

**TOWN OF HANNA
PROVINCE OF ALBERTA
BY-LAW NO. 996-2018**

A BYLAW TO REGULATE THE PLANTING, MAINTENANCE, AND REMOVAL
OF TREES LOCATED ON TOWN PROPERTY.

WHEREAS, the Municipal Government Act, RSA, 2000, c. M-26 and amendments thereto, authorizes a Council to pass bylaws for municipal purposes; and

WHEREAS, the Town deems it necessary for safety, economic, and aesthetic reasons to instate a means of regulating the treatment of public trees.

NOW THEREFORE under the authority of the *Municipal Government Act*, The Council of the Town of Hanna, in the Province of Alberta, ENACTS AS FOLLOWS:

I. BYLAW TITLE

1.1 This bylaw shall be known as the Public Tree Bylaw.

2. DEFINITIONS

2.1. In this bylaw, unless the context otherwise requires,

- a) "Act" means the Municipal Government Act, Chapter M-26 of the Revised Statutes of Alberta, 2000 and amendments thereto.
- b) "Boulevard" means the strip of land between the near edge of the road and the property line.
- c) "CAO" means the Chief Administrative Officer for the Town of Hanna
- d) "Drip Line" means the area defined by the outermost circumference of a tree canopy where water drips from and onto the ground.
- e) "Excavate" means to make a hole or channel by digging.
- f) "Injure/Injury" means any act that will in any way harm the health of the tree.
- g) "Move" means uprooting and transferring a tree from one location to another.
- h) "Peace Officer" means a Community Peace Officer, RCMP constable, Bylaw Enforcement Officer, or such other person appointed or authorized by the CAO of the Town of Hanna to enforce the provisions of this bylaw.
- i) "Parks Supervisor" means the Director of Community Services or his/her designates.
- j) "Pruning" means any cutting of a tree's branches, twigs, or roots.

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- k) "Public Utility" includes any works or companies who provide services to the citizens of the Town and include, but are not limited to: water, steam, irrigation, drainage, sewage, electricity, roads, sidewalks, telecommunications (including fibreoptic cable), cable television, heating and cooling, and waste management.
- l) "Public tree" means any tree that is located on Town Property.
- m) "Town" means the Town of Hanna.
- n) "Town property" means any side, rear, or front boulevards, parks, medians, walkways, or other any property owned by the Town of Hanna.

3. GENERAL PROHIBITION

3.1 No person other than a person authorized by the town shall, without first obtaining written permission from Parks Supervisor:

- a) plant a tree on Town property.
- b) remove, move, or prune a Public tree or cause or permit a Public tree to be removed, moved, or pruned. Approval for such action may be subject to conditions imposed by the Parks Supervisor, including, but not limited to, payment for some or all of the tree's replacement, removal, and/or trimming costs.
- c) remove, mark, or otherwise injure the bark of a Public tree.
- d) attach any object to a Public tree or in its branches. Decorative lights may be placed on the branches of Public trees, as long as the bark of the tree remains uninjured and the wiring supplying power does not unduly interfere with pedestrian sidewalk traffic or vehicle movement on any street/avenue abutting the tree. The Parks Supervisor reserves the right to ask such lights to be removed if they pose a hazard to the community or the tree in question.
- e) treat or spray a Public tree or allow any pesticide or other harmful substance to come in contact with a Public tree.
- f) excavate any ditches or tunnels within the Drip Line of one or more Public Trees.
- g) allow any material, such as stone, dirt, brick, concrete, or gravel to remain on Public land that will impede the free passage of water or fertilizer to the roots of a Public tree.

3.2 Any trees on Public property near an excavation or construction site must be protected with a reasonably sized fence outside of the Tree's drip line. Approval should be obtained from the Parks Supervisor prior to excavation.

3.3 No person shall remove or cause the removal of any protective barriers that have been placed around a Public tree.

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- 3.4 If damage has been done to a tree, the person or persons responsible for the damage shall be required to pay all costs for the repair or replacement of the tree to the Town.

4. EXEMPTIONS AND EXCEPTIONS

- 4.1 Public Utilities may perform such pruning of Public trees as is necessary to comply with set safety regulations and to ensure safe operation of their facilities and equipment if:
- a) the Town is alerted of the Public Utility's intention to prune at least three business days before the pruning takes place
 - b) if the pruning is carried out in accordance with accepted arboricultural practices and standards.

The Town reserves the right to dictate how the work shall be carried out and to order the pruning to cease if it is not done in accordance with accepted arboricultural practices and standards.

- 4.2 In the case of an emergency situation where the removal or pruning of a tree is deemed necessary by Emergency Response personnel, authorization is not required to remove or prune the tree. However, notice must be given to the Parks Supervisor detailing the work done within three (3) days of the removal or pruning.

5. ENFORCEMENT AND PENALTY

This Bylaw shall be administered by the Community Services Department and enforced by a Peace Officer appointed or authorized by the Town.

- 5.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00) and in default of payment is liable to imprisonment of a term not exceeding six (6) months.
- 5.2 Where a Peace Officer has reasonable grounds to believe that a person has contravened any provision of this Bylaw, the Peace Officer may:
- a) serve upon such person an Offence Notice Violation Ticket in accordance with the Provincial Offences Procedure Act R.S.A 2000 c P-34 with respect to offences of this Bylaw with provision for voluntary payment of specified penalties as listed in Schedule "A" of this Bylaw, or
 - b) serve upon such person a Summons Violation Ticket in accordance with the Provincial Offences Procedure Act R.S.A 2000 c P-34 with respect to offences if the proceedings are deemed in the public's interest with requirement of a court appearance and with no provision for payment of specified penalties.

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A violation ticket will be deemed to have been sufficiently served;

- 1) in the case of a defendant who is an individual, by delivering it personally to the defendant or, if the defendant cannot conveniently be found, by leaving it for the defendant at the defendant's residence with a person on the premises who appears to be at least eighteen (18) years of age.
- c) lay an Information and Complaint against the person; or
- d) serve upon a person a Municipal Violation Tag, in a form as approved by the Chief Administrative Officer.

Any person violating any provision of this Bylaw, and to whom a Municipal Violation Tag has been issued, may avoid prosecution for the offence by paying the prescribed specified penalty amount as set out in Schedule "A" of this Bylaw, within thirty (30) days as indicated on the violation tag.

A Municipal Violation Tag will be deemed to have been sufficiently served;

- 1) in the case of a defendant who is an individual, by delivering it personally to the defendant or, if the defendant cannot conveniently be found, by leaving it for the defendant at the defendant's residence with a person on the premises who appears to be at least eighteen (18) years of age, or
 - 2) if sent by registered mail to the last known address of the defendant.
- 5.3 Notwithstanding any other provision of this Bylaw, a Peace Officer, upon receiving and reviewing a tree protection violation or complaint, shall take reasonable steps to assess the situation. The Peace Officer shall then recommend or take whatever actions are considered appropriate to address the complaint, in all of the circumstances.
- 5.4 No provision of this Bylaw or any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent or preclude a Peace Officer or the Town from pursuing any other remedy in relation to a premise or nuisance as provided by the Municipal Government Act, any other law of the Province of Alberta, or any other Bylaw of the Town of Hanna.
- 5.5 If a person is convicted of an offence under this Bylaw, in addition to any other remedy or any penalty provided by law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the person to rehabilitate the land or to plant or replant trees in such a manner and within such a period as the court considers appropriate, including any treatment necessary to re-establish the trees.
- 5.6 Where any person is required under this Bylaw to pay the Town costs of repairs or removal and replacement of a tree, the Town may recover the expenses incurred by adding the costs to the tax roll and collecting them in the same manner as taxes.

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6. SEVERABILITY

6.1 In the case that any provision of this Bylaw is deemed invalid, all other provisions within shall remain valid and enforceable.

7. ENACTMENT / REPEAL

7.1 This Bylaw shall come into effect on the date of final reading.

READ A FIRST TIME THIS 12th DAY OF JUNE 2018.



Mayor Chris Warwick



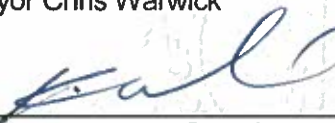
Chief Administrative Officer
Kim Neill

READ A SECOND TIME THIS 10th DAY OF JULY 2018.

READ A THIRD TIME AND FINALLY PASSED THIS THIS 10th DAY OF JULY 2018.



Mayor Chris Warwick



Chief Administrative Officer
Kim Neill



Schedule "A"
Minimum and Specified Penalties

Section	Action (done without authorization)	Specified Penalty
3.1(a)	Planting a tree on Town lands	\$100
3.1(b)	Removing, moving, or pruning a Public tree	\$500
3.1(c)	Injuring the bark of a Public tree	\$300
3.1(d)	Attaching an object to a Public tree	\$100
3.1(e)	Spraying a Public tree or allowing a harmful substance to come in contact with a Public Tree	\$300
3.1(f)	Excavating within a Public tree's drip line	\$300
3.1(g)	Impeding the passage of water to a Public tree	\$100
3.2	Failing to install a protective fence or installing a protective fence within the drip line	\$100
3.3	Removal of a protective barrier	\$100
5.3, 5.4	Failure to Comply with an Enforcement Order	\$500

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