

## **TREE MAINTENANCE BYLAW**

**EFFECTIVE DATE:** November 9, 1998

Be it enacted by the City Council of the City of Charlottetown pursuant to Sections 21 and 64 of the **Charlottetown Area Municipalities Act**, R.S.P.E.I. 1988, CAP C-4.1:

### **PART 1: TITLE**

1.

- 1.1 This Bylaw may be know and cited as the “**Charlottetown Tree Maintenance Bylaw**”.

### **PART 2: DEFINITIONS**

2.

- 2.1 “**City**” means the City of Charlottetown established under Section 3 of the **Charlottetown Area Municipalities Act**.
- 2.2 “**Owner**” means
- (a) a land owner as listed in the Assessment Role compiled by the Provincial Department of Finance under the Real Property Assessment Act, Cap R-4, R.S.P.E.I. 1988, and amendments thereto, which printed assessment role is issued to the City at the beginning of each year (with printed updates throughout the year), a tenant, lessee or other person in possession or occupancy of a property;
  - (b) an executor, administrator, trustee, agent, or other person managing a property for the registered land owner.

### **PART 3: SCOPE**

3.

- 3.1 This Bylaw relates to the inspection, protection, removal and disposal of trees within the City of Charlottetown.

### **PART 4: GENERAL**

## TREE MAINTENANCE BYLAW

4.

- 4.1 The Manager of the Public Works Department and/or his/her designate will administer this Bylaw.
- 4.2 The Manager of the Public Works Department and/or his/her designate shall have the following duties and powers:
  - (a) to inspect trees on City right-of-ways to determine requirements for their maintenance and protection;
  - (b) to protect trees on City right-of-ways from injury and disease;
  - (c) to co-ordinate pruning, protection, and removal of trees on City right-of ways;
  - (d) to enter upon any lands within the City for the purpose of inspecting trees to determine whether, in the opinion of the City, they are hazardous to persons or property and whether they are diseased as to endanger the life or health of trees on City right-of-ways;;
  - (e) to order the removal upon any lands within the City of a tree or limb found to be, in the opinion of the City, hazardous to persons or property or so affected by disease as to endanger the life or health of trees on City right-of-ways;
  - (f) to enter upon any property in the City to carry out pruning or removal operations of trees or cut wood which, in the opinion of the City, may be necessary for the protection of the public or the life or health of trees on the City right-of-ways;
  - (g) to approve one or more designated sites for the disposal of disease-infected wood;
  - (h) to oversee the disposal of disease-infected wood, by burying, chipping or other means to be determined by the City.
- 4.3 Where it is determined pursuant to section 3.2 that a tree or limb of a tree located on private property is to be removed or trimmed, the City shall notify the owner of the property on which the tree is located of the action to be taken by the City, at least ten (10) days in advance of such action.
- 4.4 The Notice shall be served:
  - (a) by personal delivery of the Notice to the Owner; or

## **TREE MAINTENANCE BYLAW**

- (b) by depositing the Notice in the mail by certified letter to the address of the Owner; or
  - (c) by posting the Notice in a conspicuous place on the Property.
- 4.5 The date of the service of the Notice is deemed to be:
- (a) in section 4.4(a), the date of the delivery of the Notice to the Owner;
  - (b) in section 4.4(b), the date stated on an acknowledgement card received from Canada Post for a certified letter which indicates the date the card is received;
  - (c) in section 4.4(c), the date the Notice is posted on the Property.
- 4.6 The cost of any tree trimming or removal shall be the responsibility of the City.
- 4.7 The City shall ensure that any damage caused to private property as a result of tree trimming or tree removal carried out on private property pursuant to this Bylaw, will be repaired by the City, at its expense.
- 4.8 In cases where it reasonably appears to the City that there is an immediate need to remove a tree or limb(s) of a tree which is located on private property, the Manager of Public Works or his/her designate shall, at the City's expense, take all such steps as are necessary to immediately effect the removal, and compliance with section 4.3 and 4.4 of this Bylaw shall not be required.
- 4.9 No person shall remove wood from an approved site designated for the disposition of disease-infected wood without the permission of the Manager of Public Works and/or his/her designate.
- 4.10 Any person who removes wood from an approved site designated for the disposition of diseased wood without the permission of the Manager of Public Works is guilty of an offence.

### **PART 5: ENFORCEMENT**

#### **5.**

- 5.1 Every person who contravenes section 4.10 of this By-law is guilty of an offence triable before a Judge of the Provincial Court and in summary conviction liable to a fine of not less than \$200.00 and not more than \$1,000.00, or in default of payment to serve not less than one (1) day and not more than ten (10) days in a Provincial Correctional Institution.

## **TREE MAINTENANCE BYLAW**

- 5.2 The City, its officers and employees shall not be liable for any damages caused to any property when acting under the authority of subsection 4.1(a) to (h).

## TREE MAINTENANCE BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
New Bylaw	<i>nothing</i>	see Bylaw effective November 10, 1998	14-Sep-98	9-Nov-98	9-Nov-98