



## Village of Breton

**Policy Number: 2018-02**

**Date of Approval: September 12, 2018**

**Motion Number: 128-18**

**Policy Name: Tree Removal**

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### 1. Purpose

To establish management methods for efficiency and fairly assessing citizen applications for tree removal on lands under the jurisdiction of the village and ensuring a site clean up is conducted as part of any tree removal. It is also a guide for the village staff in the management of the tree population and for dealing with a variety of special situations including parks.

### 2. Introduction

Trees define the park like nature of rural communities like Breton and set them apart from increasingly urbanized municipalities. Demands for the preservation of views, public safety and forest trees are at times in conflict. Council is faced with the responsibility of achieving a balance in these demands on lands under the jurisdiction of the village. As a result Council has established this policy governing the removal of trees within the municipal boundary.

### 3. Objective

Trees are a community resource, an integral part of our natural environment and a recreational and visual amenity. The need for an effective policy has been demonstrated with respect to those who wish to preserve all trees and those who request tree removals.

The function of this policy is to establish management methods for efficiently and fairly assessing citizen applications for tree removal on lands under the jurisdiction of the village as well as ensuring a site clean up is conducted as part of any tree removal. This policy is also a guide for village employees in the management of trees and for dealing with a variety of special situations including parks.

### 4. Policy

This policy addresses a number of challenges:

- 4.1.** Introduce a tree management system that conserves the landscapes, views and forest ecosystems that exist in the community.
- 4.2.** Develop and implement a fair and reasonable mechanism for the settlement of complaints related to trees in the jurisdiction of the village.



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- 4.3. Preserve community and neighbourhood character and ensure services such as water, sewer, electrical and transportation systems are maintained and able to operate.
- 4.4. Identify hazardous trees and remedy the issue.
- 4.5. Develop a procedure for the removal of trees.
- 4.6. Establish penalties for tree removal violations.

### 5. Intervention Criteria and Process

- 5.1. The Public Works Foreman will evaluate trees that present a safety and/or liability hazard to persons or property and which are within the village's jurisdiction. A hazardous tree is deemed to be one having the potential to be felled by persons pushing or climbing, or be a dead or diseased tree in a location that is in falling distance of private property, structures or an identified trail. Village employees will treat such trees as a hazardous tree and remedy the situation.
- 5.2. Key criteria for intervention consists of:
  - 5.2.1. Culturally Inappropriate – A tree or trees that are crowded, weak wood, aggressive roots, shading, non-indigenous species or are considered unsightly.
  - 5.2.2. Damaged – A tree or trees damaged by natural forces such as wind, snow, ice, environmental stress or unnatural forces such as vehicle damage, vandalism or construction damage.
  - 5.2.3. Dead – A tree or tree that are no longer living.
  - 5.2.4. Diseased – A tree or trees that is possibly diseased or has a blight that may be contagious to other trees or weakens the tree causing risks to the public. Deterioration of the tree by fungi, dwarf mistletoe, heart and root rots, sucking, chewing or boring insects.
  - 5.2.5. Fire Prevention – a tree or trees that cause a fuel build up causing threat from fire.
  - 5.2.6. Liability – a tree or trees that presents a risk to the public and/or if felled on a structure, road, private property, public property or on a trail, could be a risk to the public.
  - 5.2.7. New Construction/Development/Street Engineering – A tree or trees that interfere with development, construction or traffic flow ensuring that where ever possible reforestation will occur in the redevelopment.
  - 5.2.8. Safety – A tree or trees that pose an immediate threat to public and employees safety, private and/or public property.

### 6. Tree Removal Conditions that Must be Met

- 6.1. These are the tree removal conditions that must be met:



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6.1.1. The tree concern cannot be easily remedied through other means and is of significant nuisance.

6.1.2. The tree must be a tree on village land.

6.1.3. The cost of a new tree plus removal costs are the responsibility of the applicant.

6.1.4. The work is undertaken by the village engaging a private contractor.

6.1.5. A survey of twenty residences must be completed. Residences survey shall be in the vicinity of the proposed tree/s to be removed. Verifiable signatures, names, addresses, contact number and approval/disapproval must be included in the survey.

### 7. Public Tree Removal Process

**7.1.** The public shall make a formal application to the village to cut or prune trees on lands under the jurisdiction of the village and will be evaluated using factors that recognize the unique situation presented by each site. Treatment will vary depending on the site of each location. At the discretion of the CAO or designate and arborist or horticultural specialist may be consulted.

**7.2.** In all treatment of trees on lands under the jurisdiction of the village the scale of intervention will be determined by the CAO balancing private interests with preservation of environmental quality and the community amenity.

**7.3.** Where a resident application has been approved notice of the decision to cut trees on lands under the jurisdiction of the village will be given for a period of not less than ten (10) days. The notice shall be placed in the local newspaper, on the village website and be delivered to property owners within 200 feet of the site. Intervention due to required public works, emergencies and routing maintenance by village employees are exempt from the requirement to provide notice.

### 8. Tree Management Practices and Procedures

Applications for maintenance work on village trees will be accepted from any member of the public. Each application will be evaluated based on the principles described in the policy. In each case the CAO or designate will attempt to achieve a mutually agreeable treatment of the subject trees. In the case of a dispute or disagreement with respect to the decision of the CAO, an appeal can be made using the appeal process set out in the Land Use Bylaw currently in force.

### 9. Emergency Removals

Any tree or trees under the jurisdiction of the village may be removed at the discretion of the CAO or designate if the tree is judged to be an immediate threat to public safety or public property. Emergency



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removals are normally in response to hazardous situations arising from severe weather, vehicular damage, vandalism or construction damage.

### 10. Routine Removals

Trees removed as a component of daily maintenance include those that are dead, damaged, diseased, hazardous or culturally inappropriate. The decision to remove is the responsibility of the CAO or designate. The conditions under which a tree is removed as routine maintenance shall be determined by a variety of factors including:

- 10.1.** Culturally Inappropriate – Routine maintenance occasionally requires the removal of trees for cultural reasons including crowding, weak wood, aggressive roots or shading of ornamental beds. This practice is rarely used to improve appearance.
- 10.2.** Damage – Natural forces such as wind, snow, ice or environmental stress such as drought may damage trees. Unnatural forces such as vehicular damage, vandalism or construction damage may also damage trees. This damage often leads to tree decline and a requirement for its removal. Trees in decline or dead had the potential to be hazardous depending on their location in relation to private property, structures or trails.
- 10.3.** Development/Street Engineering - Situations arise in the construction or renovation of homes and businesses and in traffic flow management that require the removal of trees. This will, however, be kept to a minimum whenever possible. Engineering projects that may require tree removal include sidewalk reconstruction, property access (i.e. driveways and entrances) and inappropriate trees at a commercial site.
- 10.4.** Disease and Insect Infestation - Fungi, dwarf mistletoe, heart and root rots, sucking, chewing and boring insects are leading causes of tree decline. Diseased and insect infested trees can be removed when they become hazardous, aesthetically unappealing, or breeding sites for the spread of disease and insects to healthy trees.

### 11. Non-Routine Removals

Occasions arise when the CAO is required to authorize the removal of a tree or trees. These occasions include:

- 11.1.** Cultural Removals – Council is required to consent to the removal of large trees or large number of trees that need to be removed for the health of other plants and the viewing enjoyment of the public.
- 11.2.** New Construction Removals – Trees may be removed at the discretion of the CAO in the course of new construction of village owned lands.



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**11.3.** Park Removals – On occasion trees may be removed within village parks to facilitate the creation of or re-establish views that benefit the general population.

### 12. Fire Prevention

The village may initiate measures to do reductions to fuel build ups in forested areas within the village boundary in an effort to reduce fire hazards. This would involve the controlled removals of numerous trees surrounding residential areas. Should tree removal be required for fire prevention, full consultation with the Fire Department, Alberta Agricultural and Forestry and Natural Resources Canada will be required.

### 13. General Evaluation Factors

- 13.1.** Tree removal applications will be evaluated with the following evaluation factors. These factors will be considered in the decision to approve or deny a tree removal application.
- 13.1.1. Habitat – The type of vegetation and the capacity of a forest area to sustain plant, animal or bird life.
  - 13.1.2. Neighbourhood Identity – The part that trees play in making subdivision, area or neighbourhood unique in character.
  - 13.1.3. Recreation – The potential for use of a forest area for public recreation purposes.
  - 13.1.4. Separation – The screening of a private area from public view and separation from artificial light sources.
  - 13.1.5. Sunlight and Shade – The degree to which natural light and shade are enhanced or limited by the presence of trees.
  - 13.1.6. View In – What an area looks like from afar looking back into it.
  - 13.1.7. View Out – What the viewer sees from a specific point, i.e. a view of trails, playgrounds, parks and trees.
- 13.2.** The CAO will use the factors in each application to a greater or lesser degree depending on whether they apply to a specific site. The CAO will determine whether or not a factor applies as well as the degree of importance of that factor. The final decision on the action to be taken will be based on consultation and input from anyone that the CAO considers meaningful.

### 14. Notice of Tree Removal by the Village

Public notification of the village's intent to remove trees on lands under its jurisdiction will be done by means of signs posted on the trees to be removed. Removals will be posted for a period of not less than ten (10) days. Work that will not be posted due to public works, emergencies and routine maintenance.



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Anyone wishing to object to tree cutting may file using the appeal process set out in the Land Use Bylaw currently in force.

### 15. Penalties

Unauthorized tree removal penalties shall be set out in the Fees and Charges Bylaw in force.

### 16. Form

The Tree Removal Application Form and the Tree Removal Consideration Survey Form are attached as Schedule "A" and forms part of the Tree Removal Policy.



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## Schedule "A"

*Tree Removal Application Form*



Date

Contact Name  Phone Number

Street Address  Mailing Address

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Reason/s for Removal Request

Type, Location and Number of Trees

Attach additional Information Including Pictures, Site Sketch that Support the Tree Removal

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*Required Tree Removal Survey must be submitted with this application*

Wood to be Retained by the Applicant  
 Yes  
 No

I acknowledge that the information provided is correct to the best of my knowledge and that Section 6 of Tree Removal Policy ADM 2018-02 have been met.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

