



**BYLAW NO. 19-18
OF THE TOWN OF STRATHMORE
IN THE PROVINCE OF ALBERTA**

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**BEING A BYLAW OF THE TOWN OF STRATHMORE IN THE PROVINCE OF
ALBERTA TO ADOPT THE TREE PROTECTION BYLAW NO. 19-18**

WHEREAS Council has determined that it is desirable to enact a Bylaw to prohibit the Injury and Destruction of Public Trees of any size located on Town of Strathmore land, to prohibit the planting of unauthorized trees on public land without the Town's consent, and to establish a requirement for payment of the Town of Strathmore's estimated costs of protecting, rehabilitating and replacing public trees;

WHEREAS it is the desire of Council to protect, preserve and retain trees in public spaces owned or controlled by the Town of Strathmore;

WHEREAS Strathmore's Urban Forest provides many environmental, health, and economic benefits to the community including:

- Improvement of air quality by removal of gaseous pollutants and dust particulates;
- Absorption of carbon dioxide;
- Climate moderation and energy conservation;
- Storm water retention;
- Wildlife habitat;
- Aesthetics;
- and General improvement of quality of life;

WHEREAS public trees share limited space with services such as utilities and transportation infrastructure, the repair and replacement of which causes loss of valuable trees;

AND WHEREAS the *Municipal Government Act, being Chapter M-26, of the Revised Statutes of Alberta 2000* and amendments thereto provides authority for the Town to regulate such matters;

NOW THEREFORE BE IT RESOLVED THAT the Municipal Council of the Town of Strathmore, in the Province of Alberta duly assembled **HEREBY ENACTS AS FOLLOWS:**



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1 SHORT TITLE

- 1.1 The Town of Strathmore for the purposes of this Bylaw shall be herein referred to as the "Town";
- 1.2 This bylaw may be referred to as the "Tree Protection Bylaw".

2 DEFINITIONS

- 2.1 In this Bylaw:

- a) **"Boulevard"** means:
- i. The strip of land between the curb and the sidewalk and between the sidewalk and the property line;
 - ii. Where there is no sidewalk, the strip of land between the curb and the property line; or
 - iii. Where there is no curb, the strip of land between the near edge of the road and the property line;
- b) **"Council"** means the Mayor and Town Councillors duly elected pursuant to the provisions of the Local Authorities Election Act, R.S.A., 2000, c.L-21;
- c) **"Emergency Personnel"** includes fire rescue personnel, emergency medical providers, law enforcement officers, local, provincial and federal authorities; and workers engaged in emergency repair to a Public Utility;
- d) **"Equitable Compensation"** means:
- a. for public trees and shrubbery, the compensation for the loss of the asset value or compensation for the diminishment of the asset value, as determined by the document titled Guidelines for Evaluation of Trees, a documented methodology that is set forth in the current edition of the Guide for Plant Appraisal authored by the Council of Tree and Landscape Appraisers and published by the International Society of Arboriculture, or
 - b. for natural treed areas, the compensation value for such tree areas as determined by the document titled The Tree Evaluation Method for



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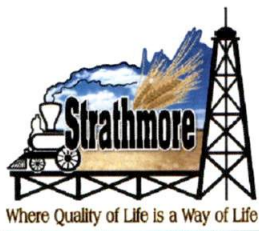
Natural Stands in Our Urban Environment (Tree Canopy Replacement Method), a methodology document that was adapted with reference to the Alberta Agriculture publication, A Guide to Determining Replacement Values of Trees and Shrubs in Alberta, Section 3 (AGDEX 275/33-3).

- e) **"Heritage Tree"** means a typically large, individual tree with unique value, which is considered irreplaceable. The major criteria for heritage tree designation are age, rarity, and size, as well as aesthetic, botanical, ecological, and historical value.
- f) **"Managing Director"** means the person appointed by the Council of the Town of Strathmore as its Chief Administrative Officer or Director of Infrastructure & Development;
- g) **"Median"** means the strip of land between the lanes of opposing traffic on a divided highway.
- h) **"Move"** means uprooting and transferring a tree from one location to another;
- i) **"Natural Treed Area"** means those trees occurring as a result of natural succession or those trees planted as part of naturalization efforts, growing within the Town.
- j) **"Peace Officer"** means a member of Royal Canadian Mounted Police, Police Officer, Protective Services Officer, Bylaw Enforcement Officer, or any designate of the Town of Strathmore pursuant to the Municipal Government Act, as amended;
- k) **"Pruning"** means the cutting of tree branches, twigs or roots.
- l) **"Public Tree"** includes any tree which has any part of its trunk located on lands owned by the Town of Strathmore, including but not limited to boulevards, medians, parks, pathways, and road rights-of-way;



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- m) **"Public Amenities Disclosure"** means an agreement between the Town and a person to protect public amenities including Public Trees;
- n) **"Public Utility"** means a system or works used to provide one or more of the following for public consumption, benefit, convenience or use:
- i. water or steam;
 - ii. sewage disposal;
 - iii. public transportation operated by or on behalf of the Town;
 - iv. irrigation;
 - v. drainage;
 - vi. fuel;
 - vii. electric power;
 - viii. heating and cooling;
 - ix. roads, sidewalks, or pathways;
 - x. waste management; and
 - xi. telecommunications and cable television;
- and includes the thing that is provided for public consumption, benefit, convenience or use;
- o) **"Regulation"** includes Town of Strathmore Bylaws;
- p) **"Safety Hazard"** means any tree that may fail due to mortality, a structural defect or changed stand conditions, insect or virus infestation and, as a result, may cause property damage or personal injury;
- q) **"Shrubbery"** means a woody plant which is smaller than a tree and has several main stems arising at or near the ground;
- r) **"Substance"** for the purposes of this bylaw, means any pesticide, herbicide, insecticide, petroleum product, or other hazardous chemicals which may harm the tree;
- s) **"Town Land"** means any land owned or leased by the municipality that the public is ordinarily entitled or permitted to use, including Provincially owned public lands within the boundaries of the municipality;



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- t) **"Tree"** means any perennial woody plant that normally has one or few upright stems and is maintained as a tree;
- u) **"Tree Protection Barrier"** means a fence or other protective cordon surrounding a tree to restrict access.
- v) **"Violation Ticket"** means a notice issued by an Enforcement Officer, Peace Officer, or Royal Canadian Mounted Police Officer indicating that the user has violated the Public Tree Protection Bylaw;
- w) **"Written Permission"** means the explicit approval of the Managing Director through a written permit or agreement;

3 SCOPE

- 3.1 This bylaw applies to town or provincially owned public lands within the municipality boundaries of the Town of Strathmore.

4 AUTHORIZATION

- 4.1 No person shall plant trees or shrubbery on town lands or cause trees or shrubbery to be planted on town lands without prior written authorization from the Managing Director.
- 4.2 Written authorization to plant trees or shrubbery on town lands from the Managing Director does not relieve a person from obtaining any other approvals which may be required under any other Regulation.
- 4.3 Designated Registered Heritage Trees within the Town of Strathmore shall be protected under the Heritage Tree Foundation of Canada, and at no time shall a Heritage Tree be removed, moved, cut, pruned or tampered with in any way, other than to be maintained by authorization of the Managing Director. This requirement shall not apply with respect to the Town's authority to remove decayed, damaged or dangerous trees or branches if in the opinion of the municipality the Trees or branches pose a danger to the health or safety of any person.

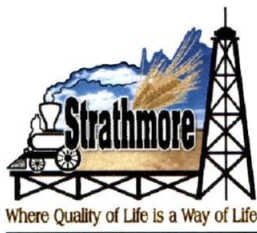


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- 4.4 Notwithstanding section 4.1, If it comes to the attention of the Managing Director that a tree that is to be removed by the Town under this Bylaw is, or may be, a Heritage Tree, the Managing Director shall provide a stop work order until such a time as appropriate research can be conducted.
- 4.5 The Managing Director may, in their sole discretion and for any reason, remove any Public Tree.

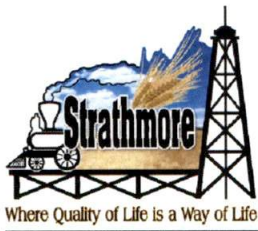
5 PROHIBITIONS

- 5.1 No person shall Remove, Move, Cut, or Prune a Public Tree or cause a Public Tree to be removed, Moved, Cut or Pruned without prior written authorization from the Managing Director.
- 5.2 No person shall use or caused to be used an object of any kind to remove or penetrate the bark of a Public Tree without prior written authorization from the Managing Director.
- 5.3 Notwithstanding Sections 5.1 & 5.2:
- a) In accordance with Regulations governing Public Utilities, a Public Utility may perform such Pruning as necessary to comply with safety Regulations and to maintain safe operation of their facilities provided that:
 - i. at least two business days prior to commencing any Pruning, the Public Utility provides the Managing Director written notice of its intention to Prune;
 - ii. the Pruning is carried out in accordance with accepted arboricultural standards and practices; and
 - iii. the Public Utility follows any specific directions of the Managing Director as to how the work shall be carried out.
 - b) The Managing Director may order the Public Utility to stop any Pruning performed by a Public Utility if appropriate arboricultural practices are not being followed.



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- 5.4 Where removal or Pruning of a Public Tree is determined to be necessary by Emergency Personnel responding to an emergency, such tree or part of it may be cut or removed without first obtaining written authorization to do so.
- 5.5 Emergency Personnel shall notify the Managing Director of the emergency and work done on the Public Tree as soon as possible but no later than three business days after the removal or pruning of the tree.
- 5.6 No person shall remove or caused to be removed any part of a Tree Protection Barrier or enter into or cause another person to enter into the area enclosed by a Tree Protection Barrier.
- 5.7 No person shall, by any means, attach a sign, poster or notice to any Public Tree, unless required or allowed to do so by written direction of the Managing Director.
- 5.8 On a prosecution or other proceeding, any person who may benefit from a sign or poster attached to a Public Tree will be deemed to have attached the sign or poster to the Public Tree unless that person brings forward evidence to the contrary.
- 5.9 No person shall secure an object, to a Public Tree.
- 5.10 No person shall put any item in the branches of a Public Tree or cause anything to be put in the branches of a Public Tree without prior written authorization from the Managing Director.
- 5.11 Notwithstanding Section 5.10, strings of lights may be placed in a Public Tree during the months of October, November, December, and January with written permission from the Managing Director, so long as doing so does not offend any Regulation respecting the location of electrical cords or create safety hazard.
- 5.12 No person shall place, apply or spray or cause to be placed, applied or sprayed any substance, other than water, on or near any Public Tree without the prior written authorization of the Managing Director.

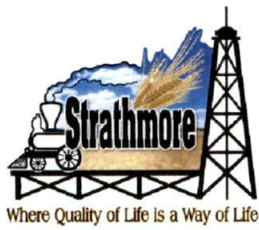


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- 5.13 No Person shall alter the grade level or drainage pattern in any manner so as to interfere with the access of water, air or nutrients to any Public Tree.
- 5.14 No Person shall commence or continue any work or activity which damages or interferes with the root system or upper structure of any Public Tree.
- 5.15 No person shall undertake any work over, upon or under a public tree, so as to damage a Public Tree, without written permission of the Managing Director.
- 5.16 The permit holder listed on the Public Amenities Disclosure under Tree Protection Plan Agreement, is responsible for any damages to a Public Tree, including any associated costs, equitable compensation, fines or fees, within a Tree Protection Barrier as outlined in Schedule "A" Specified Penalties of this Bylaw, or as deemed appropriate the discretion of the Managing Director.

6 ENFORCEMENT

- 6.1 Where a Peace Officer, believes a person has contravened any provision of this Bylaw, they may:
- a) in accordance with the Municipal Government Act, R.S.A. 2000, c. M-26 issue to the person an order to remedy the infraction;
 - b) issue to the person, a violation ticket in accordance with the Provincial Offenses Procedures Act, R.S.A. 2000, c. P-24; or
 - c) do both (a) and (b).
- 6.2 Where a Peace Officer who is also a designated officer observes a contravention of this Bylaw with respect to a Public Tree, they may in accordance with the Municipal Government Act, R.S.A. 2000, c. M-26, issue to the owner of the property adjacent to the Public Tree an Order to remedy the contravention.
- 6.3 If the person to whom an order has been issued pursuant to Section 6.1 or Section 6.2 fails to comply with the order within the time specified in the order:



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- a) That person commits an offence under this section and a Peace Officer may issue a violation ticket pursuant to the Provincial Offences Procedures Act, R.S.A. 2000, c. P-24; and
 - b) The Town may take whatever steps are necessary to remedy the breach of the Bylaw and the cost of doing so becomes a debt owing to the Town by the person to whom the order was issued in accordance with the Municipal Government Act, R.S.A. 2000, c. M-26.
- 6.4 Any items removed pursuant to section 6.3, if deemed of value, will be removed to a place of safe keeping and will:
- a) be assessed a daily fee for storage costs and as may be determined from time to time by the Managing Director; and
 - b) if unclaimed within 90 days, be sold at public auction.
- 6.5 Any person who contravenes a provision of this bylaw is guilty of an offence and is liable:
- a) for a first offence to a fine of not less than \$100.00; and
 - b) for a second offence of the same provision within a twenty-four (24) month period to a fine of not less than \$300.00.
- 6.6 The specified penalty for a first offence, is the amount shown in Schedule "A" in respect of that offence.
- 6.7 All violations of this Bylaw which are of a continuing nature shall constitute a separate offence for each day the offence continues.
- 6.8 No person shall hinder or obstruct, or attempt to hinder or obstruct, a Peace Officer, the Managing Director, or any other person in the exercise of the powers and performing the duties authorized and contained in this bylaw.



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- 6.9 Pursuant to subsection 542 of the Municipal Government Act, or successor legislation, the Managing Director and/or Peace Officer may, enter on private land after giving reasonable notice to the owner or occupier of land or the structure, at any reasonable time, and carry out the inspection, enforcement or action authorized or required by the enactment or bylaw to:
- a) inspect and conduct tests on decayed, damaged or dangerous trees, branches of trees, or shrubs if, in the opinion of the municipality, the trees or branches pose a danger to the health or safety of any person; and
 - b) provide warnings regarding decayed, damaged or dangerous trees, branches of trees, or shrubs if, in the opinion of the municipality, the trees or branches pose a danger to the health or safety of any person.
- 6.10 Nothing in this Bylaw relieves a person from complying with any federal or provincial law or regulation, other bylaw or any requirements of any lawful permit, order, consent or other direction.

7 EQUITABLE COMPENSATION

- 7.1 Persons who contravene this bylaw will be liable for costs incurred by the Town. These costs shall include value of the tree, labour, material, equipment charges and applicable overheads.
- 7.2 The asset value of the Public Tree or the diminishment of the Public Tree's asset value will be determined by:
- a) the document titled Guidelines for Evaluation of Trees, a documented methodology that is set forth in the current edition of the Guide for Plant Appraisal authored by the Council of Tree and Landscape Appraisers and published by the International Society of Arboriculture, new versions thereto;
 - b) for Public Trees in Natural Treed Areas or Public Trees that serve as a windbreak and shelterbelt the compensation value for such treed areas as determined by the document titled The Tree Evaluation Method for Natural Stands in Our Urban Environment (Tree Canopy Replacement Method), a



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methodology document that was adapted with reference to the Alberta Agriculture publication, A Guide to Determining Replacement Value of Trees and Shrubs in Alberta, Section 2 and Section 3 (AGDEX 275/33-3).

- 7.3 Persons who contravene this Bylaw will be liable for any additional costs arising from unplanned maintenance and costs associated with out of season Tree relocation or repair or custom work above normal standards or outside of regular schedules.

8 ADMINISTRATION

- 8.1 Where this Bylaw refers to another Act, Regulation or agency, it includes reference to any Act, Regulation or agency that may be substituted therefore.
- 8.2 Every provision of this Bylaw is independent of all other provisions, if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

9 ENACTMENT

- 9.1 This Bylaw comes into full force and effect upon third and final reading.

**APPENDIX "A"
SPECIFIED PENALTIES**

Section		Specified Penalty
4.1	Planting tree without authorization	\$300.00
5.1	Pruning, Cutting or Trimming a public tree without written permission	\$300 fine plus the replacement value
5.1	Removing, Damaging a public tree without written permission	\$300 fine plus the replacement value
5.2	Removing bark from Public Tree	\$300.00
5.2	Penetrate bark of Public Tree	\$300.00
5.6	Remove or Enter Tree Protection Barrier	\$300.00
5.7	Attach a sign to a Public Tree without written permission	\$100.00
5.9	Securing an object to a Public Tree without written permission	\$100.00
5.10	Put items in or on Public Trees without written permission	\$100.00
5.12	Apply or spray harmful substance to a Public Tree	\$300 fine plus the replacement value
5.13	Altering the grade level or drainage pattern that effects a Public Tree	\$300.00
5.14	Damages or interferes with the root system or upper structure of a Public Tree	\$300 fine plus the replacement value
5.15	Work over, upon or under a public tree causing damage	\$300 fine plus the replacement value
5.16	Failure to follow an approved Tree Protection	\$500.00



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	Plan	
6.3	Failure to comply with Enforcement Order	\$500.00

READ A FIRST TIME THIS 22nd day of January, 2020.

READ A SECOND TIME THIS 22nd day of January, 2020.

READ A THIRD AND FINAL TIME THIS 22nd day of January, 2020.

MAYOR

CAO