SUBJECT: City of Hamilton Public Trees By-law (PW06034) - (City Wide) Public Works, Infrastructure & Environment Committee Outstanding Business Item “O”

RECOMMENDATION:

(a) That the City of Hamilton Public Trees By-law, in substantially the form outlined in Report PW06034 as Appendix “A” be passed and enacted to provide legislation regarding the planting, maintenance, and preservation of trees on or affecting public property.

(b) That the following policies as outlined in Report PW06034 as Appendix “B”, “C”, “D”, “E”, “F” and “G” be approved:

   (i) City of Hamilton Street Tree Planting Policy - Planning and Design.
   (ii) City of Hamilton Street Tree Planting Policy - Rural Roadways.
   (iii) City of Hamilton Street Tree Planting Policy - New Developments.
   (iv) City of Hamilton Reforestation Policy - Municipally Owned Lands.
   (v) City of Hamilton Tree Preservation & Protective Measures For Trees Affected by Construction Policy.
   (vi) City of Hamilton Public Tree Removal Policy.

(c) That Outstanding Business Item O referred from the Public Works, Infrastructure & Environment Committee meeting of February 20, 2006, be identified as completed and removed from the Outstanding Business list.

Scott Stewart, C.E.T.
General Manager
Public Works
PRESENTLY the management of city owned trees is governed by eight by-laws which remain in effect within the respective areas of the former municipalities having originally enacted the by-laws. The “tree” by-laws generally regulate tree planting, maintenance, and preservation within municipal road allowances, parks and civic properties and while similar in nature, also reflect certain differences and ambiguities respecting policy and operating procedures. The creation of a single consolidated “Public Trees” by-law for the City of Hamilton will provide significant administrative and operational efficiencies, superior customer service, and enhanced compliance. The proposed by-law includes supplementary policy documents addressing the planting, maintenance and protection of public trees which will foster a healthier municipal tree infrastructure and therein provide maximum benefits to residents and the environment.

BACKGROUND:

The information/recommendations contained within this report have city wide implications.

This report outlines provisions of the proposed consolidated “Public Trees” by-law and supplementary policies and standards. The proposed by-law would apply to all municipally owned property including road allowances, parklands, hazard lands, and civic properties. The by-law supports the management of public tree infrastructure so as to derive maximum benefits for city residents, visitors and the environment through authority and regulatory provisions targeting the following objectives:

- Protection of municipal tree assets from harm or premature demise
- Preventative tree maintenance for optimal tree health and public safety
- Emergency tree maintenance service response for public safety
- Preventative maintenance to private trees affecting public safety
- Planting of trees upon municipal property
- Criteria for managing tree removals
- Enforcement of regulatory provisions

The key concepts of the regulatory framework of the by-law include:

- Definitions and terms of reference
- Authority of the Director
- Prohibitions on the injury or destruction of public trees
- Regulations governing the planting or removal of public trees
- Prohibitions on the planting of certain species of trees on public property
- Regulations governing the maintenance and preservation of trees
- Protocols for dealing with dangerous or hazardous trees on private public which may endanger users of public property
- Regulations governing tree removals and compensation requirements
- Standards for planting design, and installations
- Exclusions, exemptions, enforcement and penalties

A number of amendments have been included in the consolidated by-law which serves to redress ambiguities and inconsistencies that existed under the by-laws of the former municipalities. In cases where regulations were held to be the same, no legislative change
was necessary, and the existing statutes were adopted as the new standard. In cases where regulations differed, consideration was given to those statutes which encouraged and contributed without bias, to the protection of the health of municipal trees, while having due regard for the intent of the original legislation. The retention of these common provisions will make the transition as seamless as possible.

As a result of this process, the significant changes being recommended respecting the general provision regulations are as follows:

- Inclusion of a definition for “Pest” (meaning any organism, including but not limited to such things as insects, diseases (viral, fungal, or bacterial) which directly or indirectly cause irreversible damage to the long-term health, vitality, longevity, and integrity of a tree) and provisions for removal of trees which are the source, host, or infested with a pest;
- Broadening of the scope of tree removals when considered “Necessary for the Public Interest” to now include provisions for the removal of those trees:
  - Whose structural value, or integrity, has been seriously compromised by construction, weather related events, or by pruning;
  - Planted along a highway which obstruct or impede the safe use of the same;
  - Whose root system has been proven to compromise the structural integrity of the foundation of any building;
  - Of poor quality, or undesirable species whose removal is required to facilitate new street tree plantings
(These provisions will provide greater flexibility for staff in addressing requests for removal with minimal negative impact to the overall objectives for the management of the Public component of the urban forest)
- Restrictions respecting the planting of coniferous trees along highways and on public property; (thereby improving health and safety conditions relating to sight lines along roadways, driveways, and at intersections).
- Financial compensation requirements for the injury, damage, or removal of all live, healthy public trees; (thereby contributing to the renewal of the urban forest).

In addition to the regulations listed in the by-law, the attached policies are aimed at providing additional protection for public trees in the interest of limiting damage and injury, and to ensure that sufficient funds exist for reforestation.

The key policy objectives are summarized below categorically:

1. City of Hamilton Street Tree Planting Policy - Planning and Design
   This policy outlines planting layout regulations for road allowance tree plantings.

2. City of Hamilton Street Tree Planting Policy - Rural Roadways
   This policy establishes regulations relating to the planting and maintenance requirements of trees planted along rural roadways within the City and establishes annual funding limits for tree planting on a per household basis.

3. City of Hamilton Street Tree Planting Policy - New Developments
   This policy establishes planting standards and specifications for all tree planting initiatives in new developments. Key policy objectives include standards and
4. City of Hamilton Reforestation Policy - Municipally Owned Lands
This policy establishes criteria requiring repayment for the removal, repair and replacement of trees, as well as equations for tree removal cost estimations and tree replacement valuation estimations.

5. City of Hamilton Tree Preservation & Protective Measures For Trees Affected by Construction Policy
This policy seeks to provide additional preservation and protective measures for those trees which are affected by construction. The additional protective measures aim to conserve the vitality of the urban forest and tree health by establishing protocols for applications and approval requirements, protective guidelines during construction, and establishing parameters for inspections and redress.

6. City of Hamilton Public Tree Removal Policy
This policy establishes a framework delineating authorization for tree removals and establishes reporting procedures.

Staff are confident that the consolidated by-law and associated policies will streamline administrative, operational, procedural, and regulatory guidelines while preserving and protecting trees within the City of Hamilton.

The By-laws of the former municipalities, namely:

- By-law 2000-118 (Ancaster)
- By-law No. 4502-99 (Dundas)
- By-law No. 4486-99 (Dundas)
- By-law No. 91-36-P (Flamborough)
- By-law No. 241-82 (Glanbrook)
- By-law No. 92-155 (Hamilton)
- By-law 86-077 (Hamilton Streets By-law)
- By-law No. 4156-95 (Stoney Creek)
- By-law No. 328-86 (Glanbrook)

are outlined in Report PW06034 as Appendix “H”, “I”, “J”, “K”, “L”, “M”, “N”, “O” and “P”.

**ANALYSIS/RATIONALE:**

N/A

**ALTERNATIVES FOR CONSIDERATION:**

There are two alternatives that Council may wish to consider as it relates to

(a) Cost Sharing the removal of Encroaching Private Trees
(b) Criteria for the Removal of Healthy Trees
(a) Cost Sharing Removal of Encroaching Private Trees

The proposed City of Hamilton Public Tree By-law, defines a "Public Tree" as any tree which has greater than or equal to fifty (50) per cent of its trunk diameter on public property, and "Private Tree" is defined as any tree which has greater than (50) per cent of its trunk diameter on private property. This definition is in keeping with that of the former pre-amalgamation City of Hamilton By-law 92-155 whereas none of the other existing by-laws from the former municipalities define a “public tree” or a “private tree”. The ownership definition has several implications most significantly relative to responsibility for tree removal costs. Tree removal costs can be considerable in the case of mature specimens situated in dense urban environments and such situations are often considered to be unfair by private tree owners where significant portions of the tree (but less than 50%) encroach onto city property. As such, council may wish to consider an alternative policy that would provide for cost sharing by the city in the removal of private trees which encroach onto municipally owned property. A “proportional” cost sharing approach based on the actual percentage of the tree encroaching onto city property as determined by a field survey would provide cost relief to affected private land owners. Based on recent experience this approach would require additional operating budget funding of approximately $20,000 to address the City’s cost share and coordination of activities previously assumed by the private property owner. The cost sharing initiative should only apply to those trees which fully satisfy the tree removal requirements as listed in the by-law and associated policies.

(b) Criteria for the Removal of Healthy Trees

From time to time, staff receive requests for the removal of healthy public trees from neighbouring residents for reasons of preference or perceived hardship relative to property maintenance. Without specific council approval, such requests are routinely denied in accordance with the current by-law regulations which are included in the proposed by-law. As an alternative, Council may wish to amend the proposed by-law to allow for the removal of individual healthy trees subject to the following conditions:

- That the requesting property owner pays for the removal and payment of compensation pursuant to the established policy related to development and construction
- That the tree removal request is supported by the majority of the abutting property owners within a 60 metres radius of the tree

Staff does not support this alternative considering its likely negative impacts to the achievement of Council’s Strategic Goals for a “Sustainable” and “Green city” and an improved Urban Forest Density to effectively moderate climatic extremes, reduce energy consumption, and develop a pleasing aesthetic character.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The proposed by-law and supplemental policies will not require additional resources other than as noted within the alternatives section, but will provide clear direction to staff in their management of public tree infrastructure.

The proposed City of Hamilton Public Tree By-law is compatible with the Woodland Conservation By-law passed by the former Region of Hamilton-Wentworth in 2000. The
latter applies to the cutting of trees in large (>2 acre) woodlots on private land and exempts cutting by a municipality.

Policies Affecting Proposal:

The attached City of Hamilton Public Trees By-law is compatible with the Woodland Conservation By-law passed by the former Region of Hamilton-Wentworth in 2000. The latter applies to the cutting of trees in large (>2 acre) woodlots on private land and exempts cutting by a municipality.

Relevant Consultation:

The harmonized City of Hamilton Public Tree By-law and associated policies were reviewed by staff of the following Departments (and their predecessors):

- City Manager’s Office
  - Legal Services and Corporate Council
- Finance and Corporate Services Department
  - Risk Management
- Planning and Development Department
  - Building and Licensing
  - Development and Real Estate
- Public Works
  - Capital Planning & Implementation
  - Fleet and Facilities
  - Operations and Maintenance
  - Waste Management

All comments were addressed either through the provisions of the by-law or through the associated policies. The enclosed by-laws were distributed to all City Departments for comment on three separate occasions: October 2001, January 2002, and August of 2004. Finance and Corporate Services reviewed the finalized draft the by-law and policies in in January of 2006 just prior to submission.

Representatives from the Hamilton Home Builder’s Association have requested an exemption from this by-law (and associated policies) whereby they would not be required to compensate the City for any trees that are removed, injured or destroyed on those lands which are conveyed to the City to serve for the creation of a future roadway in the development of a new subdivision. As currently written, all parties (including employees and agents of the City) are required to compensate the City when they are responsible for the removal, injury or destruction of any public tree. Providing an exemption (either to internal or external parties) would set an unfair precedent and nullify the uniformity and streamlined regulations that the by-laws and associated policies seek to impose. As such, staff is not supportive of this request.

The representatives from the Hamilton Home Builder’s Association has also inquired as to the implementation of this by-law and associated policies (related to development plans which have been submitted for approvals). Staff support the full implementation of the by-law and related policies immediately upon Council approval with the exception of currently approved applications.
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.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Ecological function and the natural heritage system are protected.

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

Maintenance of ecological integrity through careful stewardship, rehabilitation, and protection of diverse species of the urban forest is one objective realized by the harmonization process and the implementation of the City of Hamilton Public Tree by-law and associated policies. The regulation and protection of trees planted on public property will enable the City to build on existing environmental strengths, while enhancing natural and urban areas. Green corridors bring nature into the City while helping to promote improved air quality. The harmonization process will enhance the quality of life for Hamiltonians while seeking to make every effort to protect healthy municipal trees. Sustainable development of the urban forest is central to a cleaner and greener City.

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

BY-LAW NO. __________

To Regulate the Planting, Maintenance, and Preservation of Trees on or Affecting Public Property

WHEREAS Council deems it in the public interest to protect Hamilton’s tree assets on Public Property to preserve the quality of life and environment for the present and future inhabitants, and to ensure that any necessary tree removal is considered in advance and carried out under conditions as may be imposed;

AND WHEREAS the Municipal Act S.O. 2001, Chapter 25 as amended, Sections 2 and 8 through 11, allows that Council may provide necessary and desirable services, manage and preserve public assets, foster environmental well-being, and exercise specific and general powers to act, and to regulate and prohibit the acts of others;

AND WHEREAS the City, pursuant to Section 135 of the Municipal Act S.O. 2001, Chapter 25 may by by-law prohibit or regulate the injuring or destruction of trees;

AND WHEREAS the City, pursuant to Section 141 of the Municipal Act may provide trees to the owners of land adjacent to any highway;

AND WHEREAS the City, pursuant to Section 62(1) of the Municipal Act may, at any reasonable time, enter upon land lying along any of its highways to inspect trees and conduct tests on trees; and to remove decayed, damaged, or dangerous trees or branches of trees if, in the opinion of the municipality, the trees or branches pose a danger to the health or safety of any person using the highway;

AND WHEREAS the City, pursuant to Section 62(2) of the Municipal Act may remove a decayed, damaged or dangerous tree or branch of a tree immediately without notice to the owner of the land upon which the tree is located, if in the opinion of the Employee or agent, the tree or branch poses an immediate danger to the health or safety of any person using the highway;

AND WHEREAS the City of Hamilton Act, 1999, S.O. 1999, Chapter 14, Schedule C did incorporate, as of January 1st 2001, the municipality known as the "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to the following former area municipalities, namely: The Corporation of the Town of Ancaster; The Corporation of the Town of Dundas; the Corporation of the Town of Flamborough; The Township of
Appendix “A” to Report PW06034

Glanbrook; The Corporation of the City of Hamilton; and the Corporation of the City of Stoney Creek, and to the Regional Municipality of Hamilton-Wentworth, all hereinafter referred to as the “former municipalities”;

AND WHEREAS the City of Hamilton Act, 1999, provides that the By-laws of the former municipalities continue in force and effect in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

Definitions and Application

1(1) In this By-law:

(a) "City" as the context requires, means the municipal corporation "City of Hamilton" or the geographical limits of the municipality;

(b) "Contractor" means a person engaged to perform a specific activity or service, on or at a particular land or premises;

(c) "Council" means the Council for the City of Hamilton and includes its successor;

(d) "Destroy" in relation to a tree includes any action which causes or results in the death of the tree, not limited to but including the acts of cutting, burning or knocking over the tree, and “destruction” shall have a corresponding meaning;

(e) "Diameter at Breast Height or "DBH" means the diameter, including the bark, of the trunk of a tree measured at the lower of (a) a point 1.3 meters (4 feet and 3 inches) above the ground in an undisturbed state at the base of the tree, (b) in the case where the main trunk of the tree splits below the point in (a) the point of measurement shall be at the point on the tree trunk where the trunk separates, or (c) at the top of the stump of the tree where the tree has been cut down and all that remains of the stump is below the point in (a);

(f) "Director" means the Director of Operations and Maintenance for the City and includes the Director’s designate or successor;

(g) "Drip Line" means the outer boundary of an area on the surface of the ground directly below and which corresponds with the outer edge of the crown of the tree;

(h) "Emergency Work" means any work carried out by the City, a public utility service, or other authority and its contractors, whether above and below ground level, which is work necessary in an emergency situation for maintenance, or to restore or ensure service is maintained, and specifically includes the following whether as a repair, upgrade, or new
installation, and without limiting the generality of the foregoing: utility
work, storm or accident damage repairs, road work, storm sewer and
sanitary sewer work;

(i) "Employee" means all employees, servants, and agents of the City of
Hamilton or contractors hired by the City of Hamilton;

(j) "Forestry and Horticulture Section" means the Forestry and Horticulture
Section of the Operations and Maintenance Division within the Public
Works Department of the City of Hamilton and includes its successor;

(k) "Forestry Management Plan" refers to all City of Hamilton policies and
procedures governing forest health, tree maintenance, planting
requirements, activities affecting public trees, and includes the policies
attached to this by-law as schedules;

(l) “Good Arboricultural Practice” shall be a reference to the guidelines and
practices relating to proper tree maintenance and care, as defined and
published by the ISA (International Society of Arboriculture);

(m) "Highway" means a common and public highway under the jurisdiction of
the City of Hamilton, and includes any bridge, trestle, viaduct or other
structure forming part of a highway, and includes any portion of a
highway to the full width thereof;

(n) “Improper Pruning” means trimming a tree so as to cause irreversible
damage in a manner contrary to Good Arboricultural Practices;

(o) "Injure" includes any act or treatment which causes irreversible damage
to a tree and includes, but is not limited to the acts of changing grades
around trees so as to affect further growth or health of the tree by
exposing roots or burying the trunk or branches, compacting soil over
root areas so as to prevent sufficient absorption by the tree of water,
severing or damaging roots, the improper application of chemicals,
improper pruning or the removal of bark and “injuring” and “injury” shall
have corresponding meanings;

(p) “Municipal Law Enforcement Officer” means a person appointed as such
under this or any by-law of the City;

(q) “Municipal Waste” means household, commercial or industrial waste
collected or accepted by the City for disposal;

(r) "Naturalized Area" means an area that has been set aside by the City of
Hamilton for the undisturbed growth of any tree species where the
desired effect is that of natural growth, and for the purposes of this by-
law the term will include municipal woodlots and woodlands;
(s) Officer” means any person designated by the Director to carry out duties, issue orders or take actions under this by-law, and the term includes the Director;

(t) “Operations and Maintenance Division” refers to the Operations and Maintenance Division of the Public Works Department of the City of Hamilton and includes its successor;

(u) “Pest” means any organism, including but not limited to such things as insects or diseases whether viral, fungal, or bacterial, which directly or indirectly cause irreversible damage to the long-term health, vitality, longevity, and integrity of a tree;

(v) "Planning and Development Department" refers to the Planning and Development Department for the City of Hamilton and includes its successor;

(w) "Private Property" means land other than public property, and includes those public unassumed alleys which have been occupied or fenced by a person other than the City;

(x) "Private Tree" means any tree which has greater than fifty (50) per cent of its trunk diameter measured at ground level on private property;

(y) “Pruning” means the cutting away of parts of a tree for reasons including but not limited to: safety concerns; maintenance of legislated clearances; tree health and vitality; disease control; clearance for pedestrian and vehicular traffic; visibility clearance for stop signs, traffic signals, and bus stops; clearance for buildings; removal of deadwood; crown thinning for tree health or to improve sunlight penetration; crown balancing to correct storm damage; crown reduction when overall size is considered problematic; or clearance from hydro lines and other utilities;

(z) "Public Property" includes a highway, park, public unassumed alley, or any other public place or land owned by, or leased to, or controlled by, or vested in, the City;

(aa) "Public Tree" means any tree which has greater than or equal to fifty (50) per cent of its trunk diameter measured at ground level on public property, and “public tree” shall be used interchangeably with “municipal tree”, “municipally owned tree”, “City tree” or “City owned tree”;

(bb) “Public Works Department” means the Public Works Department for the City of Hamilton and includes its successor;

(cc) "Removal" means the elimination, in whole or in part, of a tree;

(dd) "Tree" means a plant of any species of woody perennial including its root system, which has reached or can reach a height of at least 4.5 metres at physiological maturity;
(ee) "Tree Maintenance" includes all operations of watering, trimming, pruning, spraying, injecting, fertilizing, treating, cabling and bracing, and any other like activity;

(ff) "Tree Protection Zone (TPZ)" means a restricted area, enclosed by fencing, around the base of a tree with a minimum radius equal to the drip line, which serves to protect a tree and its root zone;

(gg) "Work" means the labour, task, duty, function, or assignment often being a part or a phase of a larger activity or project, and shall include, but not be restricted to, excavation, construction, development, ditching, tunnelling, trenching, soil disturbances, or compaction.

1(2) In this By-law, the singular tense is deemed to be inclusive and interchangeable with the plural tense; the plural tense is deemed to be inclusive and interchangeable with the singular tense.

1(3) In this by-law, where both metric and imperial measurements are given for the same item, the imperial measurement is provided for convenience only and is approximate.

2(1) Subject to 2(2), this By-law applies to:

(a) Persons within the City of Hamilton;

(b) Public trees; and

(c) Private trees, which pose a threat or hazard to persons or property on public property.

2(2) This by-law does not apply to:

(a) Trees in private woodlands, as woodlands are defined in By-law No. R00-054 of the former Regional Municipality of Hamilton-Wentworth, or such successor by-law enacted under the authority of Section 135 of the Municipal Act; or

(b) Woodlots, as defined in By-law No. 4401-96, as amended of the former City of Stoney Creek;

(c) The matters listed in sub-section 135(12) of the Municipal Act.

2(3) The requirements and prohibitions in this by-law are in addition to any applicable prohibitions or requirements in the City of Hamilton Parks By-law No. 01-219 as amended, and in the event of conflict, the provisions which are most protective of trees prevail.
Authority of the Director

3(1) The Director is hereby authorized to administer and enforce this by-law and has delegate authority granted by Council to execute the provisions of this by-law or to provide consent or approval where required, including the imposition of conditions as necessary to ensure compliance with this by-law and ensure minimal removal or other negative effects from removal of trees;

3(2) The Director may request municipal law enforcement officers to enforce this by-law, who shall have the authority to carry out inspections, issue orders, and otherwise enforce this by-law, and the Director may assign duties or delegate tasks under this by-law whether in his or her absence or otherwise.

4(1) The Director has the authority to develop and maintain a Forestry Management Plan including level of service standards and practices guidelines;

4(2) The Director has the authority to authorize policy changes, and changes to level of service standards, which do not carry with it financial implications of any sort.

5 Where consent of the Director is required under this by-law, and where permission or approval has been refused, or where permission or approval has been granted and subsequently withdrawn, written justification must be provided to the individual detailing the basis for not granting approval.

6(1) In addition to the authority otherwise provided in this by-law and subject to the Council authorized budget, the Director is authorized to perform or arrange the performance of the following duties:

(a) Supervision of the planting, care, and maintenance of public trees;

(b) Supervision of the pruning or removal of trees:

(i) Upon public property;

(ii) Upon private property where the branches extend over public property and the removal is performed by City employees or contractors; or

(iii) Upon a highway where the branches of any public or private tree extend over a highway and the removal is performed by City employees or contractors.

7 The Director, once designated as an inspector by the President of the Canadian Food Inspection Agency, for the purposes of the Plant Protection Act, S. C. 1990, c. 22, has the authority to inspect for the presence of pests and to take action including the removal of trees on all public and private property, in accordance with that Act.
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Prohibitions Against Injury or Destruction

8(1) No Person shall undertake to, cause or permit the undertaking of any of the following actions towards a public tree:

(a) Injure, remove, disturb, damage, destroy, cut above or below ground, spray, prune, or alter in any way a public tree; without prior approval and compliance with terms provided in Section 10, or as provided for in the City of Hamilton Public Tree Removal Policy; or

(b) Deposit, place, store, or maintain any stone, brick, sand, concrete, soil, or any material, equipment, or vehicles that may impede the free passage of water, air, or nutrients to the roots of a public tree, or perform any work within the dripline of a public tree which causes the destruction of, removal of, or injury to the tree, without prior approval and compliance with terms provided in Section 10; or

(c) Fasten any sign, bill, notice, wire, rope, nail, or other object to, around, on, or through any public tree in any manner, or around, on or through the stakes or posts that protect such tree; or

(d) Cause or permit any gaseous, liquid, or solid substances which are harmful or toxic to any public tree, to come in contact with any public tree, or apply to a public tree or an area used by said tree’s root system; or

(e) Set fire to or permit any fire to burn where such fire or the heat thereof will injure any portion of any public tree; or

(f) Interfere with fences, structures, barriers delineating tree protection zones, or associated signage or other protective devices around any public tree; or

(g) Alter or change any soil levels on public property within the drip line of any public tree in a manner likely to cause injury to said tree; without prior approval and compliance with terms provided in Section 10; or

(h) Excavate any ditch, tunnel, trench, or lay any walkway or driveway, or disturb the soil on public property, within the drip line of a public tree; without prior approval and compliance with terms provided in Section 10; or

(i) Climb, or permit any person under their care or control to climb any public tree;

9(1) A person who damages or injures a public tree on public property or who causes or permits a person to damage or injure such a tree, shall be subject to the regulations listed in the City of Hamilton Reforestation Policy – Municipally Owned Lands in addition to any necessary enforcement under this by-law;
9(2) Where a person reports having injured or damaged a public tree, or where a person is found to have injured or damaged a public tree, the Director shall issue an order requiring that the person arrange for the payment of restitution in accordance with the regulations of the City of Hamilton Reforestation Policy – Municipally Owned Lands, in addition to any necessary enforcement of this by-law.

Protective Measures For Trees During Construction

10 Any person undertaking to perform any work within the drip line of a public tree, requires the consent of the Director, and shall follow the regulations and conditions listed in the City of Hamilton Tree Preservation and Protective Measures For Trees Affected by Construction Policy and otherwise shall comply with any conditions imposed through the Director’s consent.

Planting of Trees

Prohibited Species

11(1) No person shall plant or place, or cause or permit the planting or placing of a tree of the type or species listed below upon public property:

(a) Acer negundo - Manitoba Maple;
(b) Acer saccharinum - Silver Maple;
(c) Populus spp. - Poplar Species;
(d) Salix spp. - Willow Species;
(e) Ulmus pumila - Siberian Elm; or
(f) Ginkgo biloba - Female only.

11(2) Unless authorized by the Director in writing, no person shall plant or place, or cause or permit the planting or placing of any coniferous trees upon public property.

Planting Trees on Public Property

12(1) No person shall, without prior written consent of the Director, plant or cause to be planted any tree on public property;

12(2) The City reserves the right, at its sole discretion, to plant, or to have planted trees on any portion of public property;

12(3) All trees planted by the City of Hamilton, or by any contractor or person on public property, are subject to this by-law, the City of Hamilton Street Tree Planting Policy – New Developments; and the City of Hamilton Street Tree Planting Policy – Planning & Design;
12(4) Any Tree planted or located on a highway is deemed to be a public tree and is subject to all the provisions and regulations contained in this by-law as well as to the City of Hamilton Street Tree Planting Policy – New Developments; City of Hamilton Street Tree Planting Policy - Planning & Design; and the City of Hamilton Street Tree Planting Policy – Rural Roadways.

13(1) Notwithstanding Section 12;

(a) Any tree planted on public property with or without the consent of the Director, is the property of the City, is deemed to be a public tree, and is subject to all terms and conditions as set out in this by-law;

(b) For greater certainty, a tree referred to in subsection (a) above may be treated as a public tree or removed as provided for in this by-law, and in particular, any tree removed by the City may be removed without compensation owing by the City, and if removed by someone other than the City without the required permission for removal by the City, may result in enforcement, claims for compensation, and replanting costs and orders, and if such tree planted is a prohibited species, may be removed by the City or its contractors at the expense of the person planting or causing such planting to occur.

Tree Planting on Private Property

14(1) Any tree planted on private property, whether planted by the City or by any other person, is the property of the land owner and as such is the owner’s sole responsibility;

14(2) The owner of property on which a private tree is standing shall not permit or leave the tree or branches thereof projecting over the highway or in such manner as to obstruct the reasonable and safe use of the highway.

Removal of Trees

15 All authorized public tree removals and all private tree removals or pruning carried out by or on behalf of the City shall be performed by the City or by a contractor approved by the Director.

16 Excluding those public tree removals performed as “necessary for the public interest”, as that phrase is defined in Section 18,

(a) The removal of all live, healthy public trees shall be subject to the provisions of the City of Hamilton Reforestation Policy- Municipally Owned Lands; and the City of Hamilton Public Tree Removal Policy;

(b) A person removing, injuring or damaging a public tree, where the Director in his sole discretion, decides that the tree needs to be replaced, shall, in addition to any enforcement, be subject to the requirements of the City of Hamilton Reforestation Policy.
Public Tree Removals

17 The Director is authorized to remove or cause to be removed a tree on public property when it is considered "necessary for the public interest", as that phrase is defined in Section 18, or in accordance with the City of Hamilton Public Tree Removal Policy.

Necessary for the Public Interest

18(1) For the purpose of Section 18, "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;

(g) A tree of poor quality, or undesirable species whose removal is required to facilitate new street tree plantings.

Naturalized Areas

19(1) No person shall remove, or cause, or permit the removal of any public tree that has fallen in a naturalized area from such area;

19(2) Any public tree that has fallen in a naturalized area and impedes on the use of public property may be cut back by the City of Hamilton so as to provide safe access and use of the public property, however, the tree will not be removed from the area.

Private Trees

20(1) Subsections (2) and (3) of this section do not apply where the City does not enter private property for its property or highway maintenance purposes, and in
particular do not apply when the City, from its own property, removes the portions of private trees growing upon or over its property and highways for the purposes of property or highway maintenance so as to ensure reasonable or appropriate use of the property or highway as determined solely by the City and the elimination of dangers or obstructions for users of the properties or highways; and further, any rights or permissions granted in this or any by-law to persons to maintain trees on private property or part of the road allowance, or other public property shall be subject to this provision for needs or maintenance purposes and so as to allow the City to meet the legal obligations to maintain its highways and carry out its intentions towards use of its properties for its own and the public benefit.

20(2) Pursuant to section 62 of the Municipal Act, 2001 and in accordance with section 431 of that Act where required, a municipal employee or a contractor of the municipality, for the purpose of tree trimming in relation to highways or for the maintenance of highways, may where necessary, at any reasonable time, enter on lands adjacent to any of its highways to:

(a) inspect or conduct tests on trees; or

(b) remove decayed, damaged or dangerous trees or their branches, where in the opinion of the employee or contractor, the tree or branch poses a danger to the health and safety of any person using the highway.

20(3) Pursuant to subsection 62(2) of the Municipal Act, 2001 a municipal employee or a contractor, where such person is of the opinion that a tree or branch of land adjacent to the highway poses an immediate danger to the health and safety of any person using the highway, where necessary and in accordance with paragraphs (b), (c) or (d) of section 431 of that Act where required, may enter the land without notice to remove the tree or branch.

20(4) Subsections (2) and (3) do not permit entry into a building on the land excepting where proper notices have been given or permissions obtained.

20(5) The owner of private property shall ensure that all trees growing partially on public property are maintained in good condition and state of repair, free of decay or damage, such that the tree or branches thereof do not pose a danger to persons on City properties or its highways.

20(6) The obligations in subsection (5) shall be deemed to include the requirement of the owner to cause or carry out such inspections and testing as are reasonably necessary to determine the condition of the private tree and its branches.

Regulations and Enforcement

Exclusions and Exceptions

21(1) The provisions of this By-law shall not apply to:
(a) The employees of the City of Hamilton while engaged in the performance of their duties; or

(b) The operators, drivers and attendants of authorized emergency services vehicles, Police Officers, Officers of the Hamilton Fire Service, or Municipal Law Enforcement Officers appointed by the Council of the City of Hamilton, while engaged in the performance of their duties.

(c) The operators, drivers and attendants of authorized public utility companies including, but not limited to, a natural gas utility, a hydro electric provider, and any other public utility, or telecommunication company, provided that their vehicles and crews are clearly identified by a crest or other marking and provided the operator, driver and/or attendant is actively engaged in the provision of any emergency services offered by the utility.

Enforcement

22 A Municipal Law Enforcement Officer, an employee of the City designated as an officer by the Director for the purpose of this Section or a police officer is authorized to inform any person of the provisions of this by-law, to issue warnings or notices, and to issue an order for discontinuance or for compliance therewith in the terms and content required by Section 137 of the Municipal Act, S.O. 2001, c. 25.

23(1) A Municipal Law Enforcement Officer or police officer may enforce the provisions of this by-law.

23(2) An officer appointed for the purposes of this by-law may be issued identification by the Director for purposes including the issuing of orders.

Penalty and Remedies for Breach or Contravention

24 Any Person contravening any provision of this by-law or contravening an order to discontinue issued under this by-law pursuant to section 137 of the Municipal Act is guilty of an offence, and upon conviction is liable to the fines and obligations for replanting and rehabilitation specified in Section 138 of the Municipal Act, S.O. 2001, Chapter 25.

25(1) In addition to any other remedy and to any penalty imposed by the By-law, a court in which a conviction has been entered under this by-law, and any court of competent jurisdiction thereafter may:

(a) Make an Order prohibiting the continuation or repetition of the offence by the person convicted; and

(b) Order the person to rehabilitate the land or to plant or replant trees in such a manner and within such period as the court considers appropriate, including any silvicultural treatment necessary to re-establish the trees.
Appendix “A” to Report PW06034

25(2) Where under this by-law a person is required or directed that a matter or thing be done and the person defaults or otherwise fails to comply, the Director may, pursuant to section 427 of the Municipal Act, 2001, carry out the thing or cause the matter to be done at the person’s expense, and recover the City’s costs as defined in that section by action or by adding the costs to the tax roll for the person and collecting them in the same manner as taxes.

Severance

26 Should a court of competent jurisdiction declare a part or whole of any provision of this by-law to be invalid or of no force or effect, the provision or part is deemed severable from this by-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its remaining terms to the extent possible under law.

Short Title

27 The Short Title of this by-law shall be “The City of Hamilton Public Trees By-law”.

Repeals and Enactment

28(1) The following by-laws of the former area municipalities, as may be amended, are hereby repealed: By-law No. 4156-95 (Stoney Creek), By-law No. 91-36-P (Flamborough), By-law No. 4502-99 (Dundas), By-law No. 4486-99 (Dundas), By-law No. 241-82 (Glanbrook), and By-law No. 92-155 (Hamilton).

28(2) Section 4(2) of By-law No. 86-077 (Hamilton Streets By-law), as may be amended, is hereby further amended in the following respects:

(a) At the beginning of the subsection, deleting the words “Subject to the provisions of this by-law respecting trees on highways, and”; and

(b) Repealing the words “grass, flowers and trees” and replacing them with the words “grass and flowers”

(c) Section 5 of By-law No. 86-077 (Hamilton Streets By-law), as amended, is hereby repealed.

(d) Sub-section 16(9) of By-law No. 86-077 (Hamilton Streets By-law), as may be amended, is hereby further amended by repealing the words “of trees” after the word “climbing”.

(e) In all other respects, By-law No. 86-77 (Hamilton) is confirmed without change;

28(3) By-law No. 328-86 (Glanbrook) as may be amended is hereby further amended by deleting “tree,” from clause 8(g), and in all other respects, By-law No. 328-86 (Glanbrook) is confirmed without change;
28(4) By-law No. 2000-118 (Ancaster) as may be amended, is hereby further amended in the following respects:

(a) the title to By-law No. 2000-118 (Ancaster) is repealed and replaced with the following:

"Being a By-law to Prohibit the Injury or Destruction of Specified Classes of Trees on Private Property in the Geographic District of former Town of Ancaster in the City of Hamilton";

(b) By-law No. 2000-118 (Ancaster) is amended by repealing and replacing section 2.20 with the following:

"2.20 "Owner" means the owner as registered on title to the lands.";

(c) By-law No. 2000-118 (Ancaster) is amended by repealing and replacing section 2.31 with the following:

"2.31 "woodland" means any area of private land of 0.2 hectare (0.5 acres) or more with at least:

(i) 1000 trees per hectare (405 trees per acre) of any size;

(ii) 750 trees per hectare (303 trees per acre) measuring over 5 centimetres (2 inches) DBH;

(iii) 500 trees per hectare (202 trees per acre) measuring over 12 centimetres (5 inches) DBH; or

(iv) 250 trees per hectare (101 trees per acre) measuring over 20 centimetres (8 inches) DBH, not including orchards or plantations. For the purposes of this by-law, the boundary of the woodland shall be defined by the ecological limit of the woodland and not by private property boundaries, and shall include the area up to the drip line of the woodland and any corridors measuring up to 30 metres in width. Where a potential woodlot is dissected by a corridor or natural feature such as a creek, the area of the woodlot shall be calculated exclusive of the area of the corridor or natural feature.";

(d) By-law No. 2000-118 (Ancaster) is amended by repealing and replacing clause 3.1.2(i) with the following:

"(i) Heritage Trees on private lands located outside of Woodlands;";

(e) By-law No. 2000-118 (Ancaster) is amended by repealing and replacing clause 5.1.1(ii) with the following:

"(ii) for the removal of Heritage Trees on private lands within 7.5 metres (25 feet) of the outer edge of an Occupied Building;";
(f) By-law No. 2000-118 (Ancaster) is amended by repealing sections 2.25, 5.1.2, 9.3.1, 9.3.2, 9.3.3, 9.3.4, 9.3.5 and 9.3.6 in their entirety;

(g) In all other respects By-law No. 2000-118 (Ancaster) is hereby confirmed without change.

29 Further to Sections 28 and 29, any references to the aforementioned by-laws and schedules in other City policies, signage or by-laws, as amended, antedating the passing and enactment of this By-law, shall be deemed a reference to this By-law.

30 This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this day of , 2006.

________________________________________  ________________________________
MAYOR                                    CLERK
THE CITY OF HAMILTON

PUBLIC WORKS DEPARTMENT
OPERATIONS AND MAINTENANCE DIVISION
Forestry and Horticulture Section

POLICY

SUBJECT: City of Hamilton Street Tree Planting Policy - Planning & Design

This policy forms part of the City of Hamilton Forestry Management Plan. In addition to the regulations listed in By-law 06-###, the provisions of this policy shall apply to all public trees on public property under the jurisdiction of the City of Hamilton. All definitions listed under Section 1 of By-law 06-### are deemed to have the same meaning and application in this Policy.

Planning Objectives

The Street Tree Planting Program and initiatives shall attempt to establish a robust and flourishing infrastructure of Street Trees that will provide maximum benefits to the community with minimal costs, and conflicts to abutting land uses, traffic circulation (pedestrian and vehicular) and regular maintenance programs. Planting works may be initiated by property owner request or by staff, and will comply with the Design and Layout requirements contained herein.

Planting Layout Regulations

1. Generally the planting of approved tree types will be allowed within road allowances subject to the following requirements:

   a) Day lighting Triangles: At the intersection of roadways or vehicular access points, no plant material with a mature height greater than 50 cm within a sight triangle measuring 9 m by 9 m along the boundary of each of the intersecting roadways, measured from the point of intersecting curb lines, except where engineering standards indicate otherwise shall be planted. Exemptions will be made in mature neighbourhoods where historical location patterns will be respected, particularly when existing trees within the area are replaced.

   b) Boulevard Width: Boulevards containing a minimum soft surface width of 1.75 m are eligible for tree planting.

   c) Boulevard Planting Curb Setback: Tree plantings in boulevards must achieve a minimum setback from the curb face of 80 cm.

   d) Curb Face Sidewalk Setback: Tree plantings adjacent to curb face sidewalks must achieve a minimum setback of 1.0 m (and remain in the road allowance)

   e) Driveway Setbacks: Tree plantings shall achieve a minimum setback of 1.5 m from driveways and alleyway entrances and shall ensure avoidance of eventual interference with or obstruction to any improvements installed for public benefit.
f) **Ditch Setbacks:** Tree plantings shall achieve a minimum setback of 1.5 m from the top of the back side of any ditch.

g) **Building Setbacks:** Tree plantings shall achieve a minimum setback of 3.0 m from any building or structure.

h) **Overhead Clearances:** Only low-growing tree species that do not attain a mature height greater than 6 m shall be planted under or within 3 m of any overhead power lines, exclusive of street light or service lines. Location exemptions will be made in mature neighbourhoods, where historical location patterns will be respected, particularly when existing trees within the area are replaced. Large growing trees planted within 3 m of the powerlines shall only be pruned by the City of Hamilton to allow the mature crown to grow around the lines.

i) **Utility Appurtenance Clearances:** Tree plantings shall achieve a minimum setback of 1.5 m radius of a fire hydrant, light standard, utility pedestal, transformer, or water valve.

j) **Tree Spacing:** Larger, maturing trees should be spaced 10 m apart and smaller maturing trees 6 m apart.

k) **Hard Surface Tree Plantings:** Tree plantings made in a sidewalk or other hard surfaces must have a minimum of 1.5 m² cut-out area. The tree must be set back from the road a minimum of 80 cm from the face of the curb.
This policy forms part of the City of Hamilton Forestry Management Plan. In addition to the regulations listed in By-law 06-###, the provisions of this policy shall apply to all public trees under the jurisdiction of the City of Hamilton. All definitions listed under Section 1 of By-law 06-### are deemed to have the same meaning and application in this Policy.

**Planning Objectives**

The regulations set forward in this policy are intended to support the continued growth and development of the urban and rural forest by providing opportunities for tree planting in rural areas of the City of Hamilton.

**Application and Approval**

Trees will be made available to rural property owners for planting within the road allowance adjacent to their property by application. Application forms are available through the Operations and Maintenance Division, Forestry and Horticulture Section or from the City of Hamilton’s web site.

**Planting and Maintenance Requirements**

The Forestry and Horticulture Section will provide all trees to be planted. Individual applicants are not permitted under any circumstances to source their own trees for planting.

The Forestry and Horticulture Section reserves the right to determine the size, number, and species of trees to be provided. Applicants may review the list of preferred species available on the City of Hamilton’s web site. Each property lot (residential, agricultural, industrial, institutional, and commercial) may submit one application per annum requesting tree planting. Each property lot is restricted to a total upset allocation of $4500 for tree planting on an annual basis. All trees will be provided on a first-come first-serve basis, subject to the availability of funding. Applicants are solely responsible for the planting and aftercare of all trees provided.

All trees provided for tree planting must only be planted on the municipal road allowance area. All trees must be planted a minimum of 1.5 m back from the top of the backside of the ditch, and must adhere to the requirements of the City of Hamilton Tree Planting Policy – Planning & Design. Trees shall not be planted on private property or in ditch areas.

Once planted, all applicants shall ensure that each tree is watered one time every two days until the tree is established. Applicants are also asked to monitor trees planted for insect and disease infestations, as well as signs of decline. Any problems or noticeable changes should be reported to the Forestry and Horticulture Section immediately. Applicants are also permitted to fertilize the trees once per year in the autumn, using a slow release nitrogen fertilizer, to encourage growth.
Fertilization should not be performed within the first year of planting, as there may be negative impacts to the root system.

All tree plantings are subject to a final investigation and inspection by Forestry Staff of the City of Hamilton.

All individuals undertaking to plant a tree or have a tree planted are subject to all rules and regulations listed in By-law XXXXX, as well as all policies forming part of the Forestry Management Plan. Failure to comply with all applicable rules and regulations may result in enforcement, claims for compensation, and replanting costs and orders.
THE CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
OPERATIONS & MAINTENANCE DIVISION
Forestry and Horticulture Section

POLICIES & PROCEDURE

SUBJECT: City of Hamilton Street Tree Planting Policy – New Developments

This policy forms part of the City of Hamilton Forestry Management Plan. In addition to the regulations listed in By-law 05-XXX, the provisions of this policy shall apply to all public trees under the jurisdiction of the City of Hamilton. All definitions listed under Section 1 of By-law 05-XXX are deemed to have the same meaning and application in this Policy.

Planning Objectives

These tree planting specifications are to serve as the standard for planting of all City of Hamilton new subdivision trees. Street tree plant material, planting methods and workmanship discussed in this section represent the standard of the City of Hamilton and shall be adhered to in the planting of street trees for private developments.

PROCEDURE

The developer agrees to provide and implement, at the developer’s expense a Street Tree Planting Plan for road allowance trees as prepared by a Certified Arborist or Landscape Architect to be submitted to the Director for approval prior to any street tree plantings. This plan shall detail recommended planting specifications based on the site plan location. The plan shall adhere to the specifications as set out in this document.

Plant Material

1. Plant material shall conform to the Canadian Standards for Nursery Stock. Plant material shall be of standard quality, true to name and type, and be a first class representative of the species or variety.

2. Only deciduous trees will be planted on the City of Hamilton road allowance (as per supplied Tree Species List). No coniferous plantings will be permitted.

3. All plant material is to be supplied by the developer.

4. No single species shall make more than 20% of the total street tree population. This is to prevent disease susceptibility and eventual uniformity. Trees shall not be planted in blocks.

5. Entrances and main thoroughfares must be planted in such a way as to create visual compatibility among trees. A 9 m X 9 m sight triangle shall be maintained at all intersections.

6. Plants shall have normal, well-developed branches and vigorous root systems. They shall be healthy, vigorous plants free from defects, decay, sunscald injuries, bark abrasions, insect pests and all forms of infestation or objectionable disfigurements.
7. Ball and burlapped trees shall be dug with solid balls of adequate size, the balls tightly bound with rope or twine.

8. Only trees with root balls of the following minimum size to meet the corresponding tree size will be accepted. Ensure root ball is large enough to accommodate at least 75% of the fibrous root system.

**Deciduous Trees**

<table>
<thead>
<tr>
<th>Minimum Caliper</th>
<th>Minimum Root Ball Diameter</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 mm</td>
<td>70 cm</td>
</tr>
</tbody>
</table>

9. The Director may request to inspect trees before they are planted.

10. Approved tree species lists will be provided; species shall be chosen from this list and the list may be amended at any time.

**Planting Standards and Workmanship**

1. Plant material shall be protected against abrasion, exposure and extreme temperature change during transit to the planting site.

2. Plant material shall be handled in a manner so as to cause the least amount of damage during the planting process.

3. Trees shall always be handled by the soil ball. Under no circumstance should they be dragged, lifted or pulled by the trunk or foliage parts in a manner that will loosen the roots of the ball.

4. On the job site, trees should be handled, secured or covered so as to prevent damage from wind or vibration. Trees should never be thrown or bounced off a truck or loader to the ground.

5. (a) Any abrasions of the bark or branches, caused in the planting operation shall be treated and corrected immediately.

   (b) Any or broken limbs caused in the planting operations shall be repaired immediately.

6. In cases where trees are apt to having their trunks scarred during the planting operation, the trunks must be protected with wrap or padding, to be removed after planting is complete.

7. Under no circumstances shall plant pits be left open when work is not in progress.


9. Tree installation shall not begin until the final grade has been set and the installation of the sod has been completed. At that time, written intent must be provided to the Director.

10. All twine or rope and plant labels secured around the trunk or branches shall be removed after planting is complete.
11. Trees that have their soil balls secured in a burlap sack shall have the burlap undone and peeled back, after the plant is placed and centered and stabilized in the pit and before backfilling occurs. The portion of the wire basket must be bent back and removed.

12. Trees shall be centered in pits with 5 to 8 cm of amended soil placed in the bottom so that the root collar is slightly elevated.

13. Trees shall only be pruned at the time of planting when it is necessary to promote strong scaffold branching (i.e. remove dead or poorly structured branches). V-branching less than 45 degrees and/or trees with co-dominant leaders will not be accepted. Trees shall never be clipped back or topped.

14. Support stakes must not be utilized on trees of 50 mm dbh or larger unless requested by the Director.

15. All trees shall be backfilled with un-compacted shredded topsoil of equal or better quality than the soil in which the plant originally grew. Soil amendments shall be thoroughly mixed into the backfill during the installation process as required. Soil amendments and backfill shall promote an acceptable pH and nutrition for root growth as required by the individual tree species being planted.

16. All trees must be mulched with wood chips to a depth of 5 to 10 cm; ensuring that there is less than 2.5 cm of chips near the base of the stem.

17. Maintenance activities such as watering will be ongoing for the duration of the guarantee period. As well, maintenance costs during the guarantee shall be borne to the party responsible for the planting of the tree (the developer).

18. All work shall be done in accordance with the Occupational Health and Safety Act and Regulations for Construction and/or Industrial Projects.

**Planting Layout Regulations**

1. Generally the planting of approved tree types will be allowed within road allowances subject to the following requirements:

   a) **Day lighting Triangles:** At the intersection of roadways or vehicular access points, no plant material with a mature height greater than 50 cm within a sight triangle measuring 9 m by 9 m along the boundary of each of the intersecting roadways, measured from the point of intersecting curb lines, except where engineering standards indicate otherwise shall be planted. Exemptions will be made in mature neighbourhoods where historical location patterns will be respected, particularly when existing trees within the area are replaced.

   b) **Boulevard Width:** Boulevards containing a minimum soft surface width of 1.75 m are eligible for tree planting.

   c) **Boulevard Planting Curb Setback:** Tree plantings in boulevards must achieve a minimum setback from the curb face of 80 cm.

   d) **Curb Face Sidewalk Setback:** Tree plantings adjacent to curb face sidewalks must achieve a minimum setback of 1.0 m (and remain in the road allowance)
e) **Driveway Setbacks**: Tree plantings shall achieve a minimum setback of 1.5 m from driveways and alleyway entrances and shall ensure avoidance of eventual interference with or obstruction to any improvements installed for public benefit.

f) **Ditch Setbacks**: Tree plantings shall achieve a minimum setback of 1.5 m from the top of the back side of any ditch.

g) **Building Setbacks**: Tree plantings shall achieve a minimum setback of 3.0 m from any building or structure.

h) **Overhead Clearances**: Only low-growing tree species that do not attain a mature height greater than 6 m shall be planted under or within 3 m of any overhead power lines, exclusive of street light or service lines. Location exemptions will be made in mature neighbourhoods, where historical location patterns will be respected, particularly when existing trees within the area are replaced. Large growing trees planted within 3 m of the powerlines shall only be pruned by the City of Hamilton to allow the mature crown to grow around the lines.

i) **Utility Appurtenance Clearances**: Tree plantings shall achieve a minimum setback of 1.5 m radius of a fire hydrant, light standard, utility pedestal, transformer, or water valve.

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THE CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
OPERATIONS & MAINTENANCE DIVISION
Forestry & Horticulture Section

POLICY

SUBJECT: City of Hamilton Reforestation Policy – Municipally Owned Lands

This policy forms part of the City of Hamilton Forestry Management Plan. In addition to the regulations listed in By-law 06-####, and in the City of Hamilton Public Tree Removal Policy, the provisions of this policy shall apply to all public trees on public property under the jurisdiction of the City of Hamilton. All definitions listed under Section 1 of By-law 06-#### are deemed to have the same meaning and application in this Policy. It should be noted that reimbursement for the total removal and replacement cost shall be sought by the Public Works Department.

Planning Objectives

The regulations set forward in this policy are intended to support the continued growth and development of the urban forest by providing that where trees are removed, injured or damaged, or otherwise lost, that, there will be funds available for their removal, repair and/or replacement.

Public Tree Removal Provisions – General Application

Any person, contractor, owner, or Department of the City of Hamilton shall ensure that the required permission is sought before undertaking the removal of any public trees. If permission is granted, the requestor shall be responsible for paying to the Forestry and Horticulture Section of the Public Works Department, the total removal and replacement cost for each tree removed, plus an additional administration fee.

Any person, contractor, owner or department of the City of Hamilton who damages or injures a public tree on public property shall be responsible for paying to the Forestry and Horticulture Section the replacement and removal cost of the tree, plus an additional administration fee, as outlined in the “Tree Removal Estimation” equation and the “Tree Replacement Estimation” equation below.

Any person, contractor, owner or department of the City of Hamilton who removes a public tree shall be responsible for reimbursing the Forestry and Horticulture Section for the complete removal and replacement cost of each tree, plus an additional administration fee, as outlined in this policy.

Public Tree Removal Provisions – Related to Landscape Budgets

Where any contractor, developer or City Department is undertaking to perform municipal operations, or development projects, and where approval has been granted for the removal of public trees, and where there is an approved budget for landscaping whose plans include but are not limited to the planting of trees, the department must adhere to the following conditions:

(a) If the approved landscaping budget for tree planting is greater than or equal to the cost for tree replacement (as calculated based on the estimation equation below), then the department will not be required to pay an additional cost for tree replacement as outlined in this policy;
(b) If the approved landscaping budget for tree planting is less than the cost for tree replacement costs (as calculated based on the estimation equation below), the department will be required to pay the variance between the approved budget allocation and the total collective costs for tree removal and tree replacement to the Forestry and Horticulture Section;

(c) In the absence of a landscape budget for tree planting, departments will be required to pay for all costs relating to tree removal and replacement as outlined in this policy.

(d) All funding shall be deposited into a tree planting reserve fund.

**Tree Removal Cost Estimation**

The estimated removal cost for all public trees shall be based on a sum total of the following criteria:

1. The total per hour wage of the crew which includes the Benefit Burden and the Supervisory Burden multiplied by the total hours required;
2. The hourly equipment rental rate for each piece of equipment used multiplied by the total hours required;
3. All fees associated with the transportation and dumping of debris and waste;
4. A 10% administration fee

**Tree Replacement Valuation Estimation**

The replacement fee for a tree that is/has been removed, damaged or the environment has been altered as to cause eventual tree mortality shall be based on the following equation:

(i) \[ \frac{\text{DBH of the Pre-existing Tree}}{\text{DBH of the Replacement tree}} = \text{the total number of replacement trees required} \]

Note: DBH is measured in millimeters

(ii) \[ \text{Total number of replacement trees required} \times \text{Cost per tree} = \text{Total replacement cost} \]

The replacement valuation for those trees of a significant value (historical, heritage, structural, age etc.), as determined by Director, shall be evaluated in accordance with the International Society of Arboriculture Standards for tree replacement value, as amended from time to time.

Where possible, the species of replacement trees shall be akin to the original tree that was removed. In those cases where this is neither practical nor feasible, the Forestry and Horticulture Section will choose from a list of appropriate species from which replacement trees shall be selected. Replacement trees shall only be installed on the site if the area conforms to the City of Hamilton Street Tree Planting Policy – Planning & Design.

Where possible, the total number of replacement trees shall correspond to the original number of trees removed. Where this is neither practical nor feasible, the Forestry and Horticulture Section will divert replacement tree funding to other tree planting initiatives in the City of Hamilton.
This policy regulations form part of the City of Hamilton Forestry Management Plan. In addition to the regulations listed in By-law 06-####, the provisions of this policy shall apply to all public trees under the jurisdiction of the City of Hamilton. All definitions listed under Section 1 of By-law 06-#### are deemed to have the same meaning and application in this Policy.

Planning Objectives

This policy seeks to provide additional preservation and protective measures for those trees which are affected by construction. The additional protective measures aim to conserve the vitality of the urban forest and tree health.

Application

In accordance with the protection policies provided to public trees under the “City of Hamilton Public Tree By-Law”, the following regulations shall apply to all contractors, engineers, architects and citizens working or affecting work in the in the vicinity of municipally owned trees.

Approvals

Written permission must be obtained from the Director prior to commencing any development, construction or activity within the dripline of municipally owned trees.

Reporting and Notification

All trees within the development areas are to be identified as public or private, and a tree management plan must be submitted for all trees on public property, prior to grading. This plan should appear in chart form and list all species, diameters at breast height (d.b.h.), proposed grade changes, property lines, proposed removals, relocations and trees to be preserved. The Director reserves the right to the final determination of which trees shall be preserved, removed, or relocated. All tree removals are subject to the provisions listed under By-law 06-#### and under the City of Hamilton Public Tree Removal Policy.

Protective Measures

1. All existing trees to remain on site, or on adjacent properties, shall be tagged and fully protected with fencing located beyond their dripline to the satisfaction of the Director. Tree protection zones may be expanded as required based on the species of the tree. These barriers are created to protect the roots, trunks and branches during development, as well as the understory and ground covers. Small lot by lot tree protection will require snow fencing with metal post enclosures. Long term development construction will require special paige
wire fencing or plywood to a minimum height of five feet. The type of fencing to be used is determined during the site inspection by the Director. Fences shall be located at a minimum of 0.5 times the crown radius of the tree from the dripline, 360 degrees around the perimeter of individual or clustered trees. Only areas within the tree protective fencing zone shall remain undisturbed and shall not be used for the storage of building materials, structures or equipment. This tree protection zone shall be completed prior to the commencement of site clearance, demolition, or any type of construction.

2. Surplus soil, equipment, vehicles, tools, debris or materials shall not be placed over the root systems of the trees within the tree protection zone. No contaminants shall be dumped or flushed where feeder roots of trees exist.

3. Tree roots typically spread well beyond the dripline of trees, up to 3.5 times the dripline radius, and are located predominantly within the top 30 cm of soil. As this area is not protected, activity should be kept to a minimum to prevent root damage and soil compaction. Where root systems of trees are exposed or damaged by construction work, the Director must be advised first before the roots are trimmed neatly and the area back-filled with topsoil.

4. Equipment shall not compact soil over the root zone of existing trees. To avoid damage to trees that are to be protected, access routes must be established away from protected areas. All access roads or pathways, regardless of how temporary, must be identified and approved by the Director.

5. Written permission must be obtained from the Director prior to commencing any work such as tunneling, torpedoing, digging or trenching within the dripline of any tree to minimize root injury, and to avoid soil compaction.

6. Wherever possible, avoid cutting surface roots. During excavation, if root cuts are necessary, it should be done quickly, making smooth flush cuts while supervised by an inspecting City of Hamilton Forestry representative. The roots shall be back-filled and watered before they have a chance to dry out. Where roots require removal, there may be a subsequent decline within the tree canopy. Branches should only be removed if dieback occurs.

7. Where limbs or portions of trees are damaged or must be removed to accommodate construction work, City of Hamilton Forestry personnel, in accordance with accepted arboricultural practices, will remove them. Measures shall be taken to prevent any further damage.

8. Where necessary, the trees will be given an overall pruning by the City of Hamilton Forestry personnel at appropriate stages during the construction process or development.

9. Unless authorized in writing by the Director, all individuals shall avoid disturbing original grades around trees in areas of the tree protection zone. In addition, road grades should match topography at the curb lines to maximize tree retention in boulevards and front yards.

10. If grades around protected trees are likely to change, the developer or their agents or contractors performing municipal operations for the City shall be required to take such precautions as dry welling, retaining walls and root feeding to the satisfaction of the Director.

11. At no time shall there be any placement, deposit, or storage of any stone, brick, sand, concrete, soil or any other material or equipment which may impede the free passage of water, air, or nutrients to the tree.

12. No cables, or ropes of any type shall be wrapped around or installed in, or on any trees.
13. Under any circumstances, should any part of the tree that is to remain after construction is completed, have signs or fences nailed to it, or survey markings or paint applied to the tree.

14. All vegetation within the tree protection zone, including trees, shrubs and grasses are to be watered, fertilized and maintained to an acceptable level as required.

15. New sidewalks, paving or asphalting must allow 1.5 m² of breathing space for tree roots, and must include, but not be limited to, such construction materials as interlocking stone and steel grating.

**Inspections and Redress**

1. The Director shall be notified to inspect all tree protection zones. These measures shall remain in effect until the completion of all work, at which time authorization from the Director must be obtained for the removal of the tree protection zone. The Director may, and shall, make periodic inspections while the tree protection zone remains in effect.

2. The Director must be notified immediately when any municipally owned tree is injured or destroyed during construction or development.

3. Any tree deemed by the Director, to have died or declined as a result of a construction related injury or stress within 24 months after the removal of the tree protection zone, will be removed by the City of Hamilton Forestry Section and suitable replacement trees will be planted. The cost of removal and replacement will be borne by the developer or contractor in accordance with the City of Hamilton Reforestation Policy – Municipally Owned Lands.

4. Prior to this final authorization, a site inspection will be performed to determine any deficiencies that may exist and recommend corrective measures to be followed. All departments shall ensure that the Forestry and Horticulture Section is contacted prior to the commencement of any work to arrange for a City of Hamilton Forestry Investigator to determine if any pre-existing damage is present, and catalogue the present condition of the tree.

5. During the time the tree protection zone remains in effect, the Director shall make periodic site inspections.
This policy forms part of the City of Hamilton Forestry Management Plan. In addition to the regulations listed in By-law 06-###, the provisions of this policy shall apply to all public trees on public property under the jurisdiction of the City of Hamilton. All definitions listed under Section 1 of By-law 06-### are deemed to have the same meaning and application in this Policy. In addition to these definitions, the following terms are defined for clarity within this policy:

“Municipal Operations” include, but are not limited to, activities such as road, sewer, water, and utility construction projects.

“Planning and Development Projects” involve the development of industrial, commercial, institutional or residential properties as a result of a Site Plan Control Application as well as the development of Plans of Subdivision.

All City Departments requiring tree removals as part of either Municipal Operations or Planning and Development Projects must seek the appropriate approvals in accordance with all established policies and by-laws.

I. Director Approval

Where it has been determined that the removal of public trees is required for Planning and Development Projects, or for Municipal Operations, and where the total number of trees to be removed for a particular project is less than 25 trees, the following conditions and requirements shall apply:

1. All Departments requesting tree removals where the total number of trees to be removed for the particular individual project is less than 25 trees, shall submit a letter of intent to the Forestry and Horticulture Section, as well as all landscape and tree management plans and information relating to the project. The following information must be identified in the submission:

   - Identification of all municipal trees on the affected site
   - Identification and quantification of all municipal trees being considered for removal
   - Identification of the species for each tree being considered for removal
   - The diameter at breast height measurement for each tree being considered for removal

2. The Director has the authority to approve the removal of public trees provided that the total number of trees to be removed for the particular individual project is less than 25 trees.
3. Approval from the Director may be granted following an investigation by staff of the Forestry and Horticulture Section concluding that all efforts have been made to accommodate or retain the subject public trees. The Forestry and Horticulture Section will perform an investigation of the site to ensure that all plans and documentation submitted conform to the plan of subdivision, or to any documentation relating to municipal operations, planning and development projects, or construction projects.

4. Written approval must be provided by the Director sanctioning the removal of those public trees which have been identified to be removed. The letters issued for said tree removals may include conditions as to time, location, area, equipment, number of trees, type of activity, release, indemnity and insurance coverage. The issuance of such a letter shall not relieve any person from the necessity of acquiring any license or permit required for such activity by a governmental agency or public authority. All letters issued for activities contemplated in this policy remain the property of the City of Hamilton and may be revoked or otherwise voided by the Director, at his sole and unfettered discretion, without notice.

II. Council Approval

Where it has been determined that the removal of public trees is required for Planning and Development Projects, or for Municipal Operations, and where the total number of trees to be removed for a particular project is greater than or equal to 25 trees, the following conditions shall apply:

1. Where the total number of public trees being removed is greater than or equal to 25 trees, Council approval must be granted.

2. All Departments requesting tree removals where the total number of trees to be removed for the particular individual project is greater than or equal to 25 trees shall submit a letter of intent to the Forestry and Horticulture Section, as well as all landscape and tree management plans and information relating to the project. The following information must be identified in the submission:
   - Identification of all municipal trees on the affected site
   - Identification and quantification of all municipal trees being considered for removal
   - Identification of the species for each tree being considered for removal
   - The diameter at breast height measurement for each tree being considered for removal

3. (a) The staff of the Forestry and Horticulture Section must be permitted the opportunity to investigate all proposed public tree removals, and provide comments which must be included in all reports going before Council for consideration.
   (b) All reports being circulated to Council for approval shall detail all information listed in Section 2.

4. (a) The Forestry and Horticulture Section will not write or submit reports to Council on behalf of the individual City Departments seeking tree removal.
   (b) The individual departments seeking tree removals are each responsible for writing and submitting all reports relating to tree removal must follow the appropriate channels, as determined by the City of Hamilton for reporting to Council, and shall ensure that all required information is presented to Council.
All public tree removals, whether approved by the Director or by Council are subject to the City of Hamilton Reforestation Policy.

**Notification Requirements**

1. Notice of tree removal will be provided to the affected property owner on the date of inspection by personnel of the Forestry and Horticulture Section, the Developer, or a contractor working for the City of Hamilton. Personnel of the Forestry and Horticulture Section, the Developer, or a contractor working for the City of Hamilton will speak with the affected property owner at the time of the inspection. Failing this, written notice of tree removal will be left at the residence as well as appropriate departmental contact information for follow-up.

2. Where trees are still in leaf, but have been approved for removal in accordance with the terms of the by-law and associated policies, a registered letter will be sent to the owner advising of the tree removal.
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Being a By-law to prohibit the injury or destruction of specified classes of trees on public and private property in the Town of Ancaster

WHEREAS the Council of the Corporation of the Town of Ancaster is empowered under section s.223.2 of the Municipal Act, R.S.O. 1990 c.M.45, as amended, to:

(a) Pass by-laws for prohibiting or regulating the injury or destruction of trees or any class of trees specified in the by-law in any defined area or on any class of land;

(b) Require that a permit be obtained for injury or destruction of trees specified in the by-law and prescribing fees for the permit;

(c) Prescribe circumstances under which a permit may be issued; and

AND WHEREAS the Regional Municipality of Hamilton-Wentworth Woodland Conservation By-law (ROO-054) protects specified tree species of specified sizes in all regional woodlands of 0.81 ha (2 acres) or greater; and

AND WHEREAS Council has determined that it is desirable to enact such a By-law for the purpose of protecting the unique diversity and character of the Town’s tree resources because of their ecological, cultural and economic value.

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF ANCASTER ENACTS AS FOLLOWS:

SECTION 1: BY-LAW TITLE

1.1 This By-law may be cited as the “Tree Protection By-law”

SECTION 2: DEFINITIONS

For the purpose of this By-law:

2.1 “building permit” means a building permit as issued under the Building Code Act, R.S.O. 1992, c.23, as amended, or any successor thereof;

2.2 “Clerk“ means the Clerk of the Town of Ancaster or successor authority;

2.3 “coppice growth” means where more than one tree stem grows from a single tree stump below a point 1.4 metres (4.5 feet) above the ground in an undisturbed state at the base of the tree;

2.4 “Council” means the Council of the Town of Ancaster or successor authority;

2.5 “DBH” means “diameter at breast height” and refers to the diameter, including the bark, of the stem of a tree measured at a point 1.4 meters (4.5 feet) above the ground in an undisturbed state at the base of the tree, except in the case of coppice growth where the point of measurement shall be at the point on the tree trunk where the tree stems separate, provided that the point of separation occurs below a point 1.4 metres (4.5 feet) above the ground in an undisturbed state at the base of the tree;
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2.6 “destroy” means the removal, harm or ruin of trees by cutting, burning, uprooting, chemical application or other means including irreversible injury which may result from neglect, accident, or design;

2.7 “Director of Planning and Building” means the Director of the Planning and Building Department or his designate or an equivalent successor authority;

2.8 “Director of Operations” means the Director of the Operations Department or his designate or an equivalent successor authority;

2.9 “drip line” means a point on the ground equivalent to the outer limits of the branches of the tree;

2.10 “emergency work” means any work necessary to protect lives or property, and may include utility repairs and structural repairs to a building;

2.11 “Good Arboricultural Practice” means the proper implementation of removal, renewal and maintenance activities known to be appropriate for individual trees in and around dense human settlements (i.e. urban settings) that minimize detriments to urban forest values including: significant trees, associated wildlife habitats, urban forest diversity and health, and significant views or vistas; “good arboricultural practice” includes pruning trees to remove dead limbs, maintain structural stability and balance, or encourage their natural form but does not include pruning to specifically increase light or space;

2.12 “Good Forestry Practice” means the proper implementation of harvest, renewal and maintenance activities known to be appropriate for a given Woodland and the environmental conditions under which it is being applied, and which minimizes detriments to significant ecosystems, important fish and wildlife habitat, soil and water quality and quantity, forest productivity, diversity and health, aesthetics and recreational opportunities of the landscape; “good forestry practice” includes:

(i) the retention of dead and snag trees in Woodlands for the provision of wildlife habitat or to contribute to forest sustainability;
(ii) the appropriate use of machinery, equipment, and timing of operations so as to minimize damage to the Woodland soil and ecosystem;
(iii) the destruction of trees that are:
    • diseased or insect-infested and should be cut or removed to prevent disease or insects from spreading to other trees;
    • damaged by natural causes (such as wind, ice or lightning) and should be cut because they are inhibiting the healthy development of the trees remaining in the Woodland;
    • approved for cutting by a certified tree marker or Registered Professional Forester in accordance with the guidelines laid out in this article (2.13);
    • of an invasive species not indigenous to the Region.

2.13 “harvesting” means the injury or destruction of trees and may be either a single cut or a series of cuts, and shall have the same meaning as logging;

2.14 “injure” includes any action or treatment which causes harm or irreversible damage to a tree and includes the injury of trees by changing grades around trees, compacting soil over root areas, severing roots, the improper application of chemicals, improper pruning or the removal of bark;
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2.15 “Heritage Tree” means any tree with a DBH of no less than 45 cm (18 in.) with the exception of
(i) all Willow species (Salix spp.)
(ii) all Poplar species (Populus spp.)
(iii) Siberian Elms (Ulmus pumila)
(iv) Manitoba Maples (Acer negundo), and
(v) Norway Maples (Acer platanoides).

2.16 “maintenance” includes all operations of trimming, pruning, spraying, injecting, fertilizing, cabling and bracing in accordance with Good Arboricultural Practice; pruning shall be limited to the appropriate removal of no more than one-third of the live branches or limbs of a tree;

2.17 “Occupied Building” means a permanent structure used or intended to be used for shelter, accommodation or enclosure of persons for residential, business, institutional or recreational purposes. For the purposes of this By-law, an attached garage shall be deemed to be part of an Occupied Building.

2.18 “Officer” means a By-law Enforcement Officer employed by the Town or successor authority, as appointed by Council, for the administration and enforcement of this By-law;

2.19 “orchard” means an area of land of at least one-fifth hectare under current cultivation having a fruit or nut tree density of at least sixty-five trees per hectare;

2.20 “owner” means the person identified in the most recent municipal assessment roll as the property owner pursuant to subsection paragraph 4 of the Assessment Act, R.S.O. 1990, c.A. 31;

2.21 “Permit” means the written authorization from the Officer, in the form of an approved permit application, in accordance with Schedule “E” of this By-law, to injure or destroy trees;

2.22 “Person” means any individual, public or private corporation, partnership, association, firm, trust, public agency, municipality or other entity and includes any legal representative(s) acting on behalf of or under the authority of such an entity;

2.23 “plantation” includes lands where trees of selected species have been planted or seeded in a pre-determined pattern or arrangement for the purpose of cultivation and sale at a later time, such as for the sale of Christmas trees, but does not include former plantations that have been left untended and may have naturalized;

2.24 “private lands” means any land not owned or leased by a public body or agency;

2.25 “public lands” include Town road allowances and municipally owned lands within the Town, as well as lands owned by a public corporation or agency;

2.26 “Qualified Tree Expert” means someone who has graduated from an accredited college or university with a diploma or degree in urban forestry, arboriculture or the equivalent. Qualified individuals include an arborist certified by the Ontario Training and Adjustment Board or by the International Society of Arboriculture, a consulting arborist with the American Society of Consulting Arborists, a Registered Professional Forester (R.P.F.) as defined in the Ontario Professional Foresters Act, or an
individual with comparable qualifications approved by the Director of Planning and Building;

2.27 Region" means the Regional Municipality of Hamilton-Wentworth;

2.28 "Town" means the Corporation of the Town of Ancaster;

2.29 "Tree" means any species of woody perennial plant which has reached or can reach a height of at least 4.5 meters (15 feet) at physiological maturity;

2.30 "Tree Preservation Area" means tree protection zones identified within specific development areas that have been approved by Council for inclusion in this By-law as shown in Schedule “B”;

2.31 "Woodland" means any area of land 0.2 ha (0.5 acres) or more with at least:
   (i) 1000 trees per hectare (405 trees per acre) of any size;
   (ii) 750 trees per hectare (303 trees per acre), measuring over 5 cm DBH (2 in);
   (iii) 500 trees per hectare (202 trees per acre), measuring over 12 cm DBH (5 in);
   (iv) 250 trees per hectare (101 trees per acre), measuring over 20 cm DBH (8 in);
not including orchards or plantations. For the purposes of this By-law, the boundary of the Woodland shall be defined by the ecological limit of the Woodland and not by private property boundaries, and shall include the area up to the drip line of the Woodland and any corridors (i.e. breaks in the Woodland canopy including but not limited to highways, roads, railway right-of-ways, lanes, paths, golf course fairways, utility lines or natural open spaces) measuring up to and including 30 m in width. Where a potential woodlot is dissected by a corridor or natural feature such as a creek, the area of the woodlot shall be calculated exclusive of the area of the corridor or natural feature;

2.32 "Woodland Management Plan" means a plan prepared by a Qualified Tree Expert according to guidelines set by the Ontario Ministry of Natural Resources or other recognized guidelines, which sets out short and long-term management strategies for a given Woodland in accordance with Good Forestry Practice;

2.33 "Zoning By-law" means the by-law regulating land use as provided for under the Planning Act, R.S.O. 1990, c.P.13, as amended, within the Town.

SECTION 3: SCOPE OF BY-LAW

3.1 APPLICATION OF BY-LAW

3.1.1 The provisions of this By-law shall apply to specified classes of trees (as listed in Section 3.1.2) located within the Urban Area boundaries within the Town as shown on Schedule “A” to this By-law, and within lands owned and managed by the Hamilton Region Conservation Authority pursuant to the Conservation Authorities Act, R.S.O. 1990, c. 27.

3.1.2 The provisions of this by-law shall apply to:
   (i) Heritage Trees on public and private lands located outside of Woodlands;
   (ii) Woodlands of 0.2 ha (0.5 acres) or more; and
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(iii) Tree Protection Areas as designated in Schedule “B” to this By-law.

3.2 NON-APPLICATION

The provisions of this By-law do not apply to:

(i) trees located within waste disposal sites as defined in Part V of the Environmental Protection Act, R.S.O. 1990 c.E.19;

(ii) activities or matters undertaken by the provincial or federal government or their agents;

(iii) the exercise of any rights or powers of Ontario Hydro Financial Corporation, pursuant to section 54(1) of the Electricity Act 1998, or any public utility board or commission that is performing its function for or on behalf of the Crown, given that the activities are conducted in accordance with Good Forestry Practice or Good Arboricultural Practice;

(iv) activities or matters authorized under the Crown Forest Sustainability Act, R.S.O. 1994 c.25;

(v) activities carried out pursuant to a Certificate issued under the Abandoned Orchard Act, R.S.O. 1990 c.A.1;

(vi) activities or matters prescribed by regulation by the Lieutenant Governor in Council;

(vii) drainage works under the Drainage Act, R.S.O. 1990 c.D.17 or the Tile Drainage Act, R.S.O c.T.8;

(viii) works authorized under a development permit issued under Section 24 of the Niagara Escarpment Planning and Development Act, R.S.O. 1990 c.N 2;

(ix) activities of any municipality or local board as defined in the Municipal Affairs Act, R.S.O. 1990 c.C.51, as amended or any successor thereof;

(x) works carried out under Section 26 of the Public Transportation and Highway Improvement Act, R.S.O.1990 c.P.50;

(xi) trees cut by a person licensed under the Surveyors Act R.S.O. 1990 c. S.29;

(xii) trees injured or destroyed in compliance with a tree saving or tree management plan imposed as a condition of a consent, plan of subdivision, plan of condominium or site plan approved by the Town or Region pursuant to the Planning Act, R.S.O. 1990, c.P.13, as amended, or any successor thereof;

(xiii) trees necessarily injured or destroyed while conducting emergency work authorized by the Director of Operations or the Director of Planning;

(xiv) the removal of damaged or destroyed trees in the interests of public safety, health and general welfare following any man-made or natural disasters, storms, high winds, floods, fires, snowfall, freezes.

3.3 COMPLIANCE WITH OTHER STATUTES AND BY-LAWS

In the event of any conflict between this By-law and a by-law passed under the Forestry Act, R.S.O. 1990 c.F.26, or any other statute or by-law, the provision that is the most restrictive of the injury or destruction of trees prevails.

3.4 INTERPRETATION

In this By-law, unless the context otherwise requires, words imparting the singular number shall include the plural and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the content so requires.
SECTION 4: GENERAL PROVISIONS

Except for the areas of non-application (Section 3.2) and permit exceptions (Section 5.1) provided in this By-law, no person or owner shall:

(i) remove, injure, or destroy a tree as prescribed in Section 3.1 of this By-law without a Permit;
(ii) cause through an agent the removal, injury, or destruction of a tree as prescribed in Section 3.1 of this By-law without a Permit;
(iii) contravene the terms of a Permit issued under this By-law or the conditions attached thereto;
(iv) cause or allow the unnecessary injury or destruction of trees during harvesting or while conducting renewal or maintenance activities required under Good Forestry Practices or Good Arboricultural Practices;
(v) fail to comply with an Order issued under this By-law;
(vi) remove, pull down, or deface any Order issued under this By-law without the consent of the Officer; and
(vii) obstruct or attempt to obstruct an Officer or a person acting under the Officer's instructions in the exercise of a power under this By-law.

SECTION 5: PERMITS

5.1 PERMIT NOT REQUIRED

5.1.1 A Permit for the injury or destruction of trees shall not be required:
(i) for the maintenance of Heritage Trees in accordance with Good Arboricultural Practice;
(ii) for the removal of Heritage Trees on public or private lands within 7.5 m (25 ft) of the outer edge of an Occupied Building;
(iii) for maintenance and harvesting activities in Woodlands conducted by designated staff or a Certified Tree Expert, on:
(a) Hamilton Golf Course & Country Club lands;
(b) lands owned and managed by the Hamilton Region Conservation Authority pursuant to the Conservation Authorities Act, R.S.O. 1990, c. 27.; and
(c) municipally owned lands;
(iv) where the removal or destruction of a tree is required because significant portions of the tree is considered dead, diseased or hazardous as certified by the Officer, a Qualified Tree Expert or the Director of Operations;
(v) for harvesting trees in a Woodland in accordance with an approved Woodland Management Plan provided that such work is undertaken in accordance with Good Forestry Practice and that a copy of such a Plan is submitted to the Clerk;
(vi) where trees are injured or destroyed in order to construct a building authorized by a municipal building permit applied for on or before the date that this by-law was enacted and passed;
(vii) where trees are injured or destroyed in order to install a domestic well or sewage disposal system authorized under Section 76 of the Environmental Protection Act, R.S.O. 1990, provided that no tree protected under this By-law is destroyed more than 7.5 m (25 ft) from the outer edge of the well or sewage system.

5.1.2 For proposed tree cutting activities undertaken by the Town for purposes outside the scope of Good Forestry Practices, the Town shall:
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5.1.3 For proposed tree cutting activities undertaken by the Conservation Authority or Hamilton Golf Course & Country Club for purposes outside the scope of Good Forestry Practices, the responsible person(s) shall obtain a Permit.

5.2 CONDITIONS FOR ISSUANCE OF A PERMIT

5.2.1 The Officer may issue a Permit to injure or destroy tree(s) where the Officer is satisfied that:

(i) the injury or destruction of the tree(s) is in accordance with Good Forestry Practice or Good Arboricultural Practice; or

(ii) the destruction of tree(s) is required to permit the establishment or extension of a use permitted by the Zoning By-law and there is no reasonable alternative to the destruction or injury of the tree(s).

5.2.2 The issuance of a Permit shall not be authorized where:

(i) the Permit Application form has not been submitted in full (i.e. without the application fee and/or without applicable Authorization Forms), or is considered incomplete by the Officer;

(ii) applications for rezoning, subdivisions or site plans related to lands on which the tree is located have been submitted to the Town or the Region but have not received final approval;

(iii) the tree is an endangered species as defined in the Endangered Species Act, R.S.O. 1990, c. E.15, or successor legislation;

(iv) for Woodlands, the proposed activity will reduce the number of trees below the minimum number of trees necessary to constitute a Woodland as defined in this By-law;

(v) the ecological integrity of a Woodland will not be adequately protected and preserved as determined by a Qualified Tree Expert or the relevant Conservation Authority;

(vi) flood or erosion control will be negatively impacted as determined by the relevant Conservation Authority;

(vii) the Officer is not satisfied that the applicant has undertaken to implement adequate replanting plans and/or a Woodlot Management Plan consistent with the principles of Good Forestry Practices.

SECTION 6: PERMIT APPLICATIONS

6.1 Every owner who intends on injuring or destroying a tree where a Permit to do so is required shall first complete a Permit Application form as set out in Schedule “C” to this By-law.

6.2 Where there is more than one owner of the land subject of the Permit Application, only one owner shall be considered the applicant. The other owners shall complete the Authorization Form as set out in Schedule “D” to this By-law.

6.3 The Permit Application shall be submitted personally or forwarded by pre-paid first class mail to the Clerk at least thirty (30) days prior to the planned destruction of any trees.
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6.4 All Permit Applications shall be accompanied by the prescribed, non-refundable fee as set out in Schedule “F” of this By-law.

6.5 The person responsible for injuring or destroying the trees shall provide proof of public and general liability insurance to the satisfaction of the Clerk.

6.6 The Officer may require the applicant to submit a report prepared by a Qualified Tree Expert regarding the reasons for the proposed destruction of trees.

6.7 Following receipt of a Permit Application an Officer or any person acting under the Officer’s instructions may inspect the lands to help determine whether or not a Permit, as set out in Schedule “E” to this By-law, should be issued.

6.8 Any Permit issued pursuant to this By-law shall be issued in the name of the owner and shall expire sixty (60) days after issuance unless a written request for an extension is received by the Clerk on or before the Permit expiration date.

6.9 Any request for a Permit extension which is received after the permit expiration date will require the submission of a new Permit Application.

6.10 A copy of the approved Permit should be posted on the property where the tree cutting is to take place for at least fourteen (14) days prior to and after the cutting takes place so that it is legible and visible to passers-by.

6.11 The Director of Planning and Building or the Officer shall, so far as is practicable, notify the Ward Councillor and abutting property owners of the Permit Application and whether or not it has been approved.

SECTION 7: ADMINISTRATION AND ENFORCEMENT

7.1 The Officer is responsible for administration of this By-law and is hereby delegated the authority to review Permit Applications, issue Permits and attach conditions hereto, issue Orders as set out in Schedule “G” to this By-law, and to designate or approve Qualified Tree Experts for the purposes of enforcing this By-law.

7.2 Each Officer shall be issued a Certificate of Designation by Town Council as in the form prescribed in Schedule “H” to this By-law.

7.3 The Director of Planning and Building shall ensure that the Officer is properly trained to perform her or his duties and shall supervise the Officer.

7.4 The provisions of this By-law may be enforced by:
(i) An Officer appointed for the purposes of this By-law by Council;
(ii) An assisting person designated by the Officer and acting under their instructions.

7.5 For the purposes of conducting an inspection to determine compliance with this By-law, designated Officers may, during daylight hours and upon producing a Certificate of Designation, enter and inspect any lands (but not buildings) to which this By-law applies.
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SECTION 8: ORDERS

8.1 Where an Officer is satisfied that a person has contravened any provision(s) of this By-law, the Officer has the authority to make an Order as per Schedule "G" to this By-law requiring the person to stop the injury or destruction of trees and to set out the particulars of the contravention.

8.2 A person to whom an Order under this section has been directed may appeal the Order by filing a notice of appeal with the Clerk within thirty (30) days after the date of the Order (refer to Section 9).

8.3 An Order issued may be served to the owner of the subject land(s) and/or to the person responsible for injury or damage to the tree(s).

8.4 An Order issued may be served personally or, by pre-paid registered mail to the last known address of the owner of the subject land(s) and/or to the person responsible for injury or damage to the tree(s).

8.5 The Officer shall also place a sign containing the terms of the Order in a conspicuous place on the subject lands. Where service cannot be effected under Sections 8.3 and 8.4, placing the placard on subject lands will be deemed sufficient service of the Order on the person and/or owner to whom the Order is directed.

SECTION 9: APPEALS

9.1 APPEALS REGARDING PERMITS

9.1.1 An applicant for a Permit under this By-law may appeal to the Ontario Municipal Board:
   (i) where the Officer refuses to issue a permit, within thirty (30) days after the refusal, or
   (ii) where the Officer fails to make a decision on a Permit Application, within forty-five (45) days after the Permit Application is received by the Clerk, or
   (iii) where the applicant objects to a condition in the Permit, within thirty (30) days after the issuance of Permit.

9.1.2 The Ontario Municipal Board may make any decision that the Officer who received the Permit Application for a permit could have made.

9.1.3 The decision of the Ontario Municipal Board is final and binding.

9.2 APPEALS REGARDING ORDERS

9.2.1 Where the person to whom the Order is directed has been served in accordance with this By-law is not satisfied with the terms of the Order, the person may appeal to Council by filing notice of appeal by personal service or pre-paid registered mail to the Clerk within thirty (30) days after the date of the Order.

9.2.2 Where an appeal has been filed, Council shall hear the appeal as soon as is practicable.

9.2.3 Before conducting a hearing under Section 9.2, the Clerk shall give appropriate notice.
9.2.4 After hearing an appeal, Council may confirm, modify or revoke any Order issued under this By-law or may extend the time for complying with the Order, provided that, in the opinion of Council, the general intent and purpose of this By-law and of the Official Plan have been maintained.

9.2.5 The decision of Council is final and binding.

9.2.6 The terms and conditions of an Order issued under Section 8.1 shall be final and binding:
   (i) upon the there being no appeal and the time for an appeal expiring;
   (ii) in the event that there is an appeal confirming the Order.

9.3 APPEALS REGARDING OFFENSES ON PUBLIC LANDS

9.3.1 If a person wishes to object to a proposed tree removal on public lands, they may appeal to Council by filing notice of appeal by personal service or pre-paid registered mail to the Clerk within thirty (14) days of the proposed activity date.

9.3.2 If the cutting has already taken place, the person may still appeal to Council to request appropriate replanting and site restoration.

9.3.3 Where an appeal has been filed, Council shall hear the appeal as soon as is practicable.

9.3.4 Before conducting a hearing under Section 9.3, the Clerk shall give notice in accordance with the Planning Act, R.S.O. 1990, c.P.13, as amended, or any successor thereof.

9.3.5 If Council supports the appeal, they may stop the proposed activity or require appropriate replanting and/or site restoration activities to be conducted within a specified time.

9.3.6 The decision of Council is final and binding.

9.4 APPEAL FEES

All appeal applications must be accompanied by the prescribed fee set out in Schedule “F” to this By-law.

SECTION 10: PENALTIES FOR NON-COMPLIANCE WITH BY-LAW

10.1 A person who contravenes any provision of this By-law, the terms or conditions of a Permit, or an Order is guilty of an offence and on conviction is liable;
   (i) on a first conviction, to a fine of not more than $10,000.00, and
   (ii) on any subsequent conviction, to a fine of not more than $20,000.00.

10.2 In addition to any other remedy and to any penalty imposed by the By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may:
   (i) make an Order prohibiting the continuation or repetition of the offence by the person convicted;
   (ii) may Order the person to replant or have replanted trees in such manner and within such a period of time as the court considers appropriate.
10.3 In addition to any other remedy and to any penalty imposed by the By-law, any such further contraventions may be restrained by action by the Town or a ratepayer thereof.

SECTION 11: VALIDITY OF THE BY-LAW

Where a court of competent jurisdiction declares any section or part of a section of this By-law invalid, the remainder of this By-law shall continue in force unless the court makes an Order to the contrary.

SECTION 12: SCHEDULES

Summary of Schedules attached hereto that shall form part of this By-law.

- Schedule “A”: Area of Application of the Tree Protection By-law
- Schedule “B”: Designated Tree Preservation Areas within the Urban Area – none designated to date
- Schedule “B-1”, none designated to date
- Schedule “C” – Permit Application Form
- Schedule “D” – Multiple Landowner Authorization Form
- Schedule “E” – Permit Form
- Schedule “F” – Permit and Appeal Fees
- Schedule “G” – Order Form
- Schedule “H” - Certificate of Designation Form

This by-law shall come into force and take effect on the date of its passing and enactment by Council.

ENACTED AND PASSED THIS 6th DAY OF NOVEMBER, 2000

[Signatures]

MAYOR

CLERK; TREASURER
THE CORPORATION OF THE TOWN OF ANCASTER

BY-LAW NO. 2000-118

SCHEDULE "A"

AREA OF APPLICATION OF TREE PROTECTION BY-LAW

[Map showing the area of application of the tree protection by-law]
THE CORPORATION OF THE TOWN OF ANCASTER

BY-LAW NO. 2000-118

-13-

SCHEDULE "B"

DESIGNATED TREE PRESERVATION AREAS

No Tree Preservation Areas have been designated to date, however Schedule "B" is designed to allow for the insertion of these areas into the By-law in the future. Schedule "B" should be an "overview" map while the associated inserts ("B-1", "B-2", etc) should show the boundaries of the specific Tree Preservation Areas. The requirements for these Schedules is outlined in the report Section 4.2.7.
THE CORPORATION OF THE TOWN OF ANCASTER

BY-LAW NO. 2000-118

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SCHEDULE “C”

TOWN OF ANCASTER
300 Wilson Street East, Ancaster, Ontario L9G 2B9

INSERT TOWN CREST

Phone (905) 648-4447, Fax (905) 648-9457

Please remember to:
1. Include Land Owner Authorization Form(s) (see Schedule “D” to this By-law) in cases where more than one landowner is involved.
2. Fill out the application form in full and include the required fees, if applicable (see Schedule “F” to this By-law).
3. Deliver the completed form personally or send it by pre-paid first class mail to the Town Clerk at least thirty (30) days prior to any injury or destruction of any trees protected by this By-law.

Under no circumstances shall the injury or destruction of trees commence until the permit application has been approved and a permit (as per Schedule “E” in this By-law) issued. Failure to comply with the provisions of this By-law may result in legal action.

1. Land Owner*
Name: ____________________________
Address: ____________________________
Postal Code: ____________________________ Fax No.: ____________________________
Telephone No. - Business: ____________________________ Home: ____________________________

*In cases of multiple landowners, list the primary Land Owner here and attach Land Owner Authorization Forms as required.

2. Tree Cutting Contractor (if different from Land Owner above)
Name: ____________________________

3. Contact Person for Contractor/Owner
Name: ____________________________
Address: ____________________________
Postal Code: ____________________________ Fax No.: ____________________________
Telephone No. - Business: ____________________________ Home: ____________________________
Name of Public and General Liability Insurance Carrier: ____________________________
Insurance Minimum $ ____________________________

4. Land Description
Lot: ____________________________ Concession: ____________________________ Township: ____________________________
Municipal Street Address: ____________________________

5. Time Period
THE CORPORATION OF THE TOWN OF ANCASTER

BY-LAW NO. 2000-118

-15-

Expected Starting Date: ____________________________

Expected Completion Date: ____________________________

6. Information on Property and Tree(s)/Woodland

Attach a sketch and/or survey showing:

- limits of land owner’s property and adjacent roads
- artificial features such as fence lines, buildings and structures, rail lines, and internal road
- natural features such as streams and wetlands

Describe the trees to be destroyed by providing:

- number, species, and size (dbh)
- type of Woodland, if applicable (i.e. Sugar Maple-Beech forest)
- location on property and/or portion of Woodland where trees are to be destroyed
- any other relevant information about the tree(s) or stand

7. Has the Ministry of Natural Resources or a Qualified Tree Expert, marked this tree/woodlot for cutting?

NO ___ YES ___ Name: ____________________________
Telephone: ____________________________

8. Is the tree/woodlot within an area controlled and/or regulated by the Niagara Escarpment Commission?

NO ___ YES ___

9. Describe the reason for the tree destruction and the method of removal i.e. (cutting, burning etc.)

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

I agree that the tree cutting operations will be conducted in accordance with the Town of Ancaster Tree Protection By-law No., and that I am familiar with the contents and requirements of that By-law and acknowledge having received a copy thereof, and in signing this application, I am acting with the full authority and permission of the land owner and on his/her behalf.

DATED AT ______________________ THIS ______________________

DAY OF ______________________

Signature of Land Owner ______________________

Deliver personally or forward by first class mail to:

The Clerk of the ______________________ of ______________________

Address for Delivery: ______________________

Address for Mailing: ______________________

Permit Application for Tree Protection By-law
THE CORPORATION OF THE TOWN OF ANCASTER

BY-LAW NO. 2000-118

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SCHEDULE “D”

TOWN OF ANCASTER
300 Wilson Street East, Ancaster, Ontario L9G 2B9
Phone (905) 648-4447, Fax (905) 648-9457

INSERT TOWN CREST

LAND OWNER’S AUTHORIZATION FORM

I, _____________________________________________
Name of Land Owner (Please Print or Type)

being one of the registered owners of the subject lands, hereby authorize

_____________________________________________
Name of Applicant (Please Print or Type)

to prepare and submit an application on my behalf.

_____________________________________________
Signature

_____________________________________________
Date (Day/Month/Year)
THE CORPORATION OF THE TOWN OF ANCASTER

BY-LAW NO. 2000-118

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SCHEDULE “E”

TOWN OF ANCASTER
300 Wilson Street East, Ancaster, Ontario L9G 2B9
Phone (905) 648-4447, Fax (905) 648-9457

INSERT TOWN
CREASE

1. Landowner

Name: 
Address: 
Postal Code: 
Telephone No.: 

2. Land Description

Lot: Concession: 
Area 
Municipality 

3. Expected Starting Date

Permit Expiration Date 

4. Tree Cutting Contractor:

(if different from Land Owner above)

5. Contact Person for Operation/Owner

Name: 
Address: 
Postal Code: 
Telephone No.: 

6. CONDITIONS

☐ The unnecessary injury or destruction of any tree not authorized by this permit during removal and/or harvesting or while conducting harvesting renewal and maintenance activities is hereby prohibited.

☐ Upon completion of the removal and/or harvesting of destroyed trees, specified trees shall be replanted in accordance with replanting plans approved by the By-law Officer.

☐ Upon completion of removal and/or harvesting of destroyed trees, all crowns, branches, and other woody debris shall be removed leaving the site in a clear and clean condition.

☐ All requirements of a Woodlot Management Plan, approved by a Registered Professional Forester, and as approved by the City Clerk shall be complied with.

☐ The injury or destruction of trees and any required clean up or re-planting plans
authorised or required by this permit shall be complied with on or before the expiration of this permit.

☐ A copy of the approved Permit should be posted on the property where the tree cutting is to take place for at least fourteen (14) days prior to and after the cutting takes place so that it is legible and visible to passers-by.

☐ A report by a Qualified Tree Expert (i.e., a Certified Arborist or Registered Professional Forester) is required before the requested activity can take place

Other:

____________________________________

____________________________________

____________________________________

____________________________________

____________________________________
THE CORPORATION OF THE TOWN OF ANCASTER
BY-LAW NO. 2000-118

SCHEDULE “F”
PERMIT AND APPEAL APPLICATION FEES

The following fees shall be payable for permit applications and appeal applications submitted pursuant to Sections 6 and 9 of the Town of Ancaster’s Tree Protection By-law No,

1. One Tree (in calendar year): NO CHARGE

2. Two to Ten Trees: NIL

3. Eleven to Twenty Trees: NIL

4. Over Twenty Trees: NIL

5. Appeal to Council: NIL
THE CORPORATION OF THE TOWN OF ANCASTER

BY-LAW NO. 2000-118

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SCHEDULE “G”

TOWN OF ANCASTER
300 Wilson Street East, Ancaster, Ontario L9G 2B9

INSERT TOWN
CREST

ORDER

PURSUANT TO SECTION 8 OF THE TOWN OF ANCASTER TREE
PROTECTION BY-LAW NO.

<table>
<thead>
<tr>
<th>Issued to:</th>
<th>Permit No:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal Address:</td>
<td></td>
</tr>
<tr>
<td>Legal Address:</td>
<td></td>
</tr>
<tr>
<td>Location of Lands</td>
<td></td>
</tr>
</tbody>
</table>

An inspection of the lands named herein on ___________ has disclosed that the conditions of a permit issued on ___________ by the Town Clerk have not been complied with and/or Section _______ of By-law No. ______ has been violated.

THEREFORE TAKE NOTICE THAT:

1. The injury and destruction of trees on these lands is hereby Ordered Stopped Forthwith

2. The injury or destruction of trees shall **not** resume without the approval of the Town’s By-law Officer and unless the provisions of this By-law or the conditions attached to Permit no. ______ are complied with on or before

3. If you are not satisfied with the terms of this Order, you may appeal to Town Council by sending notice of appeal by personal service or by certified mail to the City Clerk within thirty (30) days of the date on this Order.

4. In the event that no appeal is taken, the Order shall deemed to have been confirmed.

Section 4 of By-law No. states: **No person shall remove, pull down, or deface any Order issued under this By-law without the consent of the Officer**

Every person who contravenes any provision of this by-law or an Order issued pursuant to this by-law is guilty of an offence and on conviction pursuant to the provisions of subsection 223.2 (15) of the Municipal Act R.S.O. 1990, c.M. 45 is liable;

(a) on a first conviction, to a fine of not more than $10,000.00, and

(b) on any subsequent conviction, to a fine of not more than $20,000.00.

Date ____________________ By-Law Enforcement Officer ____________________
THE CORPORATION OF THE TOWN OF ANCASTER

BY-LAW NO. 2000-118

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SCHEDULE “H”

TOWN OF ANCASTER
300 Wilson Street East, Ancaster, Ontario L9G 2B9

INSERT TOWN CREST

(issued pursuant to Section 223.2 (8)

THIS CERTIFIES
THAT:

IS DESIGNATED AN OFFICER UNDER THE TOWN OF ANCASTER TREE PROTECTION BY-LAW NO. TO INSPECT ANY LAND IN THE TOWN OF ANCASTER TO ENFORCE THE AFORESAID BY-LAW AND ITS REGULATIONS RESPECTING THE INJURY OR DESTRUCTION OF TREES IN THE TOWN.

CERTIFICATE ISSUED THIS _____ DAY OF ______________________

_________________________

Clerk-Treasurer
THE CORPORATION OF THE TOWN OF DUNDAS

BY-LAW NO. 4502-99

A BY-LAW OF THE CORPORATION OF THE TOWN OF DUNDAS, BEING A BY-LAW TO AUTHORIZE AND REGULATE THE PLANTING OF SHADE OR ORNAMENTAL TREES UPON ANY HIGHWAY IN THE TOWN AND TO REPEAL BY-LAW NO. 2518.

WHEREAS Section 312, of the Ontario Municipal Act, R.S.O. 1990, c.M.45, as amended, authorizes the Council of a local municipality to pass by-laws regulating the planting of shade or ornamental trees upon any highway;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF DUNDAS ENACTS AS FOLLOWS:

1. In this By-law:

“Council” means the Council of the Corporation of the Town of Dundas;

“Highway” means every road and every road allowance, either open or unopened, within the limits of the Corporation of the Town of Dundas;

“Director” means the Director of Public Works;

“Tree” means those trees more particularly described on Schedule ‘A’ to this By-law.

2. No person shall injure or destroy any tree planted on any highway.
3. The Director of Public Works is hereby authorized to remove any tree planted on a highway when considered to be necessary.

4. No person shall plant on any highway any species of tree not described on Schedule ‘A’ attached hereto.

5. (1) Except as provided in Subsection 5(2), no public tree growing on a highway shall be removed without prior notification being given to the abutting property owner.

(2) Notification of public tree removal may be waived by the Director in an emergency situation where a public tree endangers public health, or public or private property.

(3) The notice required to be given by Subsection 5(1) may be given by leaving it with a person who appears to be over 18 years of age residing on the land or if personal contact is not possible, by posting it in a conspicuous place on the land.

6. The Director is hereby authorized to supervise the planting of trees and the trimming of trees planted upon highways.

7. No person shall attach any object or thing to a tree located on a highway except with the consent of the Director.
8. No person shall remove or cut down or injure any tree growing upon a highway unless specific approval therefore has been granted by the Director.

9. Any person who contravenes any provision of this By-law is guilty of an offense and is liable upon conviction under the Provincial Offences Act to a fine of not more than $5,000.00.

10. By-law No. 2518 be repealed.

READ a First, Second and Third time and PASSED this Sixteenth day of August, 1999.

[Signatures]

MAYOR

CLERK
SCHEDULE ‘A’

General Preferred Varieties – Roadside

Sugar Maple (Acer Saccharum) (65 Feet)

A hardy native tree, somewhat slow growing but desirable for symmetrical form and bright Fall colours. A beautiful street or lawn shade tree.

Norway Maple (Acer Plantanoides) (50 – 60 Feet)

Is a strong branched tree that will provide cool dense shade for a lifetime. While it prefers a good soil, it will tolerate tougher spots than will the Sugar Maple. The Fall colour is yellow. Makes an excellent street tree.

Deborah Maple

An improved Schwedler with red leaves in the Spring that turn to green.

Schwedler Maple

Rich purplish-red foliage in Spring that turns to dark green in summer. Desirable ornamental shade tree.

Crimson King (35 Feet)

Rich purple foliage. Colour is retained throughout the summer until leaves fall in the Autumn. Not as rapid a grower as the green leafed forms.

Royal Red

An improved Crimson King with dark red leaves all Summer.

Red Maple (Acer Rubrum) (50 – 60 Feet)

Often called Red Maple because of its scarlet flowers in Spring and red Fall colour. This well shaped tree grows fairly fast in most soils.
SCHEDULE ‘A’ (Continued)

Morgan Red Maple

A new and very hardy selection of *Rubrum* Maple. This tree features a very symmetrical form and consistent Fall colour. (Bright red Fall colour).

Emerald Queen Maple

Very rapid grower with a straight trunk and a good branching habit. The dark glossy green foliage is very attractive. Does well in urban areas.

Littleleaf Linden (*Telia Cordata*) (45 Feet)

A medium sized, fast growing tree with rounded form, dense glossy foliage. Very fragrant flowers. For lawns and boulevards.

Greenspire Linden (*Telia Greenspire*)

It has a very narrow dense head and small heart-shaped leaves.

Sunburst Locust

The new growth is bright yellow. A showy seedless and thornless lawn specimen.

Pin Oak (*Quercus Palustres*) (50 Feet)

Tall growing with symmetrical pyramidal form. Dark green foliage turns scarlet in Fall. Excellent lawn tree.

Red Oak (*Quercus Rubra*) (60 Feet)

Red fall colour, glossy leaves and strong wood makes this a good shade tree. Contrary to popular belief, it grows fast as do most shade trees.
SCHEDULE ‘A’ (Continued)

**Ornamental Trees – Site Specific**

**European Mountain Ash (Sorbus Aucuparia) (20 – 30 Feet)**

A valuable ornamental tree with showy orange-red fruit in August and September. Clear bright green foliage.

**Russian Olive (Elaeagnus Angustigolia) (20 Feet)**


**Austrian Pine (Pinus Nigra) (50 Feet)**

Long, stiff dark green needles. Fast growing heavy appearance. Tolerates adverse exposures and soil conditions. Excellent as specimen, screen or background. (Tolerates salt conditions.)

**Colorado Green Spruce (Picea Pungens) (75 Feet)**

Very regular pyramidal growth. Needles are stiff and spiny dark green in colour. Use with discretion. It makes a beautiful specimen or background tree. Prefers cool soil.

**Cedar (Arborvitae American) (Thuja Occidentabilis) (20 – 30 Feet)**

The Arborvitae or White Cedar as it is sometimes called has soft green foliage. It can grow in the sun or shade, but some varieties may winter burn in full sun. The tall varieties are good for screening.

**B.I.A. Area**

**Green Ash (Fraxinus Pennsylvanice Lanceolata)**

A fast growing shade tree with strong wood and oval form. Will grow in almost any soil and is quite hardy. Ash are used as street trees, lawn shade trees and in wind breaks.
White Ash (*Fraxinus Americana*)

This is a fast growing tall tree, ideally suited to situations where an immediate effect is desired. The oval crown that develops as this tree matures is particularly handsome.

**Honey Locust (*Gheditsia Tricanthosinermus*) (35 – 60 Feet)**

A fast growing shade tree with fine leaves that produce a light filtered shade. It will grow in most soils and tolerates drought.

**Shademaster Locust**

An outstanding thornless locust with upright uniform growth.

**Linden**

Best for dry areas. Third choice. Description – see General Varieties.
THE CORPORATION OF THE TOWN OF DUNDAS

BY-LAW NO. 4486-99

A BY-LAW OF THE CORPORATION OF THE TOWN OF DUNDAS, BEING A BY-LAW TO REGULATE THE USE OF PARKS (OPEN SPACE LANDS)

WHEREAS Section 11 of the Public Parks Act, c.P. 46, R.S.O. 1990, as amended, permits councils to pass by-laws for the use, regulation, protection and government of parks, avenues, boulevards and drives;

AND WHEREAS Section 19(e) of the Public Parks Act, c.P. 46, R.S.O. 1990, as amended sets out prohibitions and penalties in parks, avenues, boulevards and drives;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF DUNDAS HEREBY ENACTS AS Follows:

1. In this By-law,

   (a) "Buffer Zone" means an area for either cutting or full naturalization maintained by the Town;

   (b) "Landscape" means plant trees, bushes, shrubs, grass or flowers and cut trees, bushes, shrubs or grass and remove flowers;

   (c) "Managed Succession" means natural succession assisted through management as set out in Schedule 'B' attached hereto;
(d) "Natural Zone" means an area to be fully naturalized;

(e) "Park" means the open space as shown on Schedule 'A' attached hereto identified as A1, A2, A3, A4, A5 and A6;

(f) "Transition Zone" means any land remaining between the Buffer Zone and the Natural Zone.

2. A maximum of 3.05m (10') distance from the property line will be maintained as a "Buffer Zone" provided that a minimum distance of 2.75m (9') distance termed a "Natural Zone" is fully naturalized from the top of the creek bank in the area marked 'A1' on Schedule 'A' attached hereto. Any land remaining between these two zones, known as the "Transition Zone" will be maintained as "Managed Succession".

Veterans' Memorial Park identified as 'A2' on Schedule 'A' attached hereto will be maintained to park standards with the exception of the slopes on the north side of the path leading to the creek and bridge crossing where full naturalization will be increased to within 6.09m (20') of the path.

4. The slope on the north side of Huntingwood Avenue between Castlewood Boulevard and Willowtree Court including the culverts identified as 'A3' on Schedule 'A' attached hereto will be maintained as "Managed Succession" to the present treeline wherever possible.
5. The area identified as 'A4' on Schedule 'A' attached hereto from the sidewalk up to the existing row of trees approximately 6m (21') on the south side of Huntingwood Avenue between 56 Huntingwood Avenue and Creekwood Place will be cut by Town staff except where already naturalized.

6. The area identified as 'A5' on Schedule 'A' attached hereto, being the perimeter of the open area at the end of Willowtree Court will be maintained as "Managed Succession" with the existing open cut area to remain as is and the remaining 19.8m (65') to be fully naturalized.

7. The area identified as 'A6' on Schedule 'A' attached hereto in the Sullivan's Lane/Huntingwood Avenue area to the east will be maintained as open space with the slopes and perimeter being maintained as "Managed Succession".

8. No person shall cut grass or plant trees in the area known as the "Natural Zone".

9. No person shall cut grass or plant trees in the area known as the "Buffer Zone".

10. No person shall cut grass or plant trees in the area identified as 'A2' on Schedule 'A' attached hereto except in accordance with Section 3 of this By-law.

11. No person shall cut grass or plant trees in the area identified as 'A3' on Schedule 'A' attached hereto except in accordance with Section 4 of this By-law.
12. No person shall cut grass or plant trees in the area identified as 'A4' on Schedule 'A' attached hereto except in accordance with Section 5 of this By-law.

13. No person shall cut grass or plant trees in the area identified as 'A5' on Schedule 'A' attached hereto except in accordance with Section 6 and Schedule 'B' of this By-law.

14. No person shall cut grass or plant trees in the area identified as 'A6' on Schedule 'A' attached except in accordance with Section 7 and Schedule 'B' of this By-law.

15. No person shall landscape in the area marked as "Transition Zone" as shown on the attached Schedule 'A' except in accordance with the "Managed Succession" Policies of the Town of Dundas attached as Schedule 'B'.

16. Any person who contravenes any provision of this By-law is guilty of an offence and is liable upon conviction under the Provincial Offences Act to a fine of not more than $5,000.00.

READ a First, Second and Third time and PASSED this Seventh day of June, 1999.

\[Signature\]

MAYOR

\[Signature\]

CLERK
MANAGED SUCCESSION

The following description of Managed Succession is taken in part from Restoring Natural Habitats, a 1995 Waterfront Regeneration Trust, September 1995.

This approach, first developed in the Netherlands and Britain, is based on the principle of natural succession assisted through management. Planting is initiated with pioneer or fast growing nurse species, continues with slow growing trees, and evolves over time into a climax stand.

Composition, character and uses of the woodland will be quite different as it evolves. The nurse crop functions to improve soil drainage, fix nitrogen, stimulate soil micro-organisms, and create a microclimatic environment suited to the development of climax vegetation.

There are different options that could be considered, however it should remembered that site conditions like moisture, soil type, slope aspect (angle towards the sun), existing vegetation and climate should be considered in determining the species to be planted.

The following assumes the climax state will be a wooded area. This area is riparian - occurring along the banks of the Ann Morden Creek. Seasonal fluctuations in water level along creek will have an impact on what species will survive there.

OPTION 1: INITIAL PLANTING OF PIONEER SPECIES ONLY:

- quickly creates the woodland environment, with canopy closure. Improves the micro climate for climax species;
- requires planting of climax species at a later date;
- relies on natural succession for introducing climax species (requires a seed source and may be slower);
- the final composition of the woodland will be different from the species originally planted.

OPTION 2: COMBINATION OF PIONEER AND CLIMAX SPECIES:

- fast growing pioneer species and climax species are planted at same time;
- they quickly improve microclimate while the slower growing climax species become established;
- replaced naturally by climax species as the woodland matures the final composition of the woodland will change over time;
- establishment of climax species may take longer or they may not survive.
OPTION 3: INITIAL PLANTING OF CLIMAX SPECIES ONLY:

slower growth of climax species results in much longer restoration process; the final composition of the woodlands reflects the species originally planted.

OPTION 4: PLANTING OF A SINGLE SPECIES:

common in forestry applications results in plantations that are not self-sustaining and are considered to have low ecological value.

AS PART OF ECOLOGICAL RESTORATION, A MIXTURE OF PIONEER AND/OR CLIMAX SPECIES IS MORE APPROPRIATE

The following table illustrates the species that would be suited to the Ann Morden Creek site at Veterans Park.

NUCLEATION

Nucleation is another approach identified in the above-mentioned reference and consist of planting patches of trees. This allows for key species to become established, which accelerates natural regeneration. Clumps must be sufficiently large to ensure that the trees are viable and survive in good condition. Over time, groves gradually become larger and eventually coalesce, creating an uneven aged woodland.

May be most cost effective where large areas are to be restored to forest.

GLOSSARY OF TERMS USED IN MANAGED SUCCESSION DOCUMENT

CANOPY

An almost continuous layer of foliage formed by the crowns of older trees. Shades the layers of vegetation below.

CLIMAX

This refers to the last stage of plant succession in a given region. More specifically, the climax flora comprises a particular group of dominant plants, e.g., the sugar maple-basswood community and associated trees in northern areas of the deciduous forest. The climax community is for a given region is usually limited by climate.
EARLY SUCCESSIONAL SPECIES - Pioneer

LATE SUCCESSIONAL - Climax

MICROCLIMATE

The growing conditions in a small area. Includes many aspects of the environment, such as temperature, humidity and soil conditions.

NURSE CROP

The establishment of a species that creates a better growing environment for another species.

PIONEER SPECIES

Species that establish in the early stages of succession

RIPARIAN - occurring along the bank of a watercourse.

SUCCESSION

1. A process in which shade-intolerant plant communities ultimately are replaced by more tolerant plant communities, until the climax community is attained. Forest plant communities progress through four stages of succession: bare soil, grass/forb, shrub and tree.

2. A series of changes in the composition of the plant and animal life of an area. Usually ends in a stable climax community that is in equilibrium with the environment.
The following list describes observed vegetation at Veterans Park along Ann Morden Creek. This includes a list of early successional (pioneer) and mid to late successional (climax) species that may successfully establish on site given its conditions.

Site: The Ann Morden Creek
Date: October 15, 1996
Soil: clay/fill/moist to dry/full sun/exposed to wind from all directions

Species Observed On Site

The species in the chart below appear to have been planted on site. We are not aware of where they were purchased or their cost.

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Tree/Shrub/Herbaceous</th>
<th>Form Size (metres)</th>
<th>Light</th>
<th>Soil Texture</th>
<th>Soil Moisture</th>
<th>Habitats Naturally Found In</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastern White Cedar</td>
<td>tree</td>
<td>15</td>
<td>full sun</td>
<td>sand, loam, clay</td>
<td>dry, moist</td>
<td>floodplains, slopes, cliffs</td>
</tr>
<tr>
<td>Thuja occidentalis</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eastern white pine</td>
<td>tree</td>
<td>25</td>
<td>full sun to partial shade</td>
<td>sand, loam</td>
<td>dry, moist</td>
<td>woods, ridges</td>
</tr>
<tr>
<td>Pinus strobus</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>White Spruce - not native to Hamilton-Wentworth</td>
<td>tree</td>
<td>25</td>
<td>full sun to full shade</td>
<td>variety of soils; silty soils</td>
<td>moist but well drained</td>
<td>variety of sites</td>
</tr>
<tr>
<td>Picea glauca</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Silver Maple</td>
<td>tree</td>
<td>25</td>
<td>full sun to partial shade</td>
<td>clay and rich soils</td>
<td>dry, moist</td>
<td>bottomlands along streams and shores of lakes</td>
</tr>
<tr>
<td>Acer saccharinum</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Manitoba maple (*Acer negundo*) naturally occurs at this site on the west side of the footbridge over the creek. It's range extends from southern Ontario, northwestward through Manitoba, usually along lakeshores and the banks of streams. It has attained heights of 20 metres and 1 metre in diameter but more often reaches 15 metre and less than 1 metre in diameter.

Ash (*Fraxinus* sp.) seedlings (3 approx.) are found at this site. We are not sure if these are naturally occurring or if they were planted. White/red ash frequently seed into areas naturally.

Poplar (*Populus* sp.) seedlings (2 approx.) which appear to be non-native have been planted.

Willow (*Salix* sp.) also occurs naturally on site.

One dogwood (*Cornus* sp.) seedling was found. It is either gray or silky dogwood. We assume that it is naturally occurring but it is possible that it was planted.
Aster (*Aster* sp.), goldenrod (*Solidago* sp.) and milkweed (*Asclepias* sp.) are plentiful and naturally occurring. Various grasses and herbaceous plant species, both native and non-native, have become established naturally on site.

All or most of the species in the charts below include clay in the soil texture. In urban and semi-urban settings clay soils are often an indication that the site has been disturbed e.g. placement of fill during subdivision construction. The species listed below do not naturally prefer disturbed sites with clay soils but may be able to tolerate these growing conditions.

### EARLY SUCCESSIONAL/PIONEER SPECIES CONTINUED

<table>
<thead>
<tr>
<th>Common Name Scientific Name</th>
<th>Tree/Shrub/Herbaceous</th>
<th>Form Size (metres)</th>
<th>Light</th>
<th>Soil Texture</th>
<th>Soil Moisture</th>
<th>Habitats Naturally Found In</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gray Dogwood <em>Cornus racemosa</em></td>
<td>shrub</td>
<td>2</td>
<td>full sun</td>
<td>loam, clay</td>
<td>dry, moist, wet</td>
<td>thickets, moist shores, fencerows, dry slopes</td>
</tr>
<tr>
<td>Staghorn Sumach <em>Rhus typhina</em></td>
<td>shrub/tree</td>
<td>4</td>
<td>full sun</td>
<td>sand, loam, clay</td>
<td>dry, moist</td>
<td>open fields, wood edges, shores, ridges</td>
</tr>
<tr>
<td>Hawthorns <em>Crataegus</em> spp.</td>
<td>tree/shrub</td>
<td>6</td>
<td>full sun</td>
<td>loam, clay</td>
<td>dry, moist</td>
<td>clearings, thickets, shores, fencerows</td>
</tr>
<tr>
<td>Choke Cherry <em>Prunus virginiana</em></td>
<td>tree</td>
<td>8</td>
<td>full sun to partial shade</td>
<td>loam, clay</td>
<td>dry, moist, wet</td>
<td>forest edge, fencerows, thickets</td>
</tr>
<tr>
<td>Red-osier Dogwood <em>Cornus stolonifera</em></td>
<td>shrub</td>
<td>2</td>
<td>full sun</td>
<td>loam, clay</td>
<td>moist, wet</td>
<td>shores, floodplains, marsh edges, damp open woods and thickets</td>
</tr>
<tr>
<td>Wild Plum <em>Prunus americana</em></td>
<td>shrub</td>
<td>6</td>
<td>full sun to partial shade</td>
<td>loam, clay</td>
<td>moist</td>
<td>thickets, fencerows, wood edges, shores</td>
</tr>
<tr>
<td>Hackberry <em>Celtis occidentalis</em></td>
<td>tree</td>
<td>18</td>
<td>full sun to partial shade</td>
<td>loam, clay</td>
<td>dry, moist, wet</td>
<td>woods, river banks, rocky barrens</td>
</tr>
<tr>
<td>Balsam Poplar <em>Populus balsam</em></td>
<td>tree</td>
<td>15</td>
<td>full sun</td>
<td>sand, loam, clay</td>
<td>moist, wet</td>
<td>thicket edges, slopes, open woods</td>
</tr>
</tbody>
</table>
### EARLY SUCCESSIONAL/PIONEER SPECIES CONTINUED

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Tree/Shrub/Herbaceous</th>
<th>Form Size (metres)</th>
<th>Light</th>
<th>Soil Texture</th>
<th>Soil Moisture</th>
<th>Habitats Naturally Found In</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bee Balm <em>Monarda didyma</em></td>
<td>herbaceous</td>
<td>1</td>
<td>full sun</td>
<td>sand, loam, clay</td>
<td>dry, moist</td>
<td>meadows, roadsides, clearings of upland woods</td>
</tr>
<tr>
<td>Wild Bergamot <em>M. fistulosa</em></td>
<td>herbaceous</td>
<td>1</td>
<td>full sun</td>
<td>sand, loam, clay</td>
<td>dry, moist, drought tolerant</td>
<td>meadows, roadsides, clearings</td>
</tr>
<tr>
<td>Boneset <em>Eupatorium perfoliatum</em></td>
<td>herbaceous</td>
<td>1.5</td>
<td>full sun</td>
<td>loam, clay</td>
<td>moist, wet</td>
<td>meadows, shores</td>
</tr>
<tr>
<td>Black-eyed Susan <em>Rudbeckia serotina</em></td>
<td>herbaceous</td>
<td>0.5</td>
<td>full sun</td>
<td>loam, clay</td>
<td>dry, moist</td>
<td>meadows</td>
</tr>
<tr>
<td>Green-headed Coneflower <em>R. laciniata</em></td>
<td>herbaceous</td>
<td>1.5</td>
<td>full sun to partial shade</td>
<td>loam</td>
<td>moist, dry</td>
<td>swamps, moist thickets</td>
</tr>
<tr>
<td>Joe-pye Weed, Spotted <em>Eupatorium maculatum</em></td>
<td>herbaceous</td>
<td>1.5</td>
<td>full sun</td>
<td>sand, loam, clay</td>
<td>moist, wet</td>
<td>meadows, thickets</td>
</tr>
<tr>
<td>Blue Vervain <em>Verbena hastata</em></td>
<td>herbaceous</td>
<td>2</td>
<td>full sun</td>
<td>loam, clay</td>
<td>moist, wet</td>
<td>moist thickets, shores and meadows</td>
</tr>
</tbody>
</table>

### MID TO LATE SUCCESSIONAL (CLIMAX) SPECIES CONTINUED

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Tree/Shrub/Herbaceous</th>
<th>Form Size (metres)</th>
<th>Light</th>
<th>Soil Texture</th>
<th>Soil Moisture</th>
<th>Habitats Naturally Found In</th>
</tr>
</thead>
<tbody>
<tr>
<td>White Ash <em>Fraxinus americana</em></td>
<td>tree</td>
<td>25</td>
<td>full sun to partial shade</td>
<td>sand, loam, clay</td>
<td>dry, moist</td>
<td>woods, fencerows</td>
</tr>
<tr>
<td>Red Ash <em>F. pennsylvanica</em></td>
<td>tree</td>
<td>20</td>
<td>full sun</td>
<td>loam, clay, gravelly loam</td>
<td>dry, moist, wet</td>
<td>woods, shores, disturbed sites, fencerows</td>
</tr>
<tr>
<td>Basswood <em>Tilia americana</em></td>
<td>tree</td>
<td>20</td>
<td>full sun to full shade</td>
<td>sand, loam, clay</td>
<td>dry, moist, wet</td>
<td>woods, fencerows</td>
</tr>
<tr>
<td>Species</td>
<td>Lifeform</td>
<td>Seedling Density</td>
<td>Light Requirement</td>
<td>Soil Type</td>
<td>Growth Conditions</td>
<td>Habitat</td>
</tr>
<tr>
<td>---------------------------------</td>
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</tr>
<tr>
<td>Bladder nut</td>
<td>shrub</td>
<td>3</td>
<td>full sun to partial shade</td>
<td>sand, loam, clay</td>
<td>dry, moist</td>
<td>wooded ridges, woods, forest edge</td>
</tr>
<tr>
<td><em>Staphylea trifolia</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Bush honeysuckle</td>
<td>shrub</td>
<td>1</td>
<td>full sun to partial shade</td>
<td>gravelly sand, sand, loam, clay</td>
<td>dry, moist</td>
<td>cliffs, ridges, open thickets</td>
</tr>
<tr>
<td><em>Diervilla lonicera</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black Cherry</td>
<td>tree</td>
<td>25</td>
<td>full sun to partial shade</td>
<td>loam, clay</td>
<td>dry, moist</td>
<td>woods, fencerows</td>
</tr>
<tr>
<td><em>Prunus serotina</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wild Black Currant</td>
<td>shrub</td>
<td>1</td>
<td>full sun to partial shade</td>
<td>sand, loam, clay</td>
<td>moist</td>
<td>wooded slopes, open woods, rocky areas, shores</td>
</tr>
<tr>
<td><em>Ribes americanum</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Canada Elderberry</td>
<td>shrub</td>
<td>3</td>
<td>full sun to partial shade</td>
<td>sand, loam, clay</td>
<td>moist</td>
<td>thickets, forest edges, fencerows</td>
</tr>
<tr>
<td><em>Sambucus canadensis</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Red Elderberry</td>
<td>shrub</td>
<td>3</td>
<td>full sun to partial shade</td>
<td>sand, loam, clay</td>
<td>moist</td>
<td>thickets, forest edges, fencerows</td>
</tr>
<tr>
<td><em>S. pubens</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>White Elm</td>
<td>tree</td>
<td>25</td>
<td>full sun</td>
<td>loam, clay</td>
<td>dry, moist, wet</td>
<td>open woods, forest edges, floodplains, fencerows, lowlands</td>
</tr>
<tr>
<td><em>Ulmus americana</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Smooth Rose</td>
<td>shrub</td>
<td></td>
<td>full sun to partial shade</td>
<td>sand, loam, clay</td>
<td>dry, moist</td>
<td>meadows, clearings, open woods, roadsides</td>
</tr>
<tr>
<td><em>Rosa blanda</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Serviceberry</td>
<td>tree</td>
<td>6</td>
<td>full sun to partial shade</td>
<td>loam, clay</td>
<td>dry, moist</td>
<td>open woods, thickets, shores, fencerows</td>
</tr>
<tr>
<td><em>Amelanchier arborea</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Serviceberry</td>
<td>tree</td>
<td>10</td>
<td>full sun to partial shade</td>
<td>loam, clay</td>
<td>dry, moist</td>
<td>open woods, thickets, shores</td>
</tr>
<tr>
<td><em>A. laevis</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Serviceberry</td>
<td>shrub</td>
<td></td>
<td>full sun to partial shade</td>
<td>loam, clay</td>
<td>dry, moist</td>
<td>thickets, wood edges, shores, meadows</td>
</tr>
<tr>
<td><em>A. sanguinea</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Species</td>
<td>Type</td>
<td>Density</td>
<td>Light Requirement</td>
<td>Soils</td>
<td>Moisture</td>
<td>Habitat</td>
</tr>
<tr>
<td>---------------------------------</td>
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<td>-------------------</td>
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<td>------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>Shagbark Hickory (Carya ovata)</td>
<td>tree</td>
<td>20</td>
<td>full sun to partial shade</td>
<td>loam, clay</td>
<td>dry, moist</td>
<td>woods, slopes</td>
</tr>
<tr>
<td>Highbush Cranberry (Viburnum trilobum)</td>
<td>shrub</td>
<td>3</td>
<td>full sun to partial shade</td>
<td>sand, loam, clay</td>
<td>moist, wet</td>
<td>swamps, shores, thickets cool open woods</td>
</tr>
<tr>
<td>Ironwood (Ostrya virginiana)</td>
<td>tree</td>
<td>10</td>
<td>full sun to partial shade</td>
<td>loam, clay</td>
<td>dry, moist</td>
<td>woods, slopes, clearings</td>
</tr>
<tr>
<td>Silver Maple (Acer saccharinum)</td>
<td>tree</td>
<td>25</td>
<td>full sun to partial shade</td>
<td>loam, clay</td>
<td>moist, wet</td>
<td>woods</td>
</tr>
<tr>
<td>Black Maple (A. nigrum)</td>
<td>tree</td>
<td>25</td>
<td>full sun to partial shade</td>
<td>loam, clay</td>
<td>moist, wet</td>
<td>woods</td>
</tr>
<tr>
<td>Sugar Maple (A. saccharum)</td>
<td>tree</td>
<td>25</td>
<td>full sun to partial shade</td>
<td>loam, clay</td>
<td>dry, moist</td>
<td>woods</td>
</tr>
<tr>
<td>Spicebush Linderia benzoin</td>
<td>shrub</td>
<td>2</td>
<td>full sun to partial shade</td>
<td>sand, loam, clay</td>
<td>moist, wet</td>
<td>thickets, woods, shores, meadows, forest edges</td>
</tr>
<tr>
<td>Nannyberry (Viburnum lentago)</td>
<td>shrub</td>
<td>5</td>
<td>full sun to partial shade</td>
<td>sand, loam, clay</td>
<td>moist, wet</td>
<td>thickets, wood edges, fencerows, swamps</td>
</tr>
<tr>
<td>Bur Oak (Quercus macrocarpa)</td>
<td>tree</td>
<td>25</td>
<td>full sun to partial shade</td>
<td>loam, clay</td>
<td>dry, moist, wet</td>
<td>woods, floodplains, swamps, fencerows</td>
</tr>
<tr>
<td>Chinquapin Oak (Q. muehlenbergii)</td>
<td>tree</td>
<td>25</td>
<td>full sun to partial shade</td>
<td>loam, clay</td>
<td>dry, moist</td>
<td>rocky ridges, woods, limestone outcrops</td>
</tr>
<tr>
<td>Red Oak (Q. rubra)</td>
<td>tree</td>
<td>25</td>
<td>full sun</td>
<td>sand, loam, clay</td>
<td>dry, moist</td>
<td>woods</td>
</tr>
</tbody>
</table>

Sources:
- A Life Zone Approach to School Yard Naturalization - The Carolinian Life Zone by Steven Aboud & Henry Kock
- A Checklist of the Vascular Plants of the Dundas Valley, Regional Municipality of Hamilton-Wentworth, Ontario by Anthony G. Goodban
- Chart of Native Trees, Shrubs and Vines of Hamilton-Wentworth at the Hamilton Harbour Watershed Stewardship Project Office
- Outer Valley Native Plants Information Sheet
- Restoring Wooded Landscapes Workshop Notebook
THE CORPORATION OF
THE TOWN OF FLAMBOROUGH

BY-LAW NO. 91-36-

Being a By-law authorizing the regulating and planting of trees, their preservation, protection and other matters pursuant to Section 313 of the Municipal Act, R.S.O. 1980, C.302.

The Council of the Corporation of the Town of Flamborough enacts as follows:

1. Interpretation:
   a) "Tree" - includes a growing tree or shrub planted or left growing on either side of a highway or public property for the purpose of shade or ornament.
   b) "Director of Engineering or designate" - means the person hired by the Corporation of the Town of Flamborough holding the position Director of Engineering or designate.

2. The Director of Engineering or designate is authorized to remove decaying or dangerous trees, prune, trim or cause to be removed any shrub or hedge on a highway or public property which is causing a sight problem or obstruction.

3. The Director of Engineering or designate is authorized to trim or cause to be trimmed, any tree planted on a highway, or on private property where the branches extend over a highway.

4. Any owner of land abutting a highway or public land may, with the approval of the Town Council, plant shade or ornamental trees upon that part of the highway or public land set out in the said resolution.

5. No trees of any of the species set out in Section 6, which Council deems unsuited for that purpose, shall be planted on any highway or public land. The Director of Engineering or designate is authorized to remove without notice any and all such trees growing on the highway or public land and planted thereon contrary to the provisions of this By-Law, provided however that this section shall not be construed as obligating the Corporation of the Town of Flamborough or the Director of Engineering or designate to remove all or any of such trees.

6. The Director of Engineering or designate is authorized to remove or cause to be removed any tree on public property of the following genera and species:

   i) Populus - all poplar species
   ii) Salix - all willow species
   iii) Acer - Acer negundo - Manitoba maple
   iv) Ulmus pumila - Chinese elm
7. The owner of any tree upon a highway or public property may remove or cut down the same with the authority, in writing, of the Director of Engineering or designate but nothing herein shall be construed as requiring the Director of Engineering or designate to give such permission in writing without a resolution of Council when, in his or her opinion, the removal of the tree might be against public interest.

8. Unless authorized by written permission from the Director of Engineering or designate, a person shall not deposit, place, store or maintain on public property or highway any stone, brick, sand, soil, concrete vehicle, equipment or other matter or material that may impede the free passage of water, air or nutrients to the roots of a tree.

9. Unless authorized in writing by the Director of Engineering or designate, a person shall not spray, fertilize, prune, trim, disturb, cut, alter, or affect in any manner whatsoever, a tree or any part of a tree either above or below ground if the tree or the part thereof is on public property.

10. A person who damages or injures a tree on public property without permission shall report such damage to the Town and shall pay to the Town the cost of repairing the tree or shall pay to the Town the cost of removing and replacing the tree if the tree is damaged beyond repair. If the Town replaces the tree with a different species of tree, the person is responsible for the value of the tree damaged or injured and its removal if the tree is damaged beyond repair.

11. The Director of Engineering or designate is authorized to remove or cause to be removed any decayed or dangerous tree on private property if a person on public property may suffer injury or loss of life. The owner of the tree shall be given ten (10) days notice of intention of Council to remove such tree. The owner shall be entitled to remove such tree at his or her expense during the ten (10) day period without any compensation from Council.

12. The notice required by Section 11 may be given by leaving the same with an adult residing on the land nearest to the tree or, if the land is unoccupied, by posting it in a conspicuous place on the said land and, if the tree has not been removed upon the expiration of ten (10) days of the giving of such notice, the Director of Engineering or designate shall forthwith proceed to remove the tree and the Town may recover said costs from the owner.

13. i) Unless authorized in writing by the Director of Engineering or designate, a person shall not tie, wire or rope a tree on public property.

ii) Unless authorized in writing by the Director of Engineering or designate, a person shall not tack, paste or attach a bill or note or any other thing or object to a tree on public property or to a stake, post, guard or other object supporting such tree.

iii) The Director of Engineering or designate is authorized to remove or cause to be removed, without notice or compensation to any person, anything affecting a tree or a stake, post, guard or other object supporting such tree.
14. In addition to any other requirements of this By-Law, every person who contravenes any provision of this By-Law is guilty of an offence and, upon conviction, in addition to any other remedy, shall be subject to a penalty of not more than $35000.00 exclusive of costs, which penalty may be recoverable under the Provincial Offences Act, Section 62 amended 1981, Chapter 72, Subsection 18.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL ON THE

15th DAY OF April , 1991.

[Signatures]

Clerk

Mayor
THE CORPORATION OF THE TOWNSHIP OF GLANEROOK

BY-LAW NO. 241-82

A BY-LAW TO REMOVE TREES PLANTED UPON A TOWNSHIP ROAD

WHEREAS Under Section 313 (3) of the Municipal Act being Chapter 302 of the Revised Statutes of Ontario 1980, every tree upon a highway shall be appurtenant to the land adjacent to the highway and nearest thereto.

WHEREAS The Council of the Corporation of the Township of Glanbrook is empowered under Section 313(4)(e) of the Municipal Act, being Chapter 302 of the Revised Statutes of Ontario 1980, to pass a By-law for causing any tree planted upon a highway to be removed when considered necessary in the public interest, but the owner of the trees shall be given ten days notice of the intention of the Council to remove such tree and be compensated for his trouble in planting and protecting it and, if he so desires, is entitled to remove the tree himself, but is not entitled to any further or other compensation;

WHEREAS the Council of the Corporation of the Township of Glanbrook considers that it is desirable and expedient to cause trees planted on Trimble Road between lots 24 and 25, concession 8, to be removed in the public interest to allow for the proper construction of Trimble Road.

NOW THEREFORE, THE COUNCIL OF THE TOWNSHIP OF GLANBROOK ENACTS AS FOLLOWS:

1. The Road Superintendent is hereby authorized and directed to carry out the necessary requirements of the Municipal Act, under Section 313 (3) and Section 313 (4)(e), being Chapter 302 of the Revised Statutes of Ontario 1980, to cause the trees to be removed from Trimble Road at the road construction site between lots 24 and 25, concession 0.

ENACTED AND PASSED THIS 1st day of March, 1982

[Signatures]
Bill No. A-52

The Corporation of the City of Hamilton

BY-LAW NO. 92-155

Respecting:

TREES

Preamble

WHEREAS the City of Hamilton, pursuant to paragraph 52 of Section 207 of the Municipal Act, R.S.O. 1990, Chapter M.45, may by by-law exercise any of the powers that are conferred on boards of park management by the Public Parks Act, R.S.O. 1990, Chapter P.46, following dissolution of the Board of Park Management on December 31, 1973, pursuant to Section 136 of the Regional Municipality of Hamilton-Wentworth Act, 1973;

AND WHEREAS the City, pursuant to subsection 3(1) of the Public Parks Act, R.S.O. 1990, Chapter P.46, has the general management, regulation and control of existing parks and is empowered under subsection 11(1) of the Act to pass by-laws for the use, regulation, protection and government of parks;

AND WHEREAS the City, pursuant to paragraph 58 of Section 207 of the Municipal Act may by by-law maintain, operate or manage parks;

AND WHEREAS the City, pursuant to section 312 of the Municipal Act may pass by-laws respecting trees growing on highways;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

Definitions

1. (a) "City" means the City of Hamilton:

(b) "Director" means the Director of Public Works of the City:

(c) "drip line" means the outer boundary of an area on the surface of the ground that corresponds to the outer edge of the crown of the tree;

(d) "owner" includes tenant, occupant, or person apparently in control of the premises but does not include the City or a Local Board:

(e) "person" includes individual, contractor, corporation, commission, firm, partnership or organization of any kind, or their employee or agents but does not include the Director:

(f) "private property" means land other than public property:

(g) "private tree" means any tree which has more than 50 percent of its trunk diameter measured at diameter breast height on private property:
"public assumed alley" means a lane or alley paved by the City under the Local Improvement Act, or assumed by by-law;

"public property" includes a highway, park, public unassumed alley, or any other public place or land owned by or leased to or controlled by or vested in the City or local board;

"public tree" means a tree which has more than 50 percent of its trunk diameter measured at diameter breast height on public property;

"tree" includes all woody vegetation.

2. No tree of the species listed in Schedule "A" hereto annexed shall be planted upon public property unless authorized by the Director.

3. (1) Any person may, with the consent of the Director, plant a shade or ornamental tree on public property.

(2) Any tree planted in accordance with subsection 3(1) is the property of the City and is deemed to be a public tree and is subject to all terms and conditions as set out in this by-law.

4. (1) The City may, upon request of the owner, plant shade or ornamental trees on public property adjacent to the property of the owner of the private property.

(2) Any tree planted in accordance with subsection 4(1) is planted at the City’s expense.

(3) Any tree planted in accordance with subsection 4(1) is the property of the City and is a public tree.

5. (1) The Director may authorize the removal of any public tree when it is considered necessary in the public interest.

"necessary in the public interest" includes removal for one or more of the following reasons:

(i) A tree is decayed in whole or in part.

(ii) A tree that presents a hazard or potential hazard in whole or in part to persons or property.

(iii) A tree that is diseased or is a source of disease.

(iv) A tree that is a source of any causal organism or a disease which may endanger the health of any plants.

6. (1) Except as provided in subsection 6(2), no public tree growing on a highway shall be removed without prior notification being given to the abutting property owner.
(2) Notification of public tree removal may be waived by the Director in an emergency situation where a public tree endangers public health, or public or private property.

(3) The Notice required to be given by subsection 6(1), may be given by leaving it with a person who appears to be over 18 years of age residing on the land or if personal contact is not possible, by posting it in a conspicuous place on the land.

Removal Of Public Tree

7. (1) The Director must have City Council approval to authorize the removal of any public tree, except:

(i) in an emergency situation where a public tree endangers public health or public or private properties or,

(ii) where the removal of a public tree is necessary in the public interest as defined in section 5(2).

City Council Approval

(2) City Council may only under exceptional circumstances, approve the removal of a healthy public tree which is not causing any damage to public or private property.

Additional costs

(3) The Director may determine the location and tree species of the replacement tree for the tree removed under subsection (2).

Prohibitions Against Injury Or Destruction

8. No person shall, without prior consent of the Director:

(i) Remove, prune, disturb, cut above or below ground, or alter in any way on public property, a public tree;

(ii) Deposit, place, store or maintain on public property any stone, brick, sand, concrete, soil or any material or equipment that may impede the free passage of water, air or nutrients to the root6 of a public tree;

(iii) Fasten any sign, bill, notice, wire, rope, nail or other object to, around or through any public tree in any manner; or around or through the stakes, posts that protect any such tree;

(iv) Cause or permit any gaseous liquid or solid substance which is harmful or toxic to any public tree, to come in contact with any public tree on public property;

(v) Set fire to or permit any fire to burn where such fire or the heat thereof will injure any portion of any public trees;

(vi) Interfere with fences, boxes or other protective devices placed around any public tree:
(vii) Alter or change soil levels on public property in the vicinity of any public tree in a manner likely to cause injury to the tree:

(viii) Excavate any ditch, tunnel, trench, or lay any walkway or driveway on public property within the drip line of a public tree;

(ix) Cause or permit or perform any excavation or soil disturbance or compaction on public property within the drip line of any public tree.

Permit Required

9. (1) A person who intends to do or cause to be done any construction or excavation that may, or is likely to injure a public tree, shall obtain a permit from the Director and shall also deposit the sum of $200.00. The deposit shall be returned to the applicant if the tree is not injured or damaged, otherwise, the deposit shall be retained by the City and such person shall pay any additional costs for repairing the tree or removing and replacing the tree if the tree is damaged beyond repair.

(2) After receiving any required City or Regional Municipality of Hamilton-Wentworth approval(s) under the Building Code Act, or any other Act or any by-law, any person who intends to construct or cause to be constructed a walkway, driveway, building or structure within the drip line of a public tree on public property, shall obtain a permit from the Director and shall also deposit the sum of $200.00. The deposit shall be returned to the applicant if the tree is not injured or damaged, otherwise, the deposit shall be retained by the City and such person shall pay any additional costs for repairing the tree or removing and replacing the tree if the tree is damaged beyond repair.

(3) Any person constructing, excavating or demolishing on public or private property within the drip line of a public tree, shall follow the instructions given by the Director to preserve and protect the public trees.

Removal of a Public Tree

10. (1) Any person wanting to have a public tree on public property removed, shall apply to the Director for a removal permit and shall also deposit the sum of $200.00.

(2) If the permit is granted by City Council under section 7, the person applying for the permit shall pay the City the cost of removing the tree plus the cash value of the tree as established by the Ontario Shade Tree Council and the International Society of Arboriculture-Canada Inc.

(3) When the applicant has,

(i) paid the City the cost of removing and replacing the tree, and
(ii) restored the City property to a condition similar to the condition of the property before the excavation or construction was commenced.

the city shall return the deposit to the applicant.

(4) Any person removing or causing a public tree on public property to be removed without a written permit shall pay the City the full replacement value of the tree removed.

Replacement Of Damaged Tree

11. (1) A person who damages or injures a tree on public property shall report such damage or injury to the Director and shall pay to the City the cost of repairing the tree or if the tree is damaged beyond repair shall pay to the City the cost of removing the tree and the full replacement value of the tree. The Director shall determine whether the tree can be repaired or is damaged beyond repair.

(2) Where City Council approves the removal of a healthy public tree under section 7 of this by-law, the person requesting the removal of the tree shall pay the cost of removing the tree plus the cash value of the tree as established by the Ontario Shade Tree Council and the International Society of Arboriculture - Canada Inc.

Additional Authority Of Director

12. In addition to the authority otherwise provided in this by-law, the Director is authorized to perform the following duties:

(i) Supervise the planting, care and maintenance of trees on public property.

(ii) Supervise the trimming of trees planted,

a. upon public property; or

b. upon private property where the branches extend over public property.

(iii) Remove public trees in the public interest.

(iv) Administer and enforce this by-law.

Consent Of Director

13. (1) Where consent of the Director is required under section 8, any person may apply in writing to the Director for consent setting out the purpose for which the consent is required, the details of actions proposed, the expected result of such actions and such other matters as the Director may specify at the time the application is made.

Ibid. (2) The Director may consent, or consent upon condition or refuse to consent or withdraw his consent.
No Obligation

14. Where consent of the Director is required under section 8, nothing in the by-law obligates the Director to give such consent or continue such consent.

Penalty

15. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to the fine specified in Section 61 of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

Repeal

16. Section 5 of By-law No. 86-77 is repealed.

PASSED this 30th day of June A.D. 1992.

City Clerk

Mayor

(1992) 7 R.T.E.C. 63 June 30
SCHEDULE "A"

To

By-law No. 92-155

List of Prohibited Species

(referred to in Section 2)

1. **Acer** negundo - Manitoba Maple.
2. **Acer** saccharinum - Silver Maple.
4. **Populus** L. - Poplar species.
5. Prunus - Cherry: fruiting varieties.
6. **Pyrus** - Pear: fruiting varieties.
7. **Salix** L. - Willow species.
Bill No. B-15

The Corporation of the City of Hamilton

BY-LAW NO. 86-77

To Consolidate:

STREETS BY-LAW NO. 9329

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

DEFINITIONS

1. In this by-law,

   (a) "City" means The Corporation of the City of Hamilton;

   (b) "Commissioner of Engineering" means the Commissioner of Engineering of The Regional Municipality of Hamilton-Wentworth;

   (ba) "Commissioner of Transportation" means the Commissioner of Transportation of The Regional Municipality of Hamilton-Wentworth;

   (c) REPEALED. By-law No. 82-153, S.2.

   (ca) "highway" means a common and public highway and includes a street, sidewalk, boulevard whether or not paved, and a bridge forming part of a highway or on, over or across which a highway passes and any portion of the land situate between street lines;

   (d) "Director of Public Works" means the Director of Public Works of the City;

   (e) "Traffic Commissioner" means the Director of Traffic Services of the City. By-laws Nos. 79-106, S.2; 81-127, S.1; 81-166, S.1; 85-160; S.1.

2. (1) REPEALED. By-law No. 82-153, S.3.

   (2) Enforcement. In default of the doing of any matter or thing by any person required by the provisions of this by-law to do it, such matter or thing shall be done at his expense, and the expense incurred in doing it shall be recovered by action, or in like manner as municipal taxes.
(3) Power to Restrain by Action. Where any provision of this by-law is contravened, such contravention may, in addition to any other remedy and to any penalty which may be imposed, be restrained by action at the instance of a ratepayer or the City Corporation or a local board.

RECORD OF THE HIGHWAYS AND NUMBER OF BUILDINGS

3. (1) Street Names. The Planning and Development Committee of the City is authorized to recommend to the City Council from time to time, names for unnamed highways, and names for highways the names of which are desired to be changed. By-law No. 82-153, s.4.

(2) Street Name Signs. The Traffic Commissioner is authorized and directed to affix at the corners of highways, on public or private property, highway name signs of such type and to such number as may from time to time be authorized by the City Council, and to maintain the same in proper condition. By-law No. 82-153, S.7(1).

(3) Record of Highways and of the Numbers of Buildings. The Planning and Development Committee of the City is authorized to recommend to the Assessment Commissioner the numbers for buildings, and the last revised assessment roll shall be the record of the highways with boundaries and distances as required by The Municipal Act to be kept for public inspection. By-law No. 82-153, s.4.

(4) Affixing Numbers to Buildings. The Building Commissioner shall, upon the issuing of each building permit for the erection or for the removal to a new location of any building or structure, deliver to the person receiving the building permit a number sign of such type as may from time to time be authorized by the City Council, and corresponding to the number assigned in the last revised assessment roll, for affixing to such building or structure, and in default of any such number sign being so affixed within a reasonable time, or in the event of its removal, the Building Commissioner is authorized to affix the same or a like sign, and the amount of the expenses incident thereto may be entered by the City Clerk in the collector's roll and collected in the same manner as taxes, or, if paid by the occupant of the premises, the same may, (subject to any agreement between him and the owner), be deducted from the rent payable to the owner.
(5) Changing Numbers. Whenever it becomes necessary to change the numbers for buildings on any highway, and they are so changed in the assessment roll, the owners and occupants of all such buildings shall be certified forthwith, or beforehand if possible, and new number signs shall be supplied by the Building Commissioner, and the postal authorities shall similarly be notified at as early a date as possible, by the City Clerk: and in default of any such new number sign being affixed, the same may be affixed by the Building Commissioner with the results provided in subsection 4.

BOULEVARDS

4. (1) Parts of Highway Set Apart as Boulevards. All such parts of the highways as are situated between the curb or edge of the roadway and the nearest street line, exclusive of the area covered by sidewalk or pavement, and all planted strips between the two roadways of a divided highway, are hereby set apart for the purpose of boulevards and may be known and referred to as such; and the former may be known and referred to as "side-boulevards" and the latter as "middle-boulevards", and a side-boulevard which adjoins the limit of the highway may be known and referred to as an "inner side-boulevard", and the one which adjoins the curb or edge of the roadway, as an "outer boulevard".

(2) Abutting Owners May Maintain Side-Boulevards. Subject to the provisions of this by-law respecting trees on highways, and subject to the provisions of other by-laws respecting public works and obstructions to the view of drivers at intersections, an owner of land abutting on a highway may at his own expense maintain in grass, flowers and trees, that part of any side-boulevard immediately opposite his land, but not so as unreasonably to confine, impede or incommode public traffic.

(3) Prohibitions. No person shall,

(a) wilfully injure any planted boulevard, or walk upon it if there be any crossing within reasonable distance; or

(b) cause or permit any horse, mule, pony or vehicle to be upon any planted boulevard; or

(c) cause or permit any hedge or other obstruction to the clear view of drivers of vehicles, to be upon side-boulevards within thirty feet of the limit of any intersecting highway.
5. (1) The Director of Public Works is hereby authorized to supervise the planting, trimming and removal of trees growing in the highways, and the trimming of trees planted upon a highway or upon private property, where the branches extend over a highway.

(a) Definition. In this section except where otherwise indicated, "trees" includes a growing tree or shrub planted or left growing on either side of a highway for the purpose of shade or ornament. By-law No. 81-166, S.1(2).

(2) Owners of Land May Plant Trees. Any owner of land abutting on a highway may with the approval of the City Council expressed by resolution plant shade or ornamental trees upon that portion of the highway upon which his land abuts and which has been set apart for the purpose of a side-boulevard.

(2a) It is hereby authorized and directed that the City may, with the consent of the owner, plant shade or ornamental trees within eight feet of the highway at the expense of the City of Hamilton provided,

(a) any tree planted is the property of the owner of the land on which the tree is planted; and

(b) the owner of the land shall undertake and agree—that the City of Hamilton is not liable for maintenance, replacement, removal or otherwise in respect of any tree so planted. By-law No. 75-292, S.1.

(3) Not To Be Obstruction.

(a) No tree shall be so planted that the same is or may become a nuisance in the highway, or obstruct the reasonable use of the same;

(b) No tree shall be planted upon any highway, nearer to any other tree upon a highway, than thirty feet:

Provided, however, that in this clause, "tree" shall not be deemed to include any shrub or tree of a sort which does not normally attain a height or spread of more than twenty feet:
(c) Unsuitable Species. No tree shall be planted in any highway, of any of the following species, which the council deems unsuited for that purpose, and the Director of Public Works is authorized to remove without notice any or all of such trees growing on a highway or planted thereon contrary to the provisions of this by-law:

<table>
<thead>
<tr>
<th>Chinese Elms</th>
<th>Poplar</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cottonwood or Soft Maple</td>
<td>Willow</td>
</tr>
</tbody>
</table>

Provided, however, that this subsection shall be construed as obligating the City Corporation or the Director of Public Works to remove all or any of such trees, unless the City Corporation has had notice that the roots of the same have already obstructed a sewer of the City Corporation or a sewer connection serving land other than the parcel abutting upon that part of the highway in which the tree is growing. By-law No. 81-166, S.1(2).

(4) Permission to Cut Down. The owner of any tree upon a highway may remove or cut down the same with the authority in writing of the Director of Public Works, but nothing herein shall be construed as requiring the Director of Public Works to give such permission in writing without a resolution of the City Council, when in his opinion the removal of such tree might be against the public interest. By-law No. 81-166, S.1(2).

(5) Removal in 'Public Interest. Any tree planted upon a highway shall be removed when deemed necessary in the public interest, but in such case the owner of the tree shall be given ten days notice of the intention of the City Council to remove such tree, and be recompensed for his trouble in planting and protecting it, and if he so desires shall be entitled himself to remove the tree, but shall not in such case be entitled to any further or other compensation.

(6) Notice to Remove. The notice required by subsection 5 may be given by leaving the same with a grown-up person residing on the land adjacent to the highway and nearest to the tree, or, if the land is unoccupied, by posting it in a conspicuous place on the said land, and if the tree has not been removed upon the expiration of ten days after such giving of the notice, the Director of Public Works shall forthwith proceed to remove the tree. By-law No. 81-166, S.1(2).
(a) An owner of a tree shall not leave standing any decayed or dangerous tree upon a highway, or any such tree so near to a highway that the same may be or become dangerous to persons lawfully using the highway:

(b) Overhanging Limbs. An owner of a tree standing upon or adjacent to a highway shall not leave projecting over the highway any branch of any such tree in such manner as to obstruct the reasonable and safe use of the highway.

(8) No person shall injure or destroy a tree. By-law No. 79-106, S.l.

(9) No person shall attach any object or thing to a tree located on any highway or public place, except with the consent of the Director of Public Works notwithstanding that such attachment would not injure or destroy the tree. By-laws Nos. 79-106, s.l; 81-166, S.1(2).

TEMPORARY CLOSING OF HIGHWAY FOR REPAIRS, ETC.

6. (1) To Be Closed While Work in Progress. During the construction, repairing or improvement of any highway or portion thereof, the said highway or that portion of it being so constructed, repaired or improved shall be temporarily closed.

(2) Alternative Route. Where a highway or portion thereof is so closed, the Commissioner of Engineering shall provide and the Director of Public Works shall keep in repair, a reasonable temporary alternative route as selected and designed by the Traffic Commissioner for traffic and for all property owners who cannot obtain access to their property by reason of such closing. By-laws Nos. 81-166, S.l; 82-153, S.7(1); S.8(1).

(3) Barricades and Detour Signs. While a highway or portion thereof is so closed to traffic, there shall be erected by the Commissioner of Engineering or by the Director of Public Works, whichever is in charge of the work, at each end of the highway or portion thereof, and where an alternative route deviates therefrom, a barricade upon which an adequate warning device shall be exposed and in good working order continuously
except during full daylight, and at such points there shall be erected detour signs by the Traffic Commissioner, indicating the alternative route and that the highway is closed to traffic. Every such barricade shall be of that type which may from time to time be adopted by the City Council. By-law No. 82-153, S. 7(1); S. 8(1).

REMOVAL OF SNOW AND ICE

7. (1) (a) From Roofs of Certain Occupied Buildings. With respect to every occupied building having a pitched roof from which snow and ice might fall upon any highway or other place to which the public has access, the occupants shall clear away and remove the snow and ice from the roof whenever there is sufficient accumulation to threaten danger in the event of a thaw.

(b) Recovery of Cost From Occupants, in Case of Default. In default of compliance with the requirements of this subsection, the Director of Public Works in lieu of or in addition to any other remedy provided by this by-law, is authorized to clear away and remove such snow and ice at the expense of the occupants, and in default of payment on demand, the amount of the expense incurred in doing it shall be recovered from the said occupants by action. By-law No. 81-166, S.1(2).

(2) (a) From Roofs of Certain Unoccupied Buildings. With respect to every unoccupied building having a pitched roof from which snow and ice might fall upon any highway or other place to which the public has access, the Director of Public Works is authorized to clear away and remove, at the expense of the owner of the building, the snow and ice from the roof whenever it has come to his attention that there is a dangerous condition. By-law No. 81-166, S.1(2).

(b) Recovery From Owner of Cost of Removal. The amount of the expense incurred in clearing away and removing snow and ice from the roof of any unoccupied building pursuant to the provisions of clause (a) of this subsection shall be added by the City Clerk to the collector's roll and collected as municipal taxes against land are collected.

(3) (a) From Sidewalks at Certain Occupied Buildings. The occupants of all classes of buildings except office buildings, multiple dwellings, other buildings of multiple occupancy and
(b) The owners of all office buildings, multiple dwellings, other buildings of multiple occupancy and government buildings, shall clear away and remove the snow and ice from all the sidewalks on the highways in front of, alongside or at the rear of such buildings, as soon as reasonably practicable after every snowfall, and in any event within twenty-four hours. By-law No. 73-366, S.2.

(c) Recovery of Cost From Occupants, in Case of Default. In default of compliance with the requirements of this subsection, the Director of Public Works in lieu of or in addition to any other remedy provided by this by-law, is authorized to clear away and remove such snow and ice at the expense of the occupants, and the amount of the expense incurred in doing it shall be recovered from the said occupants, by action, or shall be recovered in the manner provided by subsection 4 of this section. By-laws Nos. 73-366, S.1; 81-166, S.1(2).

(4) From Other Public Sidewalks. The Director of Public Works is authorized to clear away and remove snow and ice from the sidewalks on any highway or part of a highway, in front of, alongside or at the rear of any occupied or unoccupied building or vacant lot, at the expense of the owners, and the amount of such expense shall be added by the City Clerk to the collector's roll and collected as municipal taxes against land are collected. By-law No. 73-366, S.1.

(5) Manner of Removal. In the clearing away and removal of snow and ice from sidewalks or roofs, no snow or ice shall be deposited in such manner as to obstruct drainage to any drain or sewer, or so as to obstruct access to any fire hydrant, and no such snow or ice shall unnecessarily be deposited upon the travelled portion of any highway.

(6) Sanding of Crossings, etc. by Director of Public Works. It shall be the duty of the Director of Public Works to cause to be levelled or sanded, or both if necessary, all sidewalks and cross-walks which are in a condition of non-repair by reason of snow or ice: and the Director of Public Works is also authorized to cause to be levelled or sanded, or both, any roadway or part of a roadway in special cases when authorized to do so. By-law No. 81-166, S.1(2).
8. No person shall park or leave a vehicle on a highway where snow or ice is being moved to open the road for travel on it, and any vehicle which has been parked or left on a highway prior to the commencement of or during a snow or sleet storm or the work of moving the snow or ice to open the road for travel on it shall be removed within one hour after the commencement of such storm or work; and in default of its being so removed, any constable upon discovery of any vehicle parked or left in contravention of this provision may cause it to be taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, shall be a lien upon the vehicle, which may be enforced in the manner provided by section 52 of The Mechanics' Lien Act. By-law No. 82-153, S.5.

OBSTRUCTING, ENCUMBERING, INJURING OR FOULING HIGHWAYS PROHIBITED

9. (1) Save as herein otherwise provided or as otherwise specifically permitted by law, no person shall obstruct, encumber, injure or foul any highway, or obstruct any drain, ditch or culvert upon a highway.

(2) Obstructions and Encumbrances. Without in anywise limiting the generality of the foregoing prohibition of obstructing or encumbering a highway, no person shall without lawful authority erect, install, place or maintain or cause or permit the erection, installing, placing or maintaining of any pole, post, fence, hedge, awning, canopy, marquee, sign, area opening, porch, doorstep, vehicle approach ramp, sidewalk, driveway, or other building, structure, firewood or thing either wholly or partly upon, in, under or over a highway, or firewood or any other thing calculated to obstruct it, and no person shall cause or permit the hanging or maintenance of any gate, door or other thing in such a manner as to allow it to swing over any part of a highway.

(3) Removal of Obstructions, etc. Any pole, post, fence, hedge, awning, canopy, marquee, sign, porch, doorstep, vehicle approach ramp, sidewalk, driveway or other building, structure, firewood or thing unlawfully upon, in, under or over a highway, either wholly or partly, shall be removed by the owner or occupant of the land in connection with which the same exists, and any area under and opening to it, unlawfully in any highway shall be filled up by the owner or occupant of the land in connection
with which it exists; and in default of compliance with this provision any such obstruction or encumbrance may be removed and any such area and opening to it may be filled in by the City, and the highway restored to its former condition, all at the expense of the owner or occupant of the land in connection with which such obstruction, encumbrance, area or opening exists, and the amount of such expense may be recovered by action or may be added by the City Clerk to the collector's roll against the said land and collected in like manner as municipal taxes. By-laws Nos. 81-166, S.2; 82-153, S.7(2).

(4) Fouling Highways. Without in anywise limiting the generality of the foregoing prohibition of fouling a highway, no person shall, foul any highway or cause or permit the fouling thereof, either by,

(a) the littering by throwing, placing or depositing of any dirt, filth, glass, hand-bill, paper or other rubbish or refuse, or the carcass of any animal. By-law No. 71-268, S.1;

(aa) the placing or depositing of mud, soil or building material by spilling from or tracking by one or more vehicles making egress from or ingress to adjacent land. By-law No. 77-105, S.1;

(b) the throwing, placing or depositing of any hay, straw, coal, manure, earth or other matter or thing, whether refuse or not, and whether spilled from a vehicle or not; or

(c) discharging liquid waste; or

(d) fouling a highway in any other manner.

(5) Where a highway is fouled contrary to any provision in clause (aa) of subsection 4, the owner of the adjacent land shall immediately remove the fouling and restore the highway to its condition prior to the fouling. By-law No. 77-105, S.2.

(6) Where the fouling is discovered by an official, servant, agent or any other person, the Commissioner of Engineering or the Director of Public Works may remove the fouling in such a manner as to restore the highway to the condition prior to the fouling. By-laws Nos. 77-105, S.2; 82-153, S.8(1).
(7) The fouling shall be removed at the expense of the owner of the adjacent land referred to in clause (aa) of subsection 4, and shall be recovered in a like manner as municipal taxes against the land of the owner. By-law No. 77-105, S.2.

9a. (1) The whole or portion of every load carried by a motor vehicle on a highway and which is not enclosed by the vehicle or a load container, shall be covered by a covering that is made of tarpaulin, canvas, netting or other material that prevents the load or any part of the load from falling upon the highway. By-law No. 79-332, S.1.

(2) Subsection 1 does not apply to municipal vehicles,

(a) in the course of applying sand, salt, a mixture of sand and salt or similar substance to the highway for the purpose of highway or winter highway maintenance;

(b) in the course of collecting waste;

(c) within the limits of a highway construction contract. By-law No. 79-332, s.1.

(3) For the purpose of this section, "load" includes,

(a) domestic or industrial waste of any kind within the meaning of By-law No. 68-360; or

(b) construction material; or

(c) earth, sand, gravel, stone, crushed stone, slag, salt or any mixture thereof: or

(d) any other material or thing,

that may foul a highway by being blown thereon or by spilling or falling onto the highway. By-law No. 79-332, S.1.

POLES IN AND WIRES OVER A HIGHWAY

10. (1) May Be Permitted. Notwithstanding the provisions of this by-law prohibiting the obstructing, encumbering, injuring or fouling of highways, but subject to the provisions of other
applicable Acts and by-laws, the following obstructions and encumbrances are permitted upon such terms and conditions as may be agreed upon:

(a) electric light, power, telegraph and telephone poles and wires, and poles and wires for the transmission of electricity across or along any highway or public place;

(b) poles, towers, wires, cables, amplifiers and other accessory equipment upon, across or along any highway or public place, for the purpose of transmitting electrical or electric impulses, signals and messages of every nature and kind, including those of alarm and protective systems, radio programmes or parts thereof, and television programmes or parts thereof, and the placing and maintenance of such equipment and of pipes, ducts, and conduits for enclosing such equipment, upon and within any poles, towers, pipes, ducts and conduits then erected, constructed or laid down, with the consent of the owner and the body in which is vested the management and control of such poles, towers, pipes and conduits.

(2) Location of Poles and Heights of Wires, etc. All such poles and towers referred to in subsection 1 shall be located, installed and maintained under the supervision and to the satisfaction of the Commissioner of Engineering and all such wires shall be placed and maintained at a height of not less than eighteen feet. By-law No. 82-153, S.8(1).

UNDERGROUND SERVICES IN NEW SUBDIVISIONS

10a. Notwithstanding any other provision of this by-law, all wires and conduits for,

(a) the transmission of electricity; and

(b) electrical or electric impulses, signals and messages of every kind and nature,

shall be installed underground in new subdivisions. By-law No. 79-217, S.1.
11. Notwithstanding the provisions of this by-law prohibiting the obstructing or encumbering of a highway, but subject to the provisions of other applicable Acts and by-laws, the following obstructions and encumbrances are permitted during the pleasure of the City Council, in accordance with the provisions following:

Where No Permit or Other Formality Required

(1) Paved Sidewalks and Driveways Not Over 25' Wide. Save as otherwise provided in subsection 8, a paved sidewalk or driveway of a width of not more than twenty-five feet, without any curb and at the same level as the adjoining ground, from the public sidewalk to the land abutting upon the highway, or, where there is an outer side-boulevard then from the public sidewalk to the edge of the roadway, but this provision shall not be deemed to include an approach ramp. By-law No. 81-127, 5.2.

(2) Canvas or Other Non-Rigid Awnings. An awning of canvas or other such light and flexible material to project over a sidewalk to the extent of not more than three-quarters of the width of the same.

Provided it is on a suitable frame properly supported from a building or structure on the land abutting upon a highway, that it is not attached to any tree, pole or other erection or thing on the highway, that no part of its supporting frame is closer to the sidewalk than seven feet and six inches, that no part of the awning is closer to the sidewalk than six feet and eight inches, and that it is so constructed, installed and equipped as readily to be capable to being raised to a furled position in which it extends not more than ten inches over the highway and is at least eight feet above the surface of the sidewalk below it.

Where Only Building Permit Required

(3) Refacing Existing Buildings. An existing building to encroach or further encroach upon a highway to such an extent as may be necessary to provide for refacing any such building. By-law No. 77-56, S.1.

(4) Awning Containers, Cornices, etc. Sills, brackets, awning containers and awning covers, to an extent of not more than two inches, at least eight feet above the ground.
Cornices of show windows to an extent of not more than twelve inches, at least eight feet above the ground.

Eaves, and other cornices, to an extent of not more than eighteen inches, at least twelve feet above the ground.

Window air-conditioners to an extent of not more than eighteen inches, at least eight feet above the ground.

(4a) Architectural or Ornamental But Non-Structural Features. Architectural or ornamental but non-structural features at least eight feet above the sidewalk or where there is no sidewalk at least fourteen feet above the roadway to an extent of not more than one foot, provided that the area of vertical projection of such features which projected over the highway shall not exceed, in any area of one hundred square feet of wall, twenty square feet. By-laws Nos. 66-97, S.1; 76-90, S.1.

(5) Signs. A sign or other advertising device having an area of vertical projection of no more than sixty square feet and a thickness between its principal faces of no more than eighteen inches, to project over the highway to the extent of not more than ten feet or two-thirds as far as the curb lines, whichever is the lesser distance, at a height of at least eight feet above the ground; or, where the curb line is no more than seven feet from the street line, it may project as far as the curb line if the clearance above the ground is at least fourteen feet. By-laws Nos. 9417, S.2; 76-90, S.2.

Where Annual Charge or Indemnification Agreement, etc. Required

(6) Paving of a part of a side-boulevard other than as permitted under subsection 1, upon a permit in writing from the Commissioner of Engineering, according to his specifications and to his satisfaction, after registration in the Registry Office for the Registry Division of Wentworth, of an agreement satisfactory to the City Solicitor, to indemnify and save harmless the City Corporation for any and all actions, claims, demand and loss whatsoever which may result. By-law No. 81-127, S.3.

(7) Bridges, Canopies and Marquees. After registration of an indemnification agreement as aforesaid, a bridge or other structure over or across a highway at a height of not less than eighteen feet, for the purpose of access by the owner of land to
land of the same owner on the other side of the highway, and a canopy or marquee to the curb line at a height of at least eight feet above the sidewalk or ground. By-law No. 76-90, s.3.

(8) A vehicle approach ramp may be constructed as an independent installation by the City upon specifications of the Commissioner of Engineering and to his satisfaction,

(a) in the case of ramps not more than twenty feet in width for single-family dwellings or two-family dwellings, after application in writing to the Director of Public Works:

(b) in the case of any other ramps, after application in writing to the Traffic Commissioner, upon payment by the applicant of any money as a charge for its construction as the City may approve, based on the average cost per square foot of construction of vehicle approach ramps independently constructed during the preceding calendar year. By-laws Nos. 71-326, s.1; 81-127, S.4; 82-153, S.6, S.7(1), S.8(1).

(8a) Except as provided in subsection (8b), the location of all vehicle approach ramps shall be to the satisfaction of the Traffic Commissioner. By-laws Nos. 71-326, S.1; 81-127, s.5.

(8b) The location of a vehicle approach ramp for a driveway not more than twenty feet wide for single-family dwellings and two-family dwellings shall be to the satisfaction of the Director of Public Works. By-laws Nos. 71-326, S.1; 81-127, S.5; 81-166, S.1(2).

(8c) Except as provided in subsection (8d), no vehicle approach ramp may be located to allow access to a driveway where the distance between the building and the side property line is less than seven feet wide. By-laws Nos. 71-326, S.1; 74-267, S.1; 80-132, S.1; 81-127, S.5.

(8d) A vehicle approach ramp may be located,

(a) to allow access to an attached garage or to a carport or to a front, side or rear yard;

(b) to allow access to a mutual driveway not less than seven feet wide if,
Where there is registered on title an agreement for paving a portion of the highway satisfactory to the Traffic Commissioner, notwithstanding subsection (8b), a vehicle approach ramp to one or more parking spaces located partially in the front, side or rear yard of a single-family, two-family or three-family dwelling and partially upon the boulevard of a public highway, shall be located to the satisfaction of the Traffic Commissioner. By-laws Nos. 74-267, S.1; 81-127, S.6, S.7(1), S.8(1); 84-43, S.1.

(8e) Where there is registered on title an agreement for paving a portion of the highway satisfactory to the Traffic Commissioner, notwithstanding subsection (8b), a vehicle approach ramp to one or more parking spaces located partially in the front, side or rear yard of a single-family, two-family or three-family dwelling and partially upon the boulevard of a public highway, shall be located to the satisfaction of the Traffic Commissioner. By-laws Nos. 74-267, S.1; 81-127, S.6, S.7(1), S.8(1); 84-43, S.1.

(8f) Where a vehicle approach ramp has been constructed in accordance with subsection (8e), the parking spaces provided shall not be occupied by,

(a) a commercial motor vehicle or trailer within the meaning of The Highway Traffic Act; or

(b) a boat; or

(c) a mobile housing unit.

By-law No. 81-127, S.8.

(9) Benches for the use of the public, on the untravelled portion of any highway, subject to such terms and conditions as may be agreed upon.

(10) Transit system shelters for the use of the public, on the untravelled portion of any highway, subject to such terms and conditions as may be agreed upon.

(11) Telephone booths for the use of the public; upon such terms and conditions including an annual or other charge, as may be agreed upon.
Subject to the provisions of The Municipal Act in that behalf, iron waste paper boxes on the street corners or elsewhere, for the use of the public upon such terms or conditions including an annual fee, as may be agreed upon.

The maintenance and use by any person owning or occupying any building or other erection which by inadvertence has been wholly or partially erected upon any highway, upon the payment of such annual fee or charge as the City Council may from time to time deem reasonable, for such owner or occupant to pay for such privilege; and such fee or charge shall form a charge upon the land used in connection with such encroachment, and shall be collected in like manner as municipal taxes, for so long as the City Council permits the continuance of such encroachment.

Provided that an inadvertent encroachment which has been so permitted to continue shall be removed at the expense of the owner upon termination by resolution of the City Council, of the privilege for the continuance of such inadvertent encroachment.

The elevation of any access driveway at the street line shall be approved by the Commissioner of Engineering, By-law No. 71-21, S.1.

Subsection (1) does not apply to single-family dwellings or to two-family dwellings. By-law No. 71-21, S.1.

Every person shall before placing one or more print media vending or distribution boxes on a sidewalk or a highway,

(a) enter into an agreement satisfactory to the City;

(b) pay an equivalent sum annually on January 1st of each year for each vending or distribution box but prorated for the balance of the year where vending or distribution boxes are placed after January 1st;

(c) provide at the time of each annual payment and from time to time as may be required by the Commissioner of Transportation,
(i) an alphabetical street name inventory listing exactly where the vending or distribution boxes are placed; and

(ii) a map of the City satisfactory to the Commissioner of Transportation showing the location where each vending or distribution box is situate:

(d) provide a $1,000,000 public liability policy of insurance wherein the City is an additional named insured and the policy contains a provision for cross-liability. By-laws Nos. 84-40, S.1; 85-160, S.3.

(2) Every print media vending or distribution box shall be situate on a sidewalk or a highway only in accordance with the following regulations:

1. No vending or distribution box shall be placed,

   (a) in such a manner as in the opinion of the Commissioner of Transportation may obstruct pedestrian or vehicular movement:

   (b) on sidewalks having a width of 2 metres or less;

   (c) within 30 metres of all street intersections except at the back of the sidewalk;

   (d) at bus loading areas:

   (e) within 6 metres of any fire hydrant;

   (f) at or adjacent to pedestrian and vehicular egress and ingress locations including ramps and crosswalks so as to obstruct or interfere with egress and ingress;

   (g) so as to obstruct or interfere with street maintenance.
2. No vending or distribution box shall be chained, fastened or affixed to,

(a) utility apparatus, such as signal poles, lamp posts, H.S.R. utility poles;

(b) telephone booths, post boxes, bus shelters, bus roscoes, sign posts, parking meters:

(c) a building, structure or fixture not designed to accommodate vending or distribution boxes, unless prior written permission from the owner is first obtained.

3. No deliveries to, maintenance of, and repairs to, vending or distribution boxes shall, in the opinion of the City, obstruct or interfere with the use of the travelled portion of the sidewalk or the highway on which the boxes are situate.

4. The exact location and manner of placement and maintenance of vending or distribution boxes shall be to the satisfaction of the Commissioner of Transportation. By-law No. 84-40, S.1.

(3) For the purpose of clause (b) of subsection 1, "equivalent sum" means a sum of money equal to the charge required to be paid by The Regional Municipality of Hamilton-Wentworth. By-law No. 83-160, S.1.

(4) For the purpose of clause (c) of paragraph 2 of subsection 2, "owner" means an owner or registered owner or other person satisfactory to the Commissioner of Transportation. By-law No. 83-160, S.1.
12. Notwithstanding the provisions of this by-law prohibiting the obstructing, encumbering or injuring of highways, the surface of any highway may, subject to the provisions of section 13, be cut and the following obstructions and encumbrances permitted during the pleasure of the City Council, in accordance with the following provisions:

1. Area Opening. Subject to the provisions of the Building By-law, an area under and an opening to it in the highway upon permission of the City Council and after registration in the Registry Office for the Registry Division of Wentworth, of an agreement satisfactory to the City Solicitor, to indemnify and save harmless the City Corporation from any and all actions, claims, demands and loss whatsoever which may result.

2. Sewer Connections. A connection from a sewer of the City Corporation to the boundary of the highway, upon a permit in writing from the Commissioner of Engineering. By-law No. 82-153, S.8(1).

3. Pipes, Conduits, etc. Subject to the provisions of The Municipal Act, The Municipal Franchises Act and other applicable Acts,
pipes or conduits for transmitting gasoline, petroleum or petroleum products, along, under, in or upon a highway or land owned by the municipality;

pipes or conduits for enclosing wires for the transmission of electricity, under a highway or public place:

pipes or conduits for transmitting steam, under a highway or public square;

d) pipes and other necessary works for the transmission of water, gas or sewage on, in, under, along or across a highway: and

e) subways for cattle under a highway, upon the permission of the City Council in accordance with such terms and conditions as may be agreed upon.

REQUIRED PROCEDURE RESPECTING INSTALLATIONS UNDER A HIGHWAY OR CUTTING THE SURFACE OF A HIGHWAY

13. (1) Application of Section. Wherever any work permitted by the provisions of this by-law or otherwise permitted by law involves any excavating in a highway or cutting the surface of a highway, the provision of this section shall apply, except in the case of sewer mains, water mains, water service pipes, vehicle approach ramps and other work done by the City Corporation.

(2) Where No Permit Required From Commissioner of Engineering. No permit from the Commissioner of Engineering to cut or excavate is required with respect to,

(a) the laying of any private sidewalk or driveway, (except a vehicle approach ramp). Not more than fifteen feet wide, or;

(b) an area under and opening to it in a highway, which is authorized under the provisions of this by-law, but all other relevant provisions of this section shall apply to the same. By-law No. 82-153, S.8(1).
(3) Where Permit Required From Commissioner of Engineering. A permit in writing from the Commissioner of Engineering is required before the cutting of the surface of any highway with respect to the installation or replacement of—

(a) any paving more than twelve feet wide:

(b) any sewer connection;

(c) any pole or tower;

(d) any pipe or conduit; or

(e) any other underground work or other work involving the cutting of the surface of any highway, except as otherwise provided in subsection 2.

By-law No. 82-153, S.8(1).

(4) Application for Permit. Every application for a permit required under this section shall be made to the Commissioner of Engineering in writing in six copies, together with a plan in five copies, showing the proposed location, nature and particulars of the work, and the Commissioner of Engineering shall forward one copy of the application and one copy of the plan, each, to the Traffic Commissioner and to the Director of Public Works.

By-law No. 82-153, S.7(1); S.8(1).

(5) Issue of Permit. The Commissioner of Engineering upon receipt of the application and after consultation with any other official aforesaid who may reasonably be concerned, will as soon as possible issue the permit to any applicant to whom such permit ought to be issued, but no permit shall be issued for the cutting of a highway where in the opinion of the Commissioner of Engineering the work ought to be done by boring instead of cutting, and in such case the permit shall be issued for boring.

By-law No. 82-153, S.8(1).

(6) Notice of Commencement and Carrying on of the Work. Except in case of emergency, no such work shall be commenced without at least forty-eight hours notice in writing to the Commissioner of Engineering, the Director of Public Works and the Traffic Commissioner, or a full week's notice where a street will have to be closed, or the traffic on a heavily travelled street seriously interfered with, and daily notice shall be given to the Commissioner of Engineering, of the progress of all such work until its completion and the restoration of the highway; and, in case of any emergency work notice shall be given and an application for permit made as soon as possible after commencement of
the work, namely on the same day, or, if too late in the day, then within one hour of the opening of the 'Commissioner of Engineering's office on the next following day which is not a Sunday or other holiday. By-law No. 82-153, S.8(1).

(7) All Underground Work to be Done Only by City Corporation, Bonded Contractor, Public Utility or Franchise Holder. With the exception of work done by the City Corporation or its servants, agents or contractors, all work referred to in subsection 3 of this section except paving, and except an area under and opening to it in the highway, shall be done only by the public utility or the franchise holder lawfully in control or by a contractor who has deposited with the City Clerk a satisfactory bond of a recognized bonding company licensed to carry on business in Ontario, in such amount as may be deemed sufficient, that he will perform all work done upon, in or under a highway in a proper and workmanlike manner, take all proper precautions and safety measures for the protection of public and private property and of the public, including the maintenance of all necessary warning lights and watchmen, carry out and complete all such work and restore the highway to as good condition as before with all due expedition and dispatch, maintain the disturbed portion of the highway in proper repair for the period of two years after completion of the work, and indemnify and save harmless the City Corporation from any and all actions, claims, damages and loss whatsoever arising directly or indirectly from doing of the work.

(8) Supervision, Inspection, and Inspection Fees. All work referred to in this section shall be carried out under the direction and supervision of the Commissioner of Engineering and to his satisfaction, and the person in control of such work shall, forthwith upon demand after completion of the work, pay to the City Corporation all costs incurred by the City Corporation for inspection and supervision of the work, and all other costs which have been incurred. By-law No. 82-153, S.8(1).

(9) Carrying Out of the Work.

(a) Generally. All work to which the provisions of this section apply shall be carried out in a proper workmanlike manner, with all proper precautions and safety measures for the protection of public and private property, and of the public, including the maintenance of all necessary warning lights and watchmen, and brought to completion and the highway restored to as good condition as before as expeditiously as possible, all under the direction and supervision of the Commissioner of Engineering and to his satisfaction;
(b) Cut in Boulevard. Where a sodded or planted boulevard is cut, top soil to a depth of at least six inches shall be placed over the required back filling, and the sod or other planting restored to as good condition as before; but in the case of a pavement cut, the entire section of pavement shall be replaced for its full length and width, and the paving restored to as good condition as before;

(c) Cut in Sidewalk or Vehicle Approach Ramp. Where a cut is made in a sidewalk or vehicle approach ramp, the entire section which is cut shall be replaced in conformity with the concrete specifications and other requirements of the City Corporation;

(d) Cut in Roadway. Where a cut is made in an unpaved roadway, it shall be backfilled with suitable granular material properly tamped, except the top twelve inches which shall be backfilled with crushed stone graded in size from three-eighths of an inch to dust, properly tamped; but where the cut is in an asphalt pavement, whether it is asphalt on macadam or asphalt on concrete, the pavement shall be replaced by three inches of hot-mix asphalt on an eight-inch concrete base over suitable granular material properly tamped;

(e) Where Any Drain Connections, etc. Disturbed. Where a sewer or catch-basin connection or other service or facility of the City Corporation is broken or disturbed, the person in control of the work shall at once notify the Commissioner of Engineering who shall perform all necessary work of restoration at such person's expense, and where a private drain connection is broken or disturbed, such person shall at once cause the same to be repaired by a bonded sewer contractor.

By-law No. 82-153, S.8(1).

USE OF HIGHWAY DURING BUILDING OPERATIONS

14. (1) Use of Part of Highway Permitted. Notwithstanding the provisions of this by-law prohibiting the obstruction, encumbering, injuring or fouling of highways, the use of a portion
of any highway by the owner or occupant of land adjoining such highway during building operations upon such land for the storage of materials for such building or for the erection of boards is permitted in accordance with the provisions of this section.

(2) Permit Required. No such use shall be commenced unless and until a permit in writing has been obtained from the Traffic Commissioner, and no such use shall be made of any part of the highway except in accordance with the terms of the permit and all applicable provisions of the Building By-law. By-law No. 82-153, S.8(2).

(3) Terms of Permit. Every such permit shall show what part of what highway may be so used, for what part or parts of the day during what period of time, and no such permit shall be for the use of a greater area of the highway or for a longer period of time than is reasonably necessary, having regard to the safety and convenience of the public as well as the need of the applicant, and every such permit shall be subject to cancellation by the Traffic Commissioner at any time. By-law No. 82-153, S.8(2).

(4) No permit shall be issued until there has been paid a fee in such amount as may be determined from time to time by the City Council, and, upon the expiry of the permit, no such use shall be made of any part of the highway unless and until another permit in writing has been obtained and a further fee paid.

(5) Indemnification Agreement. No permit shall be issued until there has been delivered by the applicant an agreement from a recognized bonding company licensed to carry on business in Ontario, in such sum as may be required, to indemnify and save harmless the City Corporation, from any and all actions, claims, damages and loss whatsoever, arising from such use of the highway.

(6) Where Consent of Adjoining Owner Required. Before any permit is given for the use of any part of the highway beyond the limits of the frontage of the applicant, there shall be obtained from the owner of the adjoining lands, in writing, a consent and waiver of all claims against the City Corporation of any damages which may result, whether directly or indirectly from any such use of that part of the highway during the period to be covered by the permit and for a reasonable time thereafter.

(7) Other Requirements. Every person making use of any part of a highway during building operations shall be responsible that the following requirements are observed:
(a) Mixing Mortar. No mortar, concrete or other such substance shall be mixed upon the highway, save upon a platform of wood, iron or other as suitable material and so located and guarded as to give adequate protection both to the highway and to children and the public;

(b) Keep Drains Clear. No material shall be allowed to obstruct the free passage of water in any drain, gutter or watercourse;

(c) Dust, Nuisance, etc. No unnecessary dust or noise shall be allowed, or any unnecessary or unreasonable annoyance to the public;

(d) Warning Lights. No building material or other obstruction shall be allowed on a highway without sufficient suitable warning lights and such other safeguards as may be necessary or desirable for the protection of children and the public;

(e) Clear and Restore Highway. All building material and other obstructions and all debris and residue shall be removed from the highway and the same restored to as good condition as before on or before the day of expiration of their permit.

**MISCELLANEOUS REGULATIONS**

15. (1) Firearms. No person shall discharge any gun or other firearm, air-gun or spring-gun of any class or type, anywhere in the City of Hamilton.

Provided, however, that this prohibition shall not apply to the discharge of firearms,

(a) in properly constructed and supervised rifle ranges; or

(b) in shooting galleries licensed by the Board of Commissioners of Police; or

(c) by police officers or employees of the City Corporation carrying out their proper duties in the killing of stray pigeons, vicious dogs, or otherwise.
(2) Fireworks. REPEALED. By-law No. 79-128, S.34.

(3) Vehicle Crossing Sidewalk. Notwithstanding the provisions of the Traffic By-law prohibiting vehicles on sidewalks save at properly constructed crossings, it is permitted to cross a sidewalk with a vehicle with building materials during building operations, or for other reasonable and temporary need, where there is no regular crossing, provided that the sidewalk is protected by planking at least two inches thick, securely fastened and *chamfered* or *bevelled* at the ends for the greater safety of pedestrians, and provided further that a suitable temporary bridge is constructed across the adjoining gutter in such manner as not to obstruct the same.

(4) Filling Up and Draining Vacant Lots. The owner of any ground, yard or vacant lot shall be responsible to fill up and drain any depression where water lies, and to keep such ground, yard or lot clean and free of any debris and refuse. By-law No. 9643, S.2.

(5) Pits and Quarries.

   (a) In Operation. No excavation for any pit or quarry shall be made or commenced within less than ten feet of the limits of any highway or other public place, or within less than ten feet of the limits of any adjoining lands; the slope at the sides of the excavation shall in no case be steeper than one and a half feet horizontal to one foot *vertical*, and the depth shall nowhere be greater than thirty feet;

   (b) Not in Operation. The owner of any pit or quarry which is within three hundred feet of a road and which has not been in operation for a period of twelve consecutive months, shall level and grade the floor and sides thereof and the area within three hundred feet of its edge or rim so that it will not be dangerous or unsightly to the public.

(6) Strayed Pigeons. The Director of Public Works upon the complaint of the owner or occupant of any premises is empowered to enter upon such premises and the land buildings in the vicinity thereof for the purpose of trapping, removing or exterminating strayed pigeons which are causing annoyance to the owner or occupant or damage to such premises. By-law No. 81-166, S.1(2).
16. (1) Indecent Placards, etc. No person shall post or exhibit any placard, play bill, poster, writing or picture, or write any word or make any picture or drawing, which is indecent or may tend to corrupt or demoralize, on any wall or fence or elsewhere on a highway or in a public place.

(2) Defacing Signs. No person shall pull down or deface any sign or other advertising device or notice lawfully affixed.

(3) Discharging Rain Water on Highway. No owner, occupant or other person in control of any premises, shall allow any rain conductor or other drainage facility to discharge water so as to flow upon any highway: and no owner of any paved area other than a private driveway or sidewalk shall allow it to drain onto a highway.

(4) Depositing Snow on Highway. No person shall deposit any snow or ice on the travelled portion of any highway. By-law No. 10107, S.1(1).

(5) Discharging Nauseous Liquid. No person shall discharge or allow the discharge into any highway or public place, or into any sewer of the City Corporation of any toxic, flammable, corrosive or other nauseous liquid.

(6) Putting Kitchen Waste, etc. in Waste Paper Boxes. No person shall deposit into any waste paper box or basket on a highway, a lighted cigarette or other fire, or any accumulation of a kitchen waste or other garbage which ought rather to be put out in a container for collection in the City's regular garbage collection, or any other material of a kind not reasonably appropriate for depositing in a waste paper box or basket on a highway.

(7) Disturbing Noises. No person shall ring a bell, blow a horn, or shout or make any unusual noise, or any noise likely to disturb the inhabitants.

Provided that this shall not be deemed to prohibit the ringing of church bells, the sounding of motor vehicle horns when reasonably necessary or other noises of a reasonable nature and intensity on proper occasions. By-laws Nos. 10107, S.1; 68-290, s.1.
(8) Obstructing Watercourses. No person shall obstruct any drain or watercourse. By-law No. 10107, S.1(3).

(9) Other Public Nuisances. The throwing of stones or playing of games on a highway, the climbing of trees or fences, defacing of buildings with paint or writing or otherwise, and all other public nuisances of whatsoever kind or nature, are hereby prohibited.

(10) Criers and Vendors of Smallwares. Except as may be provided in any other by-law of the City, no crier and no vendor of smallwares shall *practise* his calling in the market place, or on the highways or on any vacant lot adjacent to the market place or to a highway. By-laws Nos. 9417, s.1; 10107, S.1(4); 85-103, S.1.

(11) Retail Selling. Except as may be provided in any other by-law of the City, no person shall sell by retail in any highway or on any vacant lot, lot adjacent to a highway, any meat, fish, vegetables, grain, hay, fruit, flowers, beverages, smallwares or other articles.

Provided that this shall not be deemed to apply to the sale of newspapers or magazines in a highway, or to the operations of any licensed refreshment vehicle in a highway, or to door-to-door or other persons lawfully selling from door-to-door. By-laws Nos. 10107, S.1(5); 85-67, S.1.

(11a) Notwithstanding subsection 11, the untravelled portion of a highway within that portion of the City of Hamilton that may be used for commercial or industrial purposes, may be leased or licensed to the owners or occupants of adjoining property for the purpose of establishing an outdoor cafe and the City may determine the consideration and terms and conditions of the lease or licence and may determine what constitutes an outdoor cafe. By-law No. 75-315, s.1.

16a. (1) No person shall erect or place or affix a sign or post a notice on property abutting on a defined highway or part of a highway. By-law No. 83-022, S.1.

(2) Every person who erects, places or affixes a sign or posts a notice contrary to subsection 1 shall upon written or oral notice forthwith pull down or remove the sign or notice. By-law No. 83-022, S.1.

(3) Notwithstanding subsection 1, the City may grant permission to erect, place or affix a sign or post a notice
upon such terms and conditions as the City may require, but nothing in this by-law shall oblige the City to grant such permission. By-law No. 83-022, S.1.

(4) For the purpose of this section,

(a) "building" includes structure;

(b) "defined highway" means a highway listed in City Traffic By-law No. 66-100 and in Regional Municipality of Hamilton-Wentworth By-law No. R 77-78, situate within the City:

(c) "local board" has the same meaning as in The Municipal Affairs Act;

(d) "person" includes the owner of the sign or notice, any individual or organization that has erected or caused to be erected, placed or affixed the sign or that has posted or caused to be posted the sign, or any individual or organization holding themselves out in the content of the sign or notice as sponsoring or responsible for the message therein;

(e) "property" means a building owned or used by the City, or local board, or used by any person on City land:

(f) "sign" does not include,

(a) a sign, advertising device or other device or apparatus within the meaning of section 5 of Traffic By-law No. 66-100: or

(b) a sign that is of a temporary nature and is free standing and on its own supports. By-law No. 83-022, S.1.
PENALTIES

17. Every person who contravenes any provision of this by-law is guilty of an offence and is liable to a fine of not more than $2,000.00. By-laws Nos. 73-39, S.1; 79-106, S.4; 81-218, S.1.

REPEAL

18. The following by-laws are hereby repealed, namely:

(a) By-law No. 5789 Respecting Streets, passed on the 28th day of May, A.D. 1946, and all amendments thereto;

(b) By-law No. 8317 Respecting the Sale and Setting Off of Fireworks, passed on the 10th day of June, A.D. 1958, and all amendments thereto;

(c) By-law No. 8567 Prohibiting the Discharge of Firearms, passed on the 10th day of March, A.D. 1959, and all amendments thereto;

(d) By-law No. 48 of the Revised By-laws of 1910, Respecting sand and gravel pits, and all amendments thereto; and

(e) By-law No. 2380 of the Township of Barton To Regulate the Operation of Pits and Quarries, passed on the 30th day of June, A.D. 1958.

19. Every reference to By-law No. 9329 shall be a reference to this by-law.

20. The short title of this by-law is "The Streets By-law".

PASSED this 25th day of FEBRUARY A.D. 1986.

City Clerk
Mayor
The Corporation of the City of Hamilton

BY-LAW NO. 88-244

To Amend:

Streets By-law No. 9329

Respecting:

TREES AND SHRUBS

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 9329 on the 9th day of May, 1961, being the Streets By-law, to regulate, among other things, the planting of trees and shrubs along the boulevards and road allowances in the City of Hamilton;

AND WHEREAS By-law No. 06-77 was passed on the 25th day of February, 1986 to consolidate the Streets By-law No. 9329 as amended to date;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 4(a) of the Eighth Report of the Transport and Environment Committee at its meeting held on the 10th day of May, 1988, directed that By-law No. 9329 (as consolidated by By-law No. 86-77) be amended further with respect to the planting of trees and shrubs on the boulevards and road allowances in the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. (1) Section 5(2) of By-law No. 9329, as consolidated by By-law No. 86-77, is further amended by adding thereto the following subsection:

   (b) Owners of Land May Plant Shrubs. Subject to subsection (3)(bb), any owner of land abutting on a highway may plant hedges and shrubs and other plant material upon that portion of the highway upon which his or her land abuts and which has been set apart for the purpose of a side-boulevard.

   (2) Section 5(2) of By-law No. 9329, as consolidated by By-law No. 86-77, is further amended by inserting after the numeral (2) the letter (a).

2. Section 5(3) of By-law No. 9329, as consolidated by By-law No. 86-77, is amended by adding thereto the following subsection:

   (bb) 1. No hedge or shrub or other plant material that is planted within 10 feet of a public sidewalk or curb or edge of a roadway shall be permitted to exceed 30 inches in height.

   2. No hedge or shrub or other plant material shall be so planted, or permitted to grow to such an extent, that it overhangs the sidewalk, shoulder or roadway.

3. Section 5 of By-law No. 9329, as consolidated by By-law No. 86-77, is further amended by adding thereto the following subsection:
(10) Pruning. Every person who plants a tree or trees on a side-boulevard within 10 feet of a public sidewalk, curb, or edge of a roadway shall prune the tree or trees to the trunk for the first 8 feet above the ground.

4. In all other respects, section 5 of By-law No. 9329, as consolidated by By-law No. 86-77, is hereby confirmed, unchanged.

5. (1) Section 9(2) of By-law No. 9329, as consolidated by By-law No. 86-77, is amended by adding after the word “hedge” in the sixth line, the following:

shrub, tree, or other plant material,

(2) Section 9(3) of By-law No. 9329, as consolidated by By-law No. 86-77, is amended by adding after the word “hedge” in the second line, the following:

shrub, tree or other plant material,

(3) In all other respects, section 9 of By-law No. 9329, as consolidated by By-law No. 86-77 is hereby confirmed, unchanged.

PASSED this 25th day of October A.D. 1988.
The Corporation of the City of Hamilton

BY-LAW NO. 92-010

To Amend:

By-law No. 86-77

Respecting:

SERVICE CLUB SIGNS ON HIGHWAYS

WHEREAS By-law No. 86-77 was enacted by the Council of The Corporation of the City of Hamilton on the 25th day of February 1986 to consolidate Streets By-law No. 9329;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 12 of the 15th Report of the Transport and Environment Committee authorized the preparation of this by-law.

WHERF OEFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section 1 of By-law No. 86-77 is amended by repealing clause (b).

2. Section 1 of the said by-law is amended by repealing clause (ba) and replacing it with the following:

(ba) "Commissioner of Transportation/Environmental Services" means the Commissioner of Transportation/Environmental Services of The Regional Municipality of Hamilton-Wentworth;

3. Section 1 of the said by-law is amended by adding the following clause:

(dd) "Service Club" means a non-profit organization or association which has charitable or social objects:

4. Section 11 of the said by-law is amended by adding the following subsection:

(14) Service Club Signs. The commissioner of Transportation/Environmental Services may issue a permit to allow the placing of service club signs upon the City highways. The location of the signs shall be acceptable to the Commissioner of Transportation/Environmental Services and to the Traffic Commissioner. The signs shall be constructed and installed by the City at the expense of the service club.
5. Section 17 of the said by-law is repealed and replaced by the following:

17. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to the fine specified in section 62 of the Provincial Offences Act, R.S.O. 1980, Chapter 400, as amended.

PASSED this 14th day of January A.D. 1992.

(1991) 15 R.T.E.C. 12, October 29
The Corporation of the City of Hamilton

BY-LAW NO. 93-003

To Amend:
Streets By-law No. 86-77

Respecting

SIGNS

WHEREAS the uncontrolled posting of signs and notices on utility poles on the highway creates a safety hazard for City employees and a potential traffic hazard;

AND WHEREAS the posting of signs and notices creates an aesthetic and visual blight;

AND WHEREAS the City provides kiosks for the public to affix signs in certain parts of the City:

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section 16a. of By-law 86-77 is repealed and the following is substituted in lieu:

16a. (1) No person shall erect or place or affix a sign or post a notice on property abutting a highway or part of a highway except in accordance with this section.

(2) Any person posting a sign or notice shall follow the directions of the Director of Public Works.

(3) Signs or notices shall be fastened with adhesive tape. No person shall fasten the sign or poster on a utility pole with staples or any metal device.

(4) The person posting the sign or notice shall remove the sign or notice and all posted materials five days after the event advertised has occurred.

(5) No sign or notice which exceeds the dimensions of eleven (11) inches wide by seventeen (17) inches long shall be posted.

(6) For the purposes of this by-law, “sign” does not include a sign that is free standing and on its own supports.

PASSED this 22th day of January, A.D. 1993.

City Clerk

Mayor

Bill No. A-7

The Corporation of the City of Hamilton

By-law No. 94 - 016

To Amend Streets By-law No. 9329

As Consolidated by By-law No. 86-77

Respecting

SNOW AND ICE ON HIGHWAYS

WHEREAS City Council, on February 8, 1994, in adopting Item 13 of the 2nd Report of the Transport and Environment Committee authorized an amendment to subsection 5 of Section 7 of By-law No. 86-77;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 7 of By-law No. 86-77 is repealed and replaced by the following:

"5. No person shall throw, place, bring or deposit snow or ice or slush onto the travelled portion of any highway or obstruct drainage to any dram or sewer or obstruct access to any fire hydrant."

PASSED this 8th day of February 1994.

CITY CLERK

MAYOR

(1994) 2 R.T.E.C. 13, February 8
To Amend:

Streets By-laws No. 86-77

Respecting:

TEMPORARY HIGHWAY CLOSURES FOR EVENTS

WHEREAS the Council of The Corporation of the City of Hamilton has enacted “The Streets By-law” No. 86-77, on the 25th day of February 1986;

AND WHEREAS the Municipal Act, R.S.O. 1990, c. 45, section 207(44) states as follows:

“207. By-laws may be passed by the councils of all municipalities:

44. Temporary closing of highway. -- For closing to vehicular traffic on a temporary basis for such period as shall be specified in the by-law, any highway under the jurisdiction of the council for such social, recreational, community, athletic or cinematographic purpose, or combination of such purposes, as may be specified in the by-law and for authorizing a committee of council or a municipal officer or employee, subject to such conditions as council may impose, to exercise any of the powers of council under this paragraph.

(b) A by-law under this paragraph may prohibit the use, except for pedestrian traffic, of the highway or portion of the highway so closed during the period of closure except under the authority of a Permit issued under the by-law upon such terms and conditions, including such fee for the Permit, as may be set out in the by-law.

AND WHEREAS the Municipal Act, R.S.O. 1990, c. 45, section 207(44)(a) provides that clauses (a) and (b) below, with necessary modifications, apply where closures of highways on a temporary basis to vehicular traffic are authorized pursuant to section 207 (44) of the Municipal Act:

(a) Where a highway or portion thereof is closed by by-law under this paragraph, the municipality shall provide and keep in repair a reasonable temporary alternative route for traffic and for all property owners who cannot obtain access to their property by reason of such closing.

(b) While a highway or portion thereof is so closed to traffic, there shall be erected at each end of such highway or portion thereof, and wherever an alternative route deviates therefrom, a barricade upon which an adequate warning device shall be exposed and in good working order continuously from sunset until sunrise and at such points there shall be erected a detour sign indicating the alternative route and containing a notice that the highway is closed to traffic.
AND WHEREAS it is desirable to amend the said Streets By-law to provide for the matters referred to in section 207(44) as hereinafter provided;

AND WHEREAS Council at its meeting held on May 14, 1996, in adopting Item 27 of the 7th Report of the Transport and Environment Committee, resolved to amend the Streets By-law as follows.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 86-77 is amended by adding thereto the following definitions to section 1,

(f) “Chief of Police” means the Chief of Police for the Regional Municipality of Hamilton-Wentworth;

(g) “Fire Chief” means Chief of the Fire Department of the City of Hamilton;

(h) “motor vehicle” means motor vehicle as defined in the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended.

2. By-law No. 86-77 is amended by adding thereto the following provision as section 6.1:

6.1 (1) In this section,

(a) “social, recreational, community, athletic or cinematographic purposes” shall be deemed to include the following events:

(i) bicycle races;
(ii) bicycle rides for charity;
(iii) film making and television productions;
(iv) hay rides;
(v) music festivals;
(vi) parades and processions regulated pursuant to By-law No. 75-42
(vii) religious ceremonies;
(viii) running races;
(ix) soap box derbies;
(x) street dances;
(xi) street festivals - jugglers, magicians, etc.,
(xii) walk-a-thons;

(b) the phrase, closure on a temporary basis, means a closure for a period or periods of time totalling less than thirty six hours and comprising no single period of closure in excess of 12 consecutive hours to a maximum of twenty-four hours closure within any forty-eight hour period;

(2) Except where otherwise lawfully permitted, a highway shall not be closed in whole or in part to vehicular traffic on a temporary basis and used for social, recreational, community, athletic or cinematographic purposes except under the authority of a Permit issued under this section upon the terms and conditions, including such fee for the Permit, as may be set out in this by-law.
Committee. A special committee of Council is hereby established to be known as the Highway Temporary Closures Committee. The Secretary of the Committee shall be the City Clerk or the Clerk's designate. This Committee shall be comprised of the following elected officials and decisions may be made by any three members of the Committee:

(a) the Mayor, (or Acting Mayor);
(b) the Chairman of the Transport and Environment Committee, (or Vice Chairman); and
(c) the Aldermen of the Ward within which a highway is intended to be temporarily closed to vehicular traffic.

Applications to close a highway in whole or in part on a temporary basis to vehicular traffic for the social, recreational, community, athletic or cinematographic purposes listed below shall be under the jurisdiction of the Transport and Environment Committee for recommendation to Council:

(i) events involving the sale and/or consumption of alcohol;
(ii) events involving gambling;
(iii) motor vehicle and motorcycle races;
(iv) events with aircraft, including passenger balloons and parachutes;
(v) events within the downtown area bounded by Bay, York, Wilson, Wellington and Main Streets;
(vi) events taking place in more than one ward;

Delegation of Authority. Subject to subsection (a) above, the power of Council to authorize the closing of highways in whole or in part on a temporary basis to vehicular traffic for social, recreational, community, athletic or cinematographic purposes is hereby delegated to the said Highway Temporary Closures Committee, pursuant to the Municipal Act. [R.S.O. 1990, c. M.45, s. 207(44)];

Applications for closure of a highway to vehicular traffic shall not be approved pursuant to this by-law where the closure is for a period longer than “on a temporary basis” or the closure is for other than social, recreational, community, athletic or cinematographic purpose, or combination of such purposes.

An application for closing a highway in whole or in part on a temporary basis to vehicular traffic for an event may be,

(i) approved, subject to the conditions herein together with such other conditions of approval which may reasonably be required as a condition of approval; or
(ii) denied, or
(iii) where an application is under the jurisdiction of the Highway Temporary Closures Committee, as an alternative to (i) or (ii) above, the special Committee may refer the application to the Transport and Environment Committee for consideration and recommendation to Council;

No decision shall be made by the Highway Temporary Closures Committee until,

(i) the applicant has submitted an application to the City;
(ii) the applicant has paid an application fee at such rate as Council may require from time to time; and

(iii) the Committee has received the appropriate staff report and recommendation on the application;

(c) All decisions of the Highway Temporary Closures Committee shall be reported to the Transport and Environment Committee for the information of that Committee;

(d) Appeals. A decision of the Highway Temporary Closures Committee under this section may be appealed by the applicant to the Transport and Environment Committee for its recommendation to Council, provided the applicant submits a Notice and grounds of appeal in writing to the Secretary of the Transport and Environment Committee.

(6) The closure and occupation of a highway for a greater area or for a longer period of time than may be necessary in the opinion of the Committee, having regard to the nature of the proposed purpose and the safety and convenience of the public, shall not be approved. Events upon a highway in a residential area shall be restricted to the period between 8:00 a.m. and 11:00 p.m. unless otherwise permitted as a condition of approval.

(7) All closures of highways in whole or in part on a temporary basis to vehicular traffic, approved by the Highway Temporary Closures Committee or Council, as the case may be, shall be subject to the conditions in this by-law and to additional specific conditions of approval, if any.

(8) (a) Application. Every application for a closure of a highway in whole or in part, to vehicular traffic on a temporary basis, shall be submitted to the City and shall include the following minimum information:

- name and street address of applicant (event sponsor) and the mailing address, (if different);
- charitable registration number of applicant, (if any), from Revenue Canada;
- name and contact address of applicant’s agent or representative;
- proposed location(s) of the portion(s) of highway(s) to be closed on a temporary basis to vehicular traffic;
- proposed hours and date(s) of closure of highway to vehicular traffic;
- specific nature of proposed event;
- proposed hours and date(s) of event;
- where applicable, number of estimated participants and number of estimated spectators;
- the fees or charges (if any) intended to be received by the applicant from participants in the proposed event or from members of the public.

(b) The application shall be reviewed, circulated for comments to the appropriate departments and public agencies and a recommendation on each application shall be made for a decision:

(9) Application Fees. Every applicant shall pay such application fee at such rate as may be prescribed from time to time by Council. Council may set fees for the following classes of applicants:

(f) applications by a commercial organization, (including non profit companies comprised of commercial organizations);
(ii) applications by a charitable organization registered as a charity with Revenue Canada, or by a board or commission as defined in the Municipal Affairs Act;

(iii) applications by a person not within either of the above two groups.

(10) **Agreement to ‘cover costs and indemnify City.**

(a) Every applicant shall, prior to the issuance of a Permit, enter into a Licence Agreement with and satisfactory to the City in accordance with the conditions of approval, in respect of the temporary closing and the proposed event, regarding the standard and additional specified conditions, (if any), of approval, including, the following minimum conditions:

(i) the area of the highway to be closed on a temporary basis, the hours and date of such closure, the purpose of the closing, i.e., social, recreational, community, athletic or cinematographic purpose, and the nature of the proposed event;

(ii) payment of application fee for this privilege at such rate as may be fixed by Council from time to time;

(iii) set up, maintenance, dismantling and clean up of applicant’s equipment, including clean up of the highway;

(iv) reimbursement of the City for any costs incurred or to be incurred by the City as a result of such occupation and the deposit with the City the **estimated** amount of such costs prior to issuance of the Permit;

(v) indemnification of the City, Regional Police, The Regional Municipality of Hamilton-Wentworth, and any board, commission or utility from any action, claim, damage, or loss whatsoever which may be sustained as a result of the applicant’s event, arise from closing of the highway to traffic, issuance of the Permit or from the occupation of the highway thereunder;

(vi) where the applicant is not incorporated, the licence agreement shall be signed by not less than two persons who shall assume the obligations in the licence agreement in favour of the City.

(b) In addition, as a condition of approval, an applicant may be required to provide the following, (details of which shall be included in the said Licence Agreement):

(i) payment of cash or letter of credit satisfactory to City, as security that conditions of approval will be fulfilled, including clean up of highway and that expenses incurred by the City shall be paid;

(ii) agreement of a bonding company acceptable to the City and licensed to carry on business in Ontario, in such sum as may be required, to indemnify and save harmless the City, from any and all actions, claims, damages and loss whatsoever, arising from such use of the highway;
(iii) a consent and waiver from owners of adjoining lands of all claims against the City for any damages which may result, whether directly or indirectly, from such closure and use of that part of the highway, which shall be filed with the City before the Permit is issued;

(iv) such other conditions as may reasonably be required in the opinion of the Committee or Council, as the case may be.

(11) **Insurance.** Every applicant shall, prior to issuance of a Permit, obtain and file with the City, a Comprehensive General Liability, Property Damage, Bodily Injury insurance in the amount of $2,000,000.00, (or such larger amount as may be required as a condition of approval), covering the activity -- with a company and in a form satisfactory to the City, in the name of the applicant and providing The Corporation of the City of Hamilton and The Regional Municipality of Hamilton-Wentworth as additional insured, subject to cross liability and severability of interest provisions.

(12) **Issuance of Permit.**

After an application is approved, a Permit shall not be issued for an event until the following matters have been completed and/or received as required from the applicant:

(a) evidence satisfactory to the City of compliance with the conditions in this provision and the conditions of approval, if any, specified in the decision, including in particular, the filing of a Certificate of the required Insurance and entering into the indemnification agreement;

(b) a declaration confirming that owners, tenants, or occupants of premises adjacent to City highway intended to be closed have been notified of the intended closure of the highway to vehicular traffic and of the proposed event, including their respective times and details;

(c) evidence of approval from the Chief of Police or his designate, to the closure and that such special duty police officers as may be deemed necessary by the Chief of Police will be provided at the applicant’s expense.

(13) **Terms of Permit**

(a) Every Permit shall indicate which part of the highway may be so used, during what period of time, and every Permit shall be during the pleasure of the City, subject to cancellation at any time by the Highway Temporary Closures Committee;

(b) A permit issued under this by-law is not transferable. The City reserves the right to require the applicant to fulfill such additional conditions of approval as may be specified at any time.
Cancellation of Permit. In case of emergency or where it is believed that the applicant is or will be in breach of any condition of the Permit or that an unsafe or hazardous condition has or is about to arise, the Highway Temporary Closures Committee, staff, or any police officer, may, at any time, require an applicant to cease activities covered by the Permit in whole or in part for such period(s) as may be directed.

Closure of highway to vehicular traffic on temporary basis.

After a Permit is issued hereunder, staff,

(a) is authorized to and shall take steps necessary to prohibit vehicular traffic in order that the said highway or that portion of it being so closed, shall be temporarily closed and, for that purpose to cover such traffic signs and parking meters as may be necessary to give effect to the approved closure of the highway to vehicular traffic;

(b) shall immediately forward a copy of the approved decision, the additional specified conditions of approval if any, and the Permit, to the appropriate departments and agencies, including, the Ward Aldermen;

Standard Conditions of Approval. All closures of highways to vehicular traffic on a temporary basis for an event are subject to the applicant fulfilling each of the following standard conditions of approval:

(a) Notice.

(i) Prior to the issuance of the Permit, that all property owners and tenants adjacent to the highway intended to be closed on a temporary basis be notified by the applicant of the temporary highway closing and the proposed event, in a form and at date(s) satisfactory to the City. Such notification shall not be less than a full fourteen day’s notice prior to the event;

(ii) such other Notice to the public on such dates, in such form and in such media as may reasonably be required in the opinion of the City;

(iii) wherever an applicant recognizes or credits in any form of media, contributors whose assistance made the event possible, the applicant shall include the City among those credits.

(b) Admission Charges. That the applicant shall not collect any admission charges except when expressly permitted in the City’s decision;

(c) Consent of Participant. That prior to the event, where the event is a race or other competitive athletic event, or sport, the applicant shall obtain from each participant a Release, Waiver and Indemnity of the City from any and all claims resulting from the event, satisfactory to the City and file such Releases with the City;
(c) Alternative Route.

(i) That no property owner or resident adjacent to the highway closed to vehicular traffic shall, because of the temporary highway closing and the event, be denied access by foot to their property. Further, the applicant shall take all reasonable action required to ensure the safety of and minimize interference with owners, tenants, and occupants of adjoining properties;

(ii) That where a highway or portion thereof is so closed, the applicant shall provide and keep in repair within the portion of the highway closed to vehicular traffic, to the extent required, a reasonable temporary route satisfactory to staff for the use of emergency vehicles and for all property owners to obtain pedestrian access to their property;

(Note: The Municipal Act states that, with necessary modification, “Where a highway or portion thereof is closed by by-law under this paragraph, the municipality shall provide and keep in repair a reasonable temporary alternative route for traffic and for all property owners who cannot obtain access to their property by reason of such closing.” Municipal Act, R.S.O. 1990, c.45, section 207(44)(a))

(d) Supervision, Inspection, and Inspection Fees. That all temporary closings be carried out under the direction of and satisfactory to staff; the applicant shall not in advance or during the event erect any traffic or parking signs upon or adjacent to the highway.

(e) Other By-Laws. That the applicant comply with the other by-laws of the City and the Region, including The Noise Control By-law and the bylaw titled, The City of Hamilton Licensing Code.

(f) Other Requirements. That the applicant comply with such other conditions that may be specified in writing as a condition of approval and such additional conditions that may be required in writing or verbally by the City before or during the event;

(g) During the temporary closing of highway.

(i) That the applicant use only the permitted part(s) of a highway in accordance with the terms of the Permit, the conditions of approval and provisions of this By-law.

(ii) That regular reports shall be given by the applicant to the City of the progress of compliance with conditions for the event and subsequently, restoration of the highway;

(iii) That the temporary closings be carried out in a proper workmanlike manner, with all property precautions and safety measures for the protection of public and private property, including maintenance of all necessary warning lights and watchmen, all under the direction and to the satisfaction of staff;
(iv) That the applicant not allow any portion of the event, including spectators, participants, vehicles, partitions, barricades, signs, or other equipment used in connection with the event, to block any fire hydrants, access/egress ramps, snow and garbage removal, or interfere with the installation, maintenance, or repair to any plant or equipment of the City, The Regional Municipality of Hamilton-Wentworth or any other utility in the City highway.

(v) That the applicant not allow any of the applicant’s event, its participants, spectators or equipment, to impede emergency vehicles;

(vi) **Barricades and Detour Signs.** That prior to and during the closure of the highway to vehicular traffic, the City shall erect and maintain sufficient warning signs and devices to adequately warn the public of the occupation and obstruction of the highway, at each end of the highway or portion thereof so closed to traffic, and where an alternative route deviates therefrom, a barricade upon which an adequate warning device shall be exposed and in good working order continuously (except during full daylight), and at such points shall be erected detour signs indicating the alternative route and containing a notice that the highway is closed to traffic.

    All barricading, temporary highway closure signs, detour signs warning signs and devices, including labour and materials for their construction, erection, maintenance and removal, shall provided by and at the expense of the applicant and the applicant shall pay the City those costs.

(vii) That all barricading, detour signing equipment and other property of the applicant and traffic control be subject to the direction of the Chief of Police or his/her designate;

(ix) That if it is necessary for the City to relocate, remove or alter the signs, barricades or other equipment or property of the applicant for any reason whatsoever, either before, during or after the event, the applicant shall re-imburse the City against such costs and against any loss, cost or damage arising from such work;

(x) That the applicant comply with all other provisions of the Streets By-law and obtain all other applicable approvals to the temporary closing and the event;

(h) **After event.** That the applicant, at its expense, carry out clean up operations immediately after the event to restore the highway to as good condition as before as expeditiously as possible and before re-opening of the highway(s) to vehicular traffic.

The applicant, upon demand, after the event, pay to the City all costs incurred by the City pursuant to this by-law in excess of the cost pre-estimate monies or security already received by the City, (if any).
In the event of noncompliance with the provisions herein, by any person, an Order to Comply may be issued and served upon such person, by,

(a) the City Clerk or any authorized by-law enforcement officer for the City; or

(b) the Chief of the Fire Department, or the Chief Fire Prevention Officer, or any Officer or Inspector of the Fire Department; or

(c) the Chief of Police or any other police constable.

Every person to whom an Order to Comply is issued, or upon whom an Order to Comply is served, shall, forthwith, take such steps as are necessary to comply with the Order within the time provided for compliance.

Where any holder of a permit fails to comply with an Order to Comply issued pursuant to this by-law, in addition to any other remedy-or penalty under this by-law, the City may immediately revoke their permit and shall forthwith cause them to be served with a written notice of such revocation and upon service of the notice of revocation the permit holder shall forthwith surrender the permit to the City.

2. This by-law comes into force and effect on the date of its passing and enactment in respect of all applications submitted to the City on or after the said date.

3. Except as amended herein, Streets By-law No. 86-77 is hereby confirmed.

PASSED this 9th day of July A.D. 1996

Acting CITY CLERK

Acting MAYOR
The Corporation of the City of Hamilton

BY-LAW NO. 96-205

To Amend

By-law No. 86-77

TO REGULATE USAGE OF HEDGES, SHRUBS
AND PLANT MATERIAL ON ROAD ALLOWANCES

WHEREAS Subsection 308(3) of the Municipal Act, R.S.O. 1990, c. M.45, as amended, authorizes the council of every municipality to pass by-laws for placing or permitting any person under such conditions as may be agreed upon to place, construct, install, maintain, and use objects in, on, under or over highways under its jurisdiction, to permit any person to make, maintain and use areas under and openings in the highways, for prescribing the terms and conditions upon which the same are to be placed, constructed, installed, maintained or used and for making such annual or other charge for the privilege conferred by the by-law as it considers reasonable;

AND WHEREAS Subsection 314(1) of the Municipal Act, R.S.O. 1990, c. M.45 as amended authorizes the councils of all municipalities to pass by-laws for prohibiting or regulating the obstructing, encumbering, injuring or fouling of highways or bridges;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 9329 on the 9th day of May, 1961, being the Streets By-law, to regulate, among other things, the planting of trees and shrubs along the boulevards and road allowances in the City of Hamilton;

AND WHEREAS By-law No. 86-77 was enacted on the 25th day of February, 1986 to consolidate the Streets By-law No. 9329;

AND WHEREAS By-law No. 88-244 was passed on the 5th day of October, 1988 to amend By-law No. 86-77 on the planting of trees and shrubs on boulevards and the road allowance;

AND WHEREAS By-law No. 88-244 was repealed by By-law No. 92-155;

AND WHEREAS City Council, on July 9, 1996, in adopting Section 12 of the 10th Report of the Transport and Environment Committee authorized this By-law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. (1) Paragraph (d) of Section 1 of By-law No. 86-77 is amended by deleting paragraph (d) and substituting in lieu,

   (d) “Director of Public Works” shall mean the “Commissioner of Public Works and Traffic”.

(2) Paragraph (e) of Section 1 of By-law No. 86-77 is further amended by deleting paragraph (e) and substituting in lieu,

   (e) “Traffic Commissioner” shall mean the “Commissioner of Public Works and Traffic”.

2. By-law No. 86-77 is amended by the addition of the following Section:

OWNERS OF LAND MAY PLANT HEDGES AND SHRUBS

5. (1) Hedges, shrubs and other plant material may be permitted on the boulevard of the highway provided that any such hedge, shrub or other plant material situated within the highway

(i) shall not create an obstruction to traffic using the highway;

(ii) shall be maintained by the owner of the land abutting the highway at not higher than 76 cm or 30 inches in height;

(iii) shall not overhang the sidewalk, shoulder or roadway;

(iv) shall maintain a minimum clearance of 0.6 metres or 2 feet from a fire hydrant, and

(v) shall not obstruct the view of a fire hydrant from the road.

(2) Where an owner of land abutting a highway has planted a tree on the boulevard of a highway, the tree shall be pruned to the trunk for the first 2.4 metres or 8 feet by the Department of Public Works and Traffic.

PASSED this 10th day of December*, 1996.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

By-law No. 97-162

To Amend:

By-law No. 86-77
The Streets By-law

Respecting:

PANHANDLING

WHEREAS paragraph 140, Section 210 of the Municipal Act, R.S.O. 1990, Chapter M.45 authorizes municipalities to enact by-laws to regulate public nuisances;

AND WHEREAS Section 102 of the Municipal Act allows that every-council may pass such by-laws and make such regulations for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for by the Municipal Act as may be deemed expedient and are not contrary to law;

AND WHEREAS the Council of the City of Hamilton deems it necessary to ensure citizens reasonably unencumbered access to pedestrian walkways within the City of Hamilton;

AND WHEREAS Council, on Thursday, 1997 August 7th, in adopting Section One of the Seventeenth Report for 1997 of the Finance and Administration Committee authorized this By-law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

Section 16 of By-law No. 86-77 is amended by the addition of the following subsections:

(12) 12.1 For the purposes of this subsection:

(a) “cease” means to stop or bring to an end.

(b) “congregate” means to gather into a group of more than one person.

(c) “obstruct” means to interfere with or make difficult of passage.

(d) “officer” means a sworn member of the Hamilton-Wentworth Regional Police Service or a municipal by-law enforcement officer appointed by the City of Hamilton.

General:

12.2 No person shall congregate and sit or stand so as to obstruct the free passage of either pedestrian or vehicular traffic on any streets or sidewalks regulated by this By-law.

12.3 Any person who obstructs pedestrian or vehicular traffic on a sidewalk or street shall, when directed to do so by an officer, cease such obstruction.
Exclusions:

12.4 Any parade, festive occasion or other event approved by the City of Hamilton shall be excluded from the provisions of this subsection.

Enforcement:

12.5 Sworn members of the Hamilton-Wentworth Regional Police Service and municipal by-law enforcement officers of the City of Hamilton are authorized to enforce the provisions of this by-law.

(13) 13.1 For the purposes of this subsection, “aggressive panhandling” means:

(a) approaching, speaking to or following a person for the purpose of entreating or urging that person to give money, in such a manner as would cause a reasonable person to fear bodily harm or harm to property on the person’s immediate possession;

(b) touching a person without their consent while panhandling from such person;

(c) repeatedly panhandling from a person, or following a person after a person has made a negative response; or

(d) panhandling by standing, sitting or otherwise in such a manner so as to intentionally block, obstruct or interfere with the safe passage of pedestrians or vehicles, including unreasonably causing a person or vehicle to take evasive action to avoid physical contact.

13.2 No person shall aggressively panhandle on any streets or sidewalks regulated by this by-law.

13.3 No person shall solicit money from any pedestrian by panhandling on any streets or sidewalks regulated by this by-law in such a manner as to interfere with the ability of pedestrians to enter business establishments located on such streets.

PASSED this 7th day of August 1997.

[Signatures]
THE CORPORATION OF THE CITY OF STONEY CREEK

BY-LAW NO. 4156-95

A BY-LAW AUTHORIZING THE REGULATING AND PLANTING OF TREES, THEIR PRESERVATION, PROTECTION, AND OTHER MATTERS PURSUANT TO SECTION 312 OF THE MUNICIPAL ACT, R.S.O. 1990, Chapter M.45

WHEREAS The Corporation of the City of Stoney Creek wishes to preserve, control, protect and regulate the planting or removal of trees within municipal right-of-ways throughout the City and;

WHEREAS this By-law would be the means to implementing a procedure for enforcing control and protection of trees found within public right-of-ways:

THE COUNCIL OF THE CORPORATION OF THE CITY OF STONEY CREEK HEREBY ENACTS AS FOLLOWS:

1. In this By-law, unless a contrary intention appears:

   “Person” includes the Regional Municipality of Hamilton-Wentworth, a company, a corporation, or partnership.

   “Public Property” means a highway right-of-way for which The Corporation of the City of Stoney Creek has jurisdiction, vested interest and/or ownership.

   “City Engineer” means the Department Head or his/her designate of the Engineering Department, who is responsible to supervise and carry out the provisions of this By-law.

   “Tree” includes all woody vegetation.

   “Tree lawn” means the land within which a tree is planted or is to be planted.

2. Unless authorized by a written permit from the City Engineer, a person shall not mark, cut, break, debark, deface, damage or in any manner injure or destroy a tree growing on public property.

3. 1) Unless authorized by a written permit from the City Engineer, a person shall not tie, wire, or rope a tree on public property.

2) Unless authorized by a written permit from the City Engineer, a person shall not tack, paste, or attach a bill or note or any other thing or object to a tree on public property or to a stake, post, guard, or other object supporting such tree.

3) The City Engineer is authorized to remove or cause to be removed, without notice or compensation to any person, anything affecting a tree or a stake, post, guard, or other object supporting such tree if a permit is not obtained or even if a permit was obtained previously.

4. Unless authorized by a written permit from the City Engineer, a person shall not deposit, place, store, or maintain on public property any stone, brick, sand, soil, concrete, vehicle, equipment, or other matter or material that may impede the free passage of water, air, or nutrients to the roots of a tree.
5. Unless authorized by a written permit from the City Engineer, a person shall not spray, fertilize, prune, trim, disturb, cut, alter, or affect in any manner whatsoever, a tree or any part of a tree either above or below ground if the tree or the part thereof is on public property.

6. (1) Unless authorized by the Council of The Corporation of the City of Stoney Creek and until a permit is issued by the City Engineer, a person shall not plant, remove, or cut down a tree on public property or any part of a tree on public property.

(2) A person who receives a permit under this section shall comply with all directions or requirements of the City Engineer and shall comply with the following conditions unless varied by the City Engineer:

(i) Based on a 40 year cycle, a tree which will attain a trunk diameter greater than 300 to 375 millimetres shall not be planted in a tree lawn less than 2 metres in width. Where overhead wires or a building setback present a special problem in tree lawns less than 2 metres, the selection of the site and species of a tree shall be determined by the City Engineer.

(ii) If the tree cannot be planted in the middle of the tree lawn, the City Engineer shall select the species and planting location of the tree.

(iii) All trees shall be planted 15 metres from a highway intersection and if the tree is small upon reaching maturity, it shall be planted 1.5 metres from all driveways otherwise it shall be planted 4.5 metres from all driveways.

(iv) The spacing of a tree shall be determined by the City Engineer according to the species to be used, mature height, spread and form, the local surrounding environment, and any other matter the City Engineer determines to be relevant.

(v) A person who proposes to plant a tree on an unpaved street without a curb shall require the approval of the City Engineer to determine the tree location so that the tree will not be injured or destroyed when the street is paved, reconstructed or cleared from snow.

7. (1) A person who intends to do or cause to be done any construction or excavation on public or private property that may or is likely to injure a tree on public property, shall obtain a permit from the City Engineer and shall also deposit the sum of $200.00. This deposit shall be consolidated into the payment for other permits issued by the City such as road cut permits, same shall be returned to the applicant if the tree is not injured or damaged otherwise, the deposit shall be retained by the City and such person shall pay any additional cost for repairing or removing and replacing the tree if the tree is damaged beyond repair.

(2) A person who intends to construct or cause to be constructed a walkway or driveway within a 2 metre radius of a tree on public property, shall obtain a permit from the City Engineer and shall also deposit the sum of $200.00. This deposit shall be consolidated into the payment for other permits issued by the City such as entrance and/or curb cut deposit, same shall be returned to the applicant if the tree is not injured or damaged. Otherwise, the deposit shall be retained by the City and such person shall pay any additional costs for repairing the tree or removing and replacing the tree if the tree is damaged beyond repair.

8. (1) A person who applies for a permit to remove or cause to be removed a tree on public property in order to carry out any construction or excavation shall deposit with the City Engineer the sum of $200.00. The deposit shall be returned to the applicant when the tree is replaced if the City Engineer determines that the tree can be replaced, and also when the property is restored to a condition similar to the condition of the property before the excavation or construction was commenced otherwise, the deposit shall be retained by the City and such person shall pay to the City any additional costs for replacing the tree with any large caliper tree.

(2) A person who removes or causes to be removed a tree on public property without a written permit in order to carry out any construction or excavation shall pay to the City the cost of replacing the tree so removed with any large caliper tree.

9. A person who damages or injures a tree on public property without a written permit,
shall report such damage or injury to the city Engineer and shall pay to the City the
cost of repairing the tree or shall pay to the City the cost of removing and replacing
the tree if the tree is damaged beyond repair. If the City replaces the tree with a
different species of tree, the person is responsible for the value of the tree damaged
or injured and its removal if the tree is damaged beyond repair.

10. (1) The City Engineer is authorized to remove or cause to be removed any
decayed or dangerous tree on public property.
(2) The City Engineer is authorized to remove or cause to be removed any
decayed or dangerous tree on private property if a person on public property
may suffer injury or loss of life.
(3) The City Engineer is authorized to remove or cause to be removed any tree on
public property of the following genera and species;
   (i)  Populus  all poplar species
   (ii)  Salix  all willow species
   (iii)  Acer  Acer negundo - Manitoba Maple
          Acer saccharinum - Silver Maple
(4) The City Engineer is authorized to remove or cause to be removed any tree
directed by the Council to be removed.
(5) The City Engineer is authorized to give notice pursuant to Section 312(4)(e) of
The Municipal Act R.S.O. 1990, c.M.45 prior to removing a tree that has been
planted on a highway by a person pursuant to the By-law or The Municipal Act.

11. (1) The City Engineer is authorized to prune, trim, remove or cause to be removed
any shrub or hedge on a highway or public property which is in his or her
opinion causing a sight problem or visibility obstruction for either pedestrian
and/or vehicular traffic.
(2) The City Engineer is authorized to trim or cause to be trimmed, any tree
planted on a highway, any road allowance, daylighting triangle, reserve, service
utility easement corridor, or on private property where the branches extend
over a highway and where same, in the City Engineer’s opinion, is required to
maintain an acceptable level of safety in regards to visibility for both pedestrian
and vehicular traffic.
(3) The City Engineer is authorized to prune, trim, remove or cause to be removed
any tree on a highway where the placement has interfered with streetlighting
and more specifically, in the proper or specified illumination for that particular
highway.

12. (1) Prior to issuing a permit, the City Engineer is authorized to require from a
person,
   (i) specifications including methods to be used and results to be achieved;
   (ii) plans, diagrams, surveys, sketches, or any other drawings;
   (iii) any other matter or material.
(2) The City Engineer may refuse to issue a permit,
   (i) if the City Engineer is satisfied that the methods to be used or the
       results to be achieved are not in accordance with good standards of
       arboricultural or engineering practices;
   (ii) if the City Engineer is satisfied that the proposal is not in accordance
       with good planning or recreation principals;
   (iii) if the City Engineer is satisfied that a person or property is adversely
       affected;
   (iv) if the City Engineer is satisfied that a nuisance or unsightly appearance
       may occur.
(3) A person who receives a permit shall comply with all requirements, directions,
or work orders of the City Engineer or any City Inspector acting under this By-
law.
(4) A person who receives a permit shall replace the tree if the City Engineer
determines that the tree can be replaced.
(5) A person who receives a permit shall restore the property to a condition similar
to the condition of the property before the work commenced.

13. (1) The City Engineer may revoke a permit that has been issued,
   (i) if the terms of a permit are not followed:
   (ii) if the specifications are not followed;
   (iii) if the requirements, directions or work orders are not followed;
   (iv) for any of those matters mentioned in Section 12, Subsection 2;
   (v) if any other term of this By-law is not followed.
14. A person who does not receive a permit from the City Engineer or whose permit is revoked by the City Engineer may request the Council of The Corporation of the City of Stoney Creek, through an appropriate Committee, to consider the request for a permit. A person may submit material relevant to the matter and if the person or an agent of the person wishes to make personal representation to the Committee, City procedure shall be followed.

15. The City may approve a tree for a special preservation.

16. The City may approve a tree for special recognition.

17. In addition to any other requirements of the By-law, every person who contravenes any provision of this By-law is guilty of an offence and upon conviction, in addition to any other remedy, shall be subject to penalty of not more the $2,000.00 exclusive of costs, which penalty may be recoverable under the Provincial Offences Act.

18. This By-law shall come into force on the day of enactment.

ENACTED AND PASSED this 31st day of January, 1995.
THE CORPORATION OF THE TOWNSHIP OF GLANBROOK

BY-LAW NO. 328-86

TO PROVIDE FOR THE USE, REGULATION, PROTECTION AND GOVERNMENT OF PARKS, LANDS, AVENUES, SQUARES, BOULEVARDS AND DRIVES IN THE TOWNSHIP OF GLANBROOK

WHEREAS the Council of The Corporation of the Township of Glanbrook has by virtue of Paragraph 51 of Section 208 of The Municipal Act R.S.O. 1980, Chapter 302 all of the powers of a Board of Park Management under The Public Parks Act to pass By-Laws providing for the use, regulation, protection and government of parks, avenues, squares, boulevards and drives in the Township of Glanbrook, and

WHEREAS Council of the Corporation of the Township of Glanbrook has by virtue of paragraph 6 of section 193 of the Municipal Act R.S.O. 1980, Chapter 302 the right to pass by-laws providing for the use by the public of lands of which the Corporation is the owner and for the regulation of such use and the protection of such lands.

WHEREAS the Council of The Corporation of the Township of Glanbrook deems it desirable and expedient to enact a By-Law so providing.

NOW THEREFORE the Council of the Corporation of the Township of Glanbrook enacts as follows:

1. This By-Law shall be known as the Public Parks and Lands By-Law.

2. DEFINITIONS:
   (a) "Committee" means the Recreation and Parks Committee as constituted from time to time by the Council;
   (b) "Corporation" means The Corporation of the Township of Glanbrook;
   (c) "Council" means the Council of The Corporation of the Township of Glanbrook;
   (d) "Lands" means all land owned by the Corporation or leased by the Corporation and includes any land used by the Corporation for Township purposes with the consent of the owner of the land;
   (e) "Manager" means the Manager of Recreation Services or his designate;
   (f) "Motor Vehicle" includes an automobile, motorcycle, motor assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power but does not include cars of an electric or steam railway, motor vehicles running only upon rails, motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or a road building machine within the meaning of The Highway Traffic Act;
(g) "Motorized Snow Vehicle" means a self-propelled vehicle designed to be driven exclusively on snow or ice or both;

(h) "Off-Road Vehicle" means a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel, (i) on not more than three wheels, or, (ii) on more than three wheels and being of a prescribed class of vehicle;

(i) "Park" means any and all lands under the control of the Council which are designated for public park purposes and includes community centres, arenas and all lands surrounding buildings owned by the Corporation, or leased by the Corporation and includes any land used by the Corporation as a park with the consent of the owner of the land;

(j) "Posted Area" means an area where permissive, warning or prohibition signs are erected;

(k) "Township" means the Corporation of the Township of Glenbrook.

3. **GAMES:** No person is within the limits of any park or lands,

   (a) to shoot an arrow or practice archery or operate power model aircraft except in areas set aside and posted for such purpose, and

   (b) to play or practice golf or strike or throw a golf ball to play or practice sports such as, but not limited to baseball, football, soccer, ball hockey or any activity deemed by the Manager to be dangerous to the public safety in any area of any park or lands except those areas physically laid out, designated and/or improved for such use, and

   (c) to throw upon any ice rink in a public park or lands, any object which is likely to cause injury to a user thereof or damage to the ice rink or which could in any manner interfere with the use of the said rink or arena.

4. **FIRES:** No person is within the limits of any park or lands,

   (a) to light or build a fire except in fireplaces provided for in posted areas after having obtained a permit to do so, and

   (b) to leave any fire or barbecue unattended without having extinguished the fire.
5. **VEHICLES:** No person is within the limits of any park or lands,

(a) to ride, park or drive any motor vehicle, motorized snow vehicle, off-road vehicle, trailer or bicycle except upon the roadways therein designated for vehicular use, except maintenance motor vehicles of the Corporation, its Contractors and Agents and motor vehicles, motorized snow vehicles and off-road vehicles used in parks on special events pursuant to a permit issued by the Corporation, and

(b) to operate a motor vehicle, motorized snow vehicle or off-road vehicle, at a speed in excess of 15 kilometers (10 miles) per hour, except vehicles operated at a special event pursuant to a permit issued under (a), and

(c) to drive, park or walk upon prepared ground, newly seeded or sodded ground or ground under repair or upon any lawn which is posted, and

(d) to park any vehicle for the purpose of hire.

6. **ANIMALS:** No person is within the limits of any park or lands,

(a) to ride, tether or drive any animal such as a horse, pony or donkey except for special events pursuant to a permit issued by the Corporation, and

(b) to let loose or allow to be let loose a dog unless it is led by a cord or chain that is not more than one point eight (1.8) metres (6 feet long), and

(c) to permit or allow a dog or other animal to defecate upon park property or lands unless the owner or person in charge of the dog or animal cleans up the feces, and

(d) to permit or allow any animal owned by him/her to swim in any water in or adjoining any park or land, bathing beach, swimming pool, and

(e) to disturb, molest, wound, attempt to kill or kill any bird, fowl or animal upon any park or lands.
7. **COMMERCIAL USES:** No person is within the limits of any park or lands,
   
   (a) to sell or keep for sale any goods, wares, merchandise, tobacco or
   refreshments of any kind except where a permit is issued by the
   Corporation, and
   
   (b) to perform for reward any act, skill or service, except where a permit
   is issued by the Corporation, and
   
   (c) to place, maintain or allow to remain therein any coin-operated machine
   or game of any nature or kind, except where a permit is issued by the
   Corporation, and
   
   (d) to erect, construct, build or cause to be erected, constructed or build
   any tent, shelter, building or other structure, except where a permit
   is issued by the Corporation.

8. **PROTECTION OF PROPERTY:** No person is within the limits of any park or lands,
   
   (a) to wilfully cause injury to any person or damage any park property
   or lands by any means whatsoever, and
   
   (b) to distribute or expose any kind of commercial circular or
   advertisements or post, stencil or otherwise affix any notice or bill
   or other paper to any tree, shrub, fence, building or structure, and,
   
   (c) to leave or deposit any ashes, bottles, garbage or waste of any kind
   whatsoever except in receptacles provided for such purposes, and
   
   (d) to enter any place where a sign prohibiting admittance or trespassing
   is displayed, or where admission is otherwise prohibited or restricted,
   and,
   
   (e) to throw into the natural water resources or any pool or pond within
   or abutting a Public Park or Public Lands, any foreign object that
   is likely to injure any person or pollute the water, and
   
   (f) to dig, tear up any pavement, sidewalk, crosswalk, grass plot, roadway
   or any part thereof, and
   
   (g) to cut, destroy or damage in any way any tree, flower, plant, shrub or
   flower bed, and
   
   (h) to operate any amplifying system or loudspeaker, except through a
   permit issued by the Manager, and
(i) to organize or arrange any public meeting, carnival, festival, concert, fireworks display, large picnic, overnight camping, organized sporting event or other such events without a permit from the Corporation and in that connection an application for such a permit

(i) is to be submitted in the prescribed form and submitted to the Manager of Recreation Services of the Township, and

(ii) is to be accompanied by a permit fee in the amount approved by Council from time to time.

9. **SWIMMING:** No person is within the limits of any park or lands,

(a) to enter to bathe in any water in or adjoining any park, land or swimming pool without being properly clothed in a bathing suit, and

(b) to dress or undress in or adjacent to any water in or adjoining any park, lands, or swimming pool except in the places specifically provided for such purpose, and

(c) to loiter in any bathrooms or bathing station, or conduct himself in such manner as to be objectionable to other patrons or the public in or immediately adjacent to a bathhouse or pool, and

(d) to bring to any pool or the waters adjacent thereto any underwater spear or shooting device, and

(e) who is a male person enter any part of any bathhouse set apart for the use of female persons, or being a female person enter any part of any bathhouse set apart for the use of male persons, unless authorized by the Manager or the Committee, with the approval of the Council.

10. **TIME:** No person is within the limits of any park or lands,

(a) to enter or be found in any park on any day except during the hours between 6 a.m. and 11 p.m. on any day, except through a permit issued by the Manager.

(b) if what is known as "Day-Light Saving Time" has been adopted in the Township of Glambrook for any period of the year under any Statute, Order-in-Council, Resolution or Proclamation, whether the same is effective in law or not, such time is to be held to be the time referred to during such period in any reference to time in this By-Law.
11. **ALCOHOLIC BEVERAGES:**

The possession of liquor is prohibited in a park or lands, and

(a) No person shall bring into a park or lands having in his care, custody or possession liquor or any kind of alcoholic beverage while in a park or on lands without the prior approval of the Corporation and only then under the authority of a "Special Occasion Permit" issued under Section 8 of The Liquor Licence Act R.S.O. 1980.

(b) Any Police Officer upon discovery of liquor in a park or on lands may remove the liquor pursuant to Section 56 of The Liquor Licence Act R.S.O. 1980.

(c) Notwithstanding subsection 1 and 2 of this section, liquor may be kept in a mobile home, recreational vehicle, trailer or tent that is designed for use as, and is being used as, a residence in a section of a Park designated by the Corporation for such use.

12. **ENFORCEMENT:**

(a) The provisions of this By-Law may be enforced by Peace Officers, By-Law Enforcement Officer or by Municipal Employees or agents authorized by a certificate signed by the Manager which shall be carried to prove such authorization and identify the said employees or agents.

(b) The provisions of this By-Law shall be and are hereby declared in effect during all hours at Public Parks' and other lands under the Corporations jurisdiction.

13. **OFFENCE:**

(a) Any person who contravenes any provision of this By-Law is liable upon summary conviction before a Justice, to a fine under the Summary Convictions Act, not exceeding $2,000.00 exclusive of costs for each offence and is liable to an action at the suit of the Township to make good any damage done by him/her.

14. **REWARD:**

(a) The Treasurer of the Township of Glanbrook is authorized to pay up to the sum of $250.00 for information received by the Township which leads to the apprehension and conviction of anyone found vandalizing or damaging any Public Park or Lands.
By-Law No. 123-77 of the Township of Glanbrook is hereby repealed.

ENACTED AND PASSED this 21st day of May, 1986.

[Signatures]

MAYOR.

CLERK.
THE CORPORATION OF THE
TOWNSHIP OF GLANBROOK

BY-LAW NO. 328-1-93

A BY-LAW TO AMEND BY-LAW NO. 328-86 BEING A BY-LAW TO
PROVIDE FOR THE USE, REGULATION, PROTECTION AND
GOVERNMENT OF PARKS, LANDS, AVENUES, SQUARES, BOULEVARDS
AND DRIVES IN THE TOWNSHIP OF GLANBROOK

WHEREAS the Council of the Corporation of the Township of
Glanbrook adopted By-law No. 328-86 being a By-law to Provide for
the Use, Regulation, Protection and Government of Parks, Lands,
Avenues, Squares, Boulevards and Drives in the Township of
Glanbrook on May 21, 1986;

AND WHEREAS the Council of the Corporation of the Township of
Glanbrook deems it expedient to amend the penalty provision section
of this By-law to comply with the Provincial Offences Act;

NOW THEREFORE the Council of the Corporation of the Township
of Glanbrook enacts as follows:

1. THAT Section 13 be deleted and the following inserted
therefore:

"Any person who contravenes any provision of this by-
law is guilty of an offence and is liable to a fine of
not more than $2,000.00, exclusive of costs."

2. THAT in all other respects, By-law 328-86 is hereby
confirmed.


[Signatures]

MAYOR

DEPUTY CLERK
<table>
<thead>
<tr>
<th>Municipality</th>
<th>By-Law</th>
<th>Year</th>
<th>Summary</th>
<th>Jurisdiction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stoney Creek</td>
<td>4156-95</td>
<td>1995</td>
<td>By-law to preserve, control, protect, and regulate the planting / removal of trees within municipal right-of-ways throughout the City. By-law regulates all matters concerning public trees on public property. Also regulates all construction, excavation, and work of a like nature - permits must be obtained where any work dealing with construction / excavation or anything of a like nature on public or private property may or is likely to damage or injure a public tree on public property; a deposit must also be given and will only be returned if the tree is not injured; if injury occurs, the deposit is retained and the person is required to pay additional costs for the replacement and removal of the tree.</td>
<td>Public</td>
</tr>
<tr>
<td>Stoney Creek</td>
<td>4401-96</td>
<td>1996</td>
<td>By-law to regulate the injury and destruction of trees in areas other than those located on public property. &quot;Designated Private Lands&quot; means privately owned lands within the Development Control Area established by the Niagara Escarpment Planning and Development Act, R.S.O. 1990, N. 2. By-law applies to all woodlots and designated private lands within the boundaries of the City. No person shall injure or destroy any tree on lands within the boundaries of the City without the consent of the owner of the lands. All work on private land (even if done by the landowner) requires a permit (Section 7). City clerk must administer the by-law / issue permits (Section 13). Rigid application / fee structure. Permits will not be issued where a tree is listed on an endangered species list, where significant vistas or views will not be protected or preserved; where flood or erosion control will be negatively impacted; where an environmentally sensitive area will not be protected; where an ecological system will not be protected; (Section 20). Long list of exemptions - Section 24 - long list of Acts; Section 25 - for those trees injured in woodlots or designated properties on private land (permits are not required). Tree protection area is not the entire city - only a section outlined on the attached map.</td>
<td>Public/Private</td>
</tr>
<tr>
<td>Flamborough</td>
<td>91-36-P</td>
<td>1991</td>
<td>By-law to preserve, control, protect, and regulate the planting / removal of trees within municipal land throughout the City. By-law regulates all matters concerning public trees on public property.</td>
<td>Public</td>
</tr>
<tr>
<td>Flamborough</td>
<td>241-82</td>
<td>1982</td>
<td>Tree planting on township roads.</td>
<td>Public</td>
</tr>
<tr>
<td>Glanbrook</td>
<td>244-82</td>
<td>1982</td>
<td>To designate the property owned by the Regional municipality of Hamilton-Wentworth Part lot 28, concession 9. There is a double-trunked maple on the property.</td>
<td>Public</td>
</tr>
<tr>
<td>Hamilton</td>
<td>92-155</td>
<td>1992</td>
<td>To regulate all municipal trees on public property.</td>
<td>Public</td>
</tr>
<tr>
<td>Dundas</td>
<td>4502-99</td>
<td>1999</td>
<td>To regulate all trees on municipal highways.</td>
<td>Public</td>
</tr>
<tr>
<td>Dundas</td>
<td>4513-99</td>
<td>1999</td>
<td>Known as the tree protection by-law - deals strictly with private lands. Designed to protect trees on sites where there is development potential for new buildings; in the Cross-Melville Heritage District; on private lands zoned for open space purposes; on lands that are environmentally significant; and on areas that are considered important in retaining the attractive character of the community. By-law is limited to trees with a minimum diameter of 0.15 m except in the Cross-Melville Heritage District where the minimum diameter is 0.1 m measured at 0.3 m above ground. By-law is limited to lands which are not subject of a site plan agreement. Applications for a permit shall be made by the owner to the Department of Planning and Building.</td>
<td>Private</td>
</tr>
<tr>
<td>Ancaster</td>
<td>4486-99</td>
<td>1999</td>
<td>To regulate the use of parks and open spaces in Dundas (including tree planting).</td>
<td>Public</td>
</tr>
<tr>
<td>Ancaster</td>
<td>2000-118</td>
<td>2000</td>
<td>The by-law applies to all trees located within the Urban Area boundaries within the town and lands owned and managed by the HRCA; also heritage trees on public and private lands; woodlands of 0.2 ha or more and tree protection areas. Permits are required for almost every activity involving work near a tree.</td>
<td>Private / Public</td>
</tr>
</tbody>
</table>