in violation of this bylaw, a separate offence is committed in respect of each tree.

PENALTY

8. Every person who commits an offence against this bylaw is liable to a fine and penalty as provided for in the General Penalty Bylaw.

COMPENSATION

9. (1) Any person who removes or damages any Village tree in violation of this bylaw shall be required to compensate the Village by replacing the tree with one of equal or greater value.
- (2) If a tree must be removed from the boulevard to accommodate a person, that person must compensate the Village by replacing the tree with one of equal or greater value and must maintain (i.e. water, weed fertilizer, etc) for a period of at least 3 years.

INDEMNITY

10. Any work done under this bylaw by anyone other than the Village of Abbey, its agents or employees, the individual doing the work shall indemnify and hold harmless the Village of Abbey, its agents and employees from any and all claims risks, actions and causes of action howsoever arising from or out of the work done by such individual.

EFFECTIVE DATE

11. This bylaw shall come into force and take effect from the date of adoption.



Mayor

Administrator

Read a third time and adopted this
1st day of August, 2012

Certified a true copy of Bylaw

2012-3

as adopted by resolution of Council

the 1st of August, 2012.

Administrator