

THE MUNICIPALITY OF SOUTHWEST MIDDLESEX

BY-LAW NO. 2009/051

**Being a by-law to protect the designated Heritage Trees
of the Municipality of Southwest Middlesex**

WHEREAS section 8 of the Municipal Act, 2001, S.O. 2001, c.25 (the "Municipal Act, 2001") provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act, 2001;

AND WHEREAS Section 9(1) of the Municipal Act, 2001 provides that section 8 shall be interpreted broadly so as to confer broad authority on municipalities (a) to enable them to govern their affairs as they consider appropriate; and (b) to enhance their ability to respond to municipal issues;

AND WHEREAS section 135 of the Municipal Act, 2001 provides that a local municipality may prohibit or regulate the destruction or injuring of trees;

AND WHEREAS the Municipality of Southwest Middlesex deems it expedient to pass a by-law to protect trees designated as Heritage Trees and officially plaqued as such in the Municipality of Southwest Middlesex;

AND WHEREAS a tremendous amount of time and effort has gone into designating trees throughout the whole of Southwest Middlesex based on exceptional size, age, species, form and/or condition, rarity, cultural/historical importance or community landmarks with consideration having been given to publicly accessible locations (designated trees can also be a collection of trees in a notable grove, avenue or other planting);

AND WHEREAS financial contributions have been received toward the physical designating plaque faced on each tree;

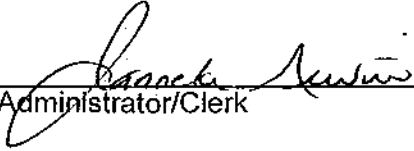
NOW THEREFORE the Council of the Corporation of the Municipality of Southwest Middlesex enacts as follows:

1. This by-law shall be known and may be cited as the "Heritage Tree Protection By-law".
2. That all trees plaqued under the Southwest Middlesex Communities in Bloom Heritage Tree Program shall be protected from damage and unnecessary cutting with consideration having been given to Schedule "A" attached to and forming part of this by-law which sets out general conditions under which pruning or removal may be permitted.
3. Anyone wishing to cut down a designated heritage tree shall complete the request form attached indicating the species of tree, the location of the tree along with an explanation of why removal is desired. Such form shall be Schedule "B" attached to and forming part of this by-law.
4. Such request form will be reviewed at a site meeting or alternate location by one member of council, one member from the Communities in Bloom committee and the Public Works Manager.
5. Attached hereto as Schedule "C" to this by-law is a registry of the Southwest Middlesex heritage trees which includes tree descriptions as well as a map of the municipality marking their general location.

Read a first and second time this 22nd day of July, 2009.



Mayor

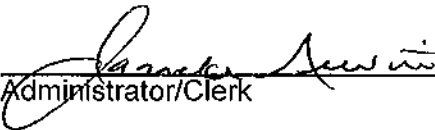


Administrator/Clerk

Read a third time and finally adopted this 22nd day of July, 2009.



Mayor



Administrator/Clerk

**BY-LAW NO. 2009/051
SCHEDULE "A"**

TREE PRUNING AND REMOVAL PROCESS AND CONDITIONS:

- 1. TREE PRUNING – REGULAR HEALTHY MAINTENANCE OR REQUEST FOR TREE PRUNING OF HERITAGE TREES**
 - A. Regular healthy maintenance of heritage trees on private property is encouraged. Minimal pruning for branches that interfere with utilities or a property owner's quality of life is welcomed. For your own personal safety, professional tree care businesses are recommended for larger jobs which will involve the falling of heavy limbs, any work around power lines, etcetera. Please keep in mind that tree specialists recommend no more than 30% of a tree to be removed at any time.
 - B. Property owners are welcomed to contact the municipality for advice on how to properly trim their heritage tree. With such a request, a member (or members) of the tree designation committee will meet with the property owner to discuss the work anticipated – please make every attempt to provide two weeks notice to the municipality.
 - C. Property owners are also encouraged to request pruning of heritage trees located on municipal property.
 - D. Pruning of partly dead heritage trees by the municipality will be performed with the goal to preserve safe heritage trees.

- 2. REQUEST FOR TREE REMOVAL**
 - A. A property owner may submit a request to the municipality for permission from council to remove a heritage tree from any property.
 - B. Where the municipality receives a request to remove a heritage tree, the Public Works department on behalf of the municipality shall solicit the opinions of concerned persons by posting a Notice of Intent to remove the tree by way of a conspicuous sign posted at the heritage tree for a period of at least 14 days.
 - C. Public Works staff will meet with the tree designation committee as set out in section 4 of By-law #2009/051 and shall submit a recommendation to council approving or disapproving the removal of the tree. Where possible, alternative measures will be provided in reports where the committee disapproves of the complete removal of the tree.
 - D. The applicant will be notified of the decision of the committee and if approved, work will proceed under the direction of the Public Works Manager for trees located on municipal property. Where the designated tree exists on private property and is designated with a heritage tree plaque, the property owner shall be contacted by the municipality. Where the designated tree exists on private property the property owner shall approach the municipality for permission to remove the designated tree.
 - E. No person working for or acting on behalf of a utility may remove any heritage tree except by order and direction of the municipality as set out in section 4 of By-law #2009/051.

3. TREE REMOVAL

- A. Heritage trees planted upon a municipal road allowance shall be removed when considered necessary in public health, safety and welfare.
- B. Prior to such removal notice will be posted by way of a conspicuous sign posted at the heritage tree for at least 14 days prior to removal.
- C. A replacement tree that is an acceptable tree species as determined through the municipality as set out in section 4 of this by-law will be planted in its place where possible.
- D. In the event of an emergency municipal staff have authority to cut/remove any heritage tree or portion thereof without notice when considered necessary in public health, safety and welfare.
- E. Where all alternatives have been considered and a heritage tree has been authorized to be removed, a replacement of the same species will be found within the area where possible, with the plaque from the former heritage tree being re-located to the newly designated heritage tree.
- F. Consideration shall also be given to The Corporation of the County of Middlesex Woodlands Conservation By-law #5738 dated June 8, 2004.

4. TREE REMOVAL CONDITIONS WILL BE CONSIDERED IF THE HERITAGE TREE IN QUESTION:

- A. Interferes with distribution of light from municipal street lighting;
- B. Interferes with the safe view of traffic and/or a traffic control device that cannot reasonably be placed otherwise or elsewhere;
- C. Is dead or partly dead;
- D. Is leaning over the roadway such as to provide less than 4.27 metres (14 feet) vertical clearance as measured at the curb line; or
- E. Is growing over a municipal sidewalk such as to provide less than 2.44 metres (8 feet) vertical clearance;
- F. Has lost its structural stability and is deemed a hazard;
- G. Shall be removed as may be deemed necessary by the committee as set out in section 4 of By-law #2009/051

BY-LAW NO. 2009/051
SCHEDULE "B"



APPLICATION TRACKING # _____

TREE REMOVAL PERMIT/PRUNING REQUEST

NAME: _____

ADDRESS (including postal code): _____

HOME PHONE: _____ WORK PHONE: _____

1. Location of tree if different from above address:

2. (a) Are you the owner of this property? Yes _____ No _____

(b) If you are acting as the agent for the property owner, please have the property owner sign here.

3. What is the purpose of the work (removal of a dead/dying tree, etcetera)?

4. Describe the work requested to be approved and indicate the number and type of trees involved. Illustrate below or on the back for clarification purposes if necessary.

5. Indicate the tree service you intend to contract for the requested work.

Name of company: _____

Phone Number: _____

Have you already contracted them? Yes _____ No _____

6. Please provide the date that you expect the work to start if approved: _____

RETURN this form to:

Municipality of Southwest Middlesex
153 McKellar Street, Box 218
Glencoe ON N0L 1M0
Phone: 519-287-2015
Fax: 519-287-2359
E-mail: info@southwestmiddlesex.ca