



## THE VILLAGE OF DUNNOTTAR

Administration

### TREE MAINTENANCE POLICY

<b>Subject:</b> Tree Maintenance Policy	<b>Policy No.:</b> General Policy #8
<b>Effective Date:</b> Immediate	<b>Resolution No.:</b>
<b>Replaces Policy:</b> New Policy	<b>Resolution Date:</b>
<b>Review Date:</b>	

#### STATEMENT OF GENERAL INTENT:

The Village of Dunnottar wishes to ensure long-term sustainability of the park-like nature of the community. Preservation of existing trees is therefore a priority and is required wherever conditions permit.

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## **1. PURPOSE**

The purpose of this policy is to provide direction to employees for the maintenance of trees on Village owned properties including, parks, rights-of-way, boulevards and other civic land, including those lands that are used by non-profit groups and organization under tenure granted by Council (Dunnottar Community Club and Ponemah Beach Central). Maintenance of trees including the trimming, shaping and/or removal of trees for any purpose authorized by this policy.

## **2. TERMS AND DEFINITIONS**

**Arborist:** Means a person currently certified by the University accreditation or the International Society of Arboriculture (ISA) and designated by the Public Works Foreman and/or his designate to undertake all aspects of tree care.

**Hazard Trees:** Means a tree identified by an arborist or the Public Works Foreman as having defects sufficient to significantly increase the likelihood that all or part of the tree will fail, resulting in a risk or personal injury, death or property damage.

**Management Plans:** Means a plan developed to assess, monitor or react to a threat to the health of a species of trees, be that threat either disease or pest.

**Natural Areas:** Means areas that are typically made up of a continuous tree cover in remnants of second growth forest or edgelands, continuous herbaceous cover with discontinuous tree cover, found along roads, rail and waterways, and the Meadow Street protected area.

**Park:** Means area designated or dedicated by plan or by-law as parkland or natural open space.

**Residents:** Means the person or person ordinarily residing within the Village boundaries or persons who own property in the Village.

**Topping:** Means a term to describe the drastic reduction of a tree's apical growth.

**Utility Lines:** Means all transmission lines for power or telephone.

**Wildlife Tree:** Means a tree that provides present or future habitat for the maintenance or enhancement of wildlife.



### **3. POLICY**

#### **1.0 Protection of Trees on Village Property**

- a) It is the objective of the Village to ensure long-term sustainability of the park-like nature of the community. Preservation of existing trees is therefore a priority and required wherever conditions permit.
- b) The management of trees on Village Property is the responsibility of the Village of Dunnottar Public Works Department.
- c) Only the Village's staff or approved contractor is authorized to carry out work on Village trees.
- d) No other person may plant, remove, prune or otherwise undertake any activity that may affect the health and welfare of a tree on Village property without first obtaining written permission from the Council of the Village of Dunnottar.
- e) Trees are considered joint property when any part of the tree trunk crosses a property line.
- f) Penalties for the unauthorized removal or damage of trees in Village Parks or other public spaces are provided in this policy.

#### **2.0 Refusal to Remove Trees**

- a) Trees will not be removed from Village property for the purpose of maintaining or enhancing view corridors. Pruning work where required for the health or maintenance of trees will be carried out at the discretion of the Public Works Foreman, or his designate.
- b) Trees will not be removed from Village property where shade becomes an issue with properties or habitat close to parks or natural areas. For trees located on boulevards, pruning work where required for health or maintenance of trees will be carried out at the discretion of the Public Works Foreman, or his designate.
- c) Trees will not be removed from Village property due to issues of leaf, flower or seed litter. This is usually a naturally occurring seasonal situation and does not justify tree removal.
- d) Trees adjacent to streams will not be removed from Village property unless they meet the tree removal criteria or are deemed hazard trees.
- e) Trees will not be removed from Village property unless they meet the tree removal policy or are hazard trees.



#### **4. TREE REMOVAL POLICY**

Trees will only be considered for removal from Village property when one or more of the following criteria have been met:

- a) The tree has been determined as a “Hazard Tree” and the risk of failure cannot be mitigated by pruning or other practical means.
- b) The tree is endangering the health or stability of other trees.
- c) The tree is interfering with or inhibiting the normal development of a more desirable tree.
- d) The tree poses an extreme public nuisance due to its species, size, location or condition.
- e) The tree is encroaching into a street or walkway in such a way that visibility and pedestrian or vehicular clearance is reduced thereby causing a traffic safety problem.
- f) The tree’s removal has been approved by Council.
- g) The tree is impeding the development of streets, utilities, public works and facilities.
- h) The tree is affecting overhead utility lines where pruning operations are not considered practical.

Wherever possible, residents within a 60 meter radius of a tree that is proposed for removal by Village staff or approved contractor will be notified, either verbally or in writing, prior to the work being commenced. Tree removals for emergency purposes may be taken without notification.

#### **5. HAZARD TREES**

- a) Trees on Village property that have been assessed to be a “Hazard Tree” will be removed at the Village’s expense.
- b) The cost of removal of a joint ownership “Hazard Tree” will be shared in proportion to the amount of the tree trunk situated on each property.

#### **6. MAINTENANCE**

- a) Village trees shall be maintained in such a manner as to promote general good health and not to endanger, interfere, or otherwise conflict with requirements of safe public use of an area.
- b) Any Village tree that becomes a hazard to public safety due to its habit, growth, age, condition or disease shall be maintained to correct the problem, up to and including removal. Trees that obstruct clear views of street intersections, signs, signals or other street views that may affect safety shall be maintained to correct the problem, up to and including removal.



- c) All pruning on Village property shall be completed by Village staff or approved contractors.
- d) “Topping” of Village trees is not considered to be an acceptable pruning practice. Trees will only be considered for topping in the following circumstances:
  - a. Where statutory clearance from overhead services is required and no other options are available.
  - b. Where the decision has been made to remove a tree from a natural area, then a tree may be topped to provide habitat as a “wildlife tree”.
  - c. Where a hazard tree is used as a habitat by protected birds, it may be topped as an interim measure until the fledglings have left the nest.
- e) Upon request, the Village shall complete pruning work on Village trees to ensure appropriate clearances from structures on private property.
- f) Control of insects and pests on Village trees shall receive initial consideration by physical, cultural and biological control methods. Chemical controls will only be considered where a mix of other strategies has failed and the pest level is above Village threshold levels.

**7. DAMAGE TO PROPERTY OR SERVICES**

- a) Where it is deemed Village trees may be responsible for damage to private property or services, residents will be requested to outline their claims in writing to the Village.
- b) Damage from tree roots is considered a nuisance and there is no liability upon Municipalities in Manitoba on actions based on nuisance. Therefore, by virtue of the current Provincial Statutes Law governing Municipalities, the Village of Dunnottar is not responsible for such damage resulting from trees.

**8. TREES ON PRIVATE PROPERTY**

- a) The Village of Dunnottar governs the management of trees on Village property only.
- b) Residents are reminded that other regulations, including any Provincial and Federal Acts deemed appropriate, can affect removal of trees on private property and appropriate approvals may be required.
- c) Where residents consider themselves impacted by tree(s) located on private property, or where they consider such tree(s) to be dangerous or block views, they are to resolve their concerns with the property owner on whose property the tree(s) are located.



**9. NATURAL AREAS**

- a) Natural Areas are those properties identified on the attached map.
- b) Trees in “natural areas” will be maintained in as natural state as possible to protect habitat sustainability. Tree management work will be undertaken to address the following issues:
  - a. Safety: May involve falling or pruning. Where feasible, all resulting vegetation debris will be left on-site as habitat.
  - b. Tree Health: Trees may be pruned or removed where they are interfering with the health of other trees growing in the immediate area.
  - c. Management Plans: Undertaken to achieve specific objectives in response to a threat (either disease or pest) to a species of tree and may involve removals, pruning or planting.

