

BYLAW NO. 2022-MC-25

A BYLAW OF THE TOWN OF MAPLE CREEK GOVERNING TREES

WHEREAS the Town of Maple Creek's green canopy is one of the community's most beautiful assets;

WHEREAS the Town of Maple Creek's green canopy provides the community with shelter from the wind and the heat;

WHEREAS the Town of Maple Creek's green canopy improves the community's air quality;

WHEREAS the Town of Maple Creek desires to protect, maintain and expand its green canopy;

THEREFORE, the Council of the Town of Maple Creek hereby enacts the following:

1. Relationship to the Town of Maple Creek:

- 1.1 All boulevard trees are property of the Town of Maple Creek.
- 1.2 The Town of Maple Creek will engage the services of a tree maintenance professional in order to ensure to the general health and pruning of boulevard trees on a multi-year rotation.
- 1.3 The Town of Maple Creek will remove and replace any boulevard tree found to be posing an imminent threat to public safety, property safety, or to the overall health and wellbeing of other trees (i.e.: Diseased trees).

2. Relationship to Property Owners:

- 2.1 Property owners are responsible for incidental care of boulevard trees (i.e.: Mowing around them, watering, monitoring and reporting to the Town of Maple Creek any concerns with the trees, etc.).

3. Removal of Boulevard Trees by the Town of Maple Creek:

- 3.1 The Town of Maple Creek will only consider removing a boulevard tree if in the opinion of the Town of Maple Creek, upon the advice of a tree maintenance professional, the boulevard tree poses an imminent threat to public safety, property safety, or to the overall health and wellbeing of other trees (i.e.: Diseased trees), or when the location of the existing tree negatively affects approved building permits on property adjacent to the existing tree.
- 3.2 If a boulevard tree is determined to be posing an imminent threat to public safety, property safety, or to the overall health and wellbeing of other trees (i.e.: Diseased trees); prior to it being removed, the Town of Maple Creek will first determine (with the advice of a tree maintenance professional) whether or not the threat can be mitigated in a way that will allow the tree to continue to live healthily.
- 3.3 If a boulevard tree is determined to pose an imminent threat to public safety, property safety, or to the overall health and wellbeing of other trees (i.e.: Diseased trees), and in the opinion of the Town of Maple Creek (with the advice of a tree maintenance professional) the tree cannot be saved, the Town of Maple Creek will remove the tree and supply a replacement tree.
- 3.4 The responsibility for watering the replacement tree until it is established will be the responsibility of the owner of the property associated with the boulevard where the replacement tree has been planted.

4. Removal of Boulevard Trees by Residents:

- 4.1 Residents may not remove boulevard trees without first receiving the expressed written approval of the Town of Maple Creek.
- 4.2 The Town of Maple Creek will only grant approval to residents for the removal of a boulevard tree under circumstances where the property owner can demonstrate that it is in the best interest of the community that a boulevard tree is removed.

- 4.3 Should the Town of Maple Creek approve the removal of a boulevard tree by a property owner, the property owner will be responsible for:
 - 4.3.1. Covering the cost in full for the removal and disposal of the tree in the manner prescribed by the Town of Maple Creek and/or the Province of Saskatchewan (particularly in the case of diseased trees or where there is the potential for the spread of disease).
 - 4.3.2. The cost for the planting of a replacement tree from the Town of Maple Creek's list of approved replacement tree species.
 - 4.3.3. Caring for and maintaining the replacement tree so as to ensure that it is able to establish itself as a viable replacement tree (watering, etc.).
- 4.4 The Town of Maple Creek will only grant approval for a replacement tree not being planted in circumstances where it can be demonstrated to the satisfaction of the Town of Maple Creek that there is no room for a replacement tree to successfully establish itself due to overcrowding or infrastructure obstructions.

5. Boulevard Tree Expansion Program:

- 5.1 In any new development/subdivision where a boulevard is present, the property owner / developer is required to establish a minimum of two trees on the boulevard in front of each individual property.
- 5.2 In the case of in-fill developments in existing neighbourhoods, the property owner will be required to demonstrate to the Town of Maple Creek that the boulevard in front of the property features a minimum of two trees. If there is not a minimum of two trees present on the boulevard, the property owner will be required to establish a minimum of two trees on the boulevard as part of the in-fill development.
- 5.3 Each year the Town of Maple Creek will provide a limited number (to be determined by Council each year) of free trees on a first-come-first-serve basis to property owners looking to establish new trees on the boulevard in front of their property.
- 5.4 After January 1st of each calendar year, the Town Hall will accept applications for free boulevard trees to be distributed at Council's discretion in the spring.
- 5.5 In instances where the Town of Maple Creek has removed a boulevard tree under the provisions of section 3 of this bylaw, the Town of Maple Creek shall plant a replacement tree in the closest available boulevard proximity to that of the removed tree.

6. Non-Boulevard Trees:

- 6.1 Trees not located on a boulevard or land owned by the Town of Maple Creek are the property and responsibility of the owner of the property on which the tree is located.
- 6.2 Non-boulevard trees must be managed by the property owner in a manner that ensures that they do not pose a threat to the broader tree population within the community (i.e.: Monitoring and addressing disease and/or infestation).
- 6.3 Non-boulevard trees must be managed by the property owner in a manner that ensures that any threat to public safety and neighboring properties is minimized.
- 6.4 Non-boulevard trees that overhang back alleys or public sidewalks must be kept pruned by the property owner in order to facilitate clear passage through the alley or along the public sidewalk.

7. Non-Boulevard Trees Expansion Requirements:

- 7.1 In cases where new residential lots are established that have no boulevard, the property owner is required to plant and maintain a minimum of two trees on the property selected from the Town of Maple Creek's list of approved tree species or that have been approved by the Town of Maple Creek.

8. Hedges and Shrubs:

- 8.1 Hedges and shrubs located within public parks, the cemetery, or green spaces owned by the Town of Maple Creek will be managed in a comparable manner to boulevard trees.
- 8.2 Hedges and shrubs located on private property must be managed in a comparable manner to trees located on private property.

8.3 Hedges and shrubs located on private property on the edge of the property line must not be allowed to encroach onto adjacent property without the approval of the adjacent property owner. In all instances where the adjacent property is a public sidewalk, hedges and shrubs must be pruned back to the property line.

9. Public Parks & Green Spaces:

9.1 Trees, hedges and shrubs located within public parks, the cemetery, or green spaces owned by the Town of Maple Creek will be managed by the Town of Maple Creek in a comparable manner to boulevard trees.

10. Mulch:

10.1 Tree materials that are not required by the Province of Saskatchewan to be burned in order to prevent the spread of disease will be assessed by the Town of Maple Creek for its suitability for mulching.

10.2 Any mulch created by the Town of Maple Creek will be used for mulching in public parks and green spaces, and any extra mulch produced beyond the Town of Maple Creek’s own requirements for mulch will be made available for sale to residents.

11. Repeal of Former Bylaws:

11.1 Bylaw # 2022-MC-23 and all amendments thereto are hereby repealed.

12. Coming Into Force:

12.1 This bylaw shall come into force on final passing thereof.

THE OFFICIAL DOCUMENT HAS BEEN DULY SIGNED BY AUTHORIZED MUNICIPAL OFFICIALS

Mayor

SEAL

Administrator

Read a third time and finally
Adopted this

13th day of September, 2022.