SUBJECT: Public Tree By-law Amendment (PW06034b) - (City Wide)

RECOMMENDATION:

That the Public Tree By-law 06-151 be amended through the inclusion of the following criteria, further defining tree removal “Necessary for the Public Interest” as outlined in Report PW06034b for the removal of a living tree:

“Item 18 (h) A tree whose removal, in the opinion of the Director, is appropriate to address specific considerations, in achieving best value from the City’s tree infrastructure or urban forest”.

John Mater, C.E.T.
Acting General Manager
Public Works

EXECUTIVE SUMMARY:

The Public Tree By-law provides policy for the management, protection and preservation of the City’s public tree infrastructure including criteria for the removal of living trees where deemed to be in the public interest. Whereas the criteria contained within the By-law does not address all possible circumstances and situations that may arise, discretionary authority is recommended for the Director to address unforeseen situations. This report seeks to establish a measure of discretionary authority for the Director as a means of facilitating the administration of the policy as provided within the By-law.
BACKGROUND:
The information/recommendation contained within this report has City wide implications. The Public Tree By-law provides policy for the management, protection, and preservation of the City’s public tree infrastructure including criteria for the removal of living trees where deemed to be in the public interest. The current By-law contains the following criteria:

**Necessary for the Public Interest**

Necessary for the public interest means removal for one or more of the following reasons:

(a) A tree is decayed in whole or in part;
(b) A tree that has failed, or in its current physiological condition has the potential to fail, and by its failure, or potential failure, poses a direct and immediate threat to public property or to individuals using public property;
(c) A tree that is a source, host, or infested with any pest which directly or indirectly causes irreversible damage to the long-term health, vitality, longevity, and integrity of a tree;
(d) A tree whose structural value, or integrity, as determined by the Director, has been seriously compromised by construction, weather related events, or by pruning;
(e) A tree planted along a highway which obstructs or impedes the safe use of the same;
(f) A tree whose root system has been proven to compromise the structural integrity of the foundation of any building; or
(g) A tree of poor quality, or undesirable species whose removal is required to facilitate new street tree plantings.

The criteria listed above provides specific eligibility for the removal of living trees; however, it clearly does not address all possible situations where removal may be appropriate (i.e. pest management or long term viability issues) and as such this report seeks to establish a measure of discretionary authority for the Director to facilitate effective management of the infrastructure. For example, the deregistration of the systemic chemical, Meta-Systox-R, previously used to manage nuisance insect populations of “aphids” and “plant bug”, has left the Forestry Section with no alternative control product. Trees that have been infested by these insect pests are now being weakened and showing signs of stress. Removal of certain trees, having a history of chronic infestations may help to reduce insect population numbers, thereby maintaining the health of adjacent trees. While this may not constitute a best practice routinely, there may be some merit in performing such removals in the interest of pest management on a larger scale or in a longer term context.

ANALYSIS/RATIONALE:

Historically, the Forestry Section has not removed living trees under any circumstances other than to address emergency situations or as otherwise approved by Council. Although the current Tree By-law outlines the major criteria necessary for tree removal, it does not capture every possible situation where tree removal may be appropriate. By providing the Director with limited discretionary authority to remove living trees under
circumstances deemed to be in the interest of obtaining best value from the infrastructure, then the administration of the By-law will be enhanced.

**ALTERNATIVES FOR CONSIDERATION:**

As an alternative to the recommendation, Council may choose not to amend the existing By-law, thereby retaining all live trees which do not currently meet the criteria for removal as outlined in the existing Tree By-law.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The recommendation has no financial, staffing or legal impact to be considered at this time.

**POLICIES AFFECTING PROPOSAL:**

The current Tree By-law 06-151 does not provide the Director with any discretionary authority in the consideration of request to remove living trees, other than as described within the existing By-law therein leaving certain situations and opportunities unaddressed.

**RELEVANT CONSULTATION:**

N/A

**CITY STRATEGIC COMMITMENT:**

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced.  ☑ Yes   ☐ No
Public services and programs are delivered in an equitable manner, coordinated, efficient, effective and easily accessible to all citizens.
The public are involved in the definition and development of local solutions.

Environmental Well-Being is enhanced.  ☐ Yes   ☑ No

Economic Well-Being is enhanced.  ☑ Yes   ☐ No
Hamilton's high-quality environmental amenities are maintained and enhanced.

Does the option you are recommending create value across all three bottom lines?  ☑ Yes   ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?  ☐ Yes   ☑ No