

TREE REMOVAL

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1.0 PURPOSE

The purpose of the Tree Removal policy is to establish the criteria, processes and authorities for removing public trees.

2.0 OBJECTIVES

The objectives of the policy are as follows:

- 2.1 To create a safe urban forest environment by removing trees that pose a threat to persons or property.
- 2.2 To assist in maintaining the health of the urban forest by managing tree diseases and pests through the removal of hazard, infected or nuisance trees.
- 2.3 To accommodate civic or private development projects by removing trees that impede the development.
- 2.4 To facilitate public maintenance by removing trees that impede on-going access or interfere with maintenance work.
- 2.5 To protect motorists and pedestrians by removing trees that obstruct sight-lines.
- 2.6 To remove trees that have been severely damaged by a storm, fire or other natural or man inflicted causes that have the potential to become dangerous trees.

3.0 DEFINITIONS

Tree - means a woody plant with one or more stems and a minimum calliper width of 2.5 centimetres and a minimum height of 1.5 meters.

Director - means the Director of Community Services of the City of Regina and anyone acting or authorized by the Director to act in his/her behalf.

Officer - means a person appointed under Section 13 (1) of *The Pest Control Act* by City Council for the purpose of enforcing *The Pest Control Act*.

Pest - means any animal, insect pest or tree disease so declared under Section 3 of *The Pest Control Act* to be a pest.

Owner - means any person who owns, occupies or controls land in the City.

Public Land - means any real property owned or controlled by the City of Regina including, but without limiting the generality of the foregoing, any real property the City of Regina is granted access to under a tree planting easement.

Relocation – means a tree that is sufficiently small enough that it can be dug up by a tree spade or by hand and moved to another site for planting.

Removal – means a tree that because of its size or other considerations cannot be relocated to another site and therefore must be cut down and disposed of.

Hazard Tree - means any elm tree that:

- (i) in the opinion of an officer within the meaning of *The Pest Control Act* for the purpose of enforcing the provisions of the Act, has deteriorated to the point that it is capable of supporting elm bark beetle habitation and breeding making that elm tree a hazard that may promote the spread of Dutch elm disease; and
- (ii) has been identified to the owner as a hazard tree, by
 - a) written notice sent by regular mail to the owner by an officer; and
 - b) a clear marking placed on the elm tree by an officer that distinguishes the elm tree from other elm trees that are not hazard trees or infected trees.

Infected Tree - means any elm tree that:

- (i) has been determined by an officer to be infected with Dutch elm disease; and
- (ii) has been identified to the owner as an infected elm tree by:
 - a) written notice sent by regular mail to the owner by an officer; and
 - b) a clear marking placed on the elm tree by an officer that distinguishes the elm tree from other elm trees that are not infected trees or hazard trees;

Nuisance Tree - means any tree that:

- (i) is infected with an insect pest or tree disease;
- (ii) the particular tree disease or insect pest has the potential to spread and infect the urban forest; and
- (iii) the problem cannot be corrected by pruning or other treatments and removal of the tree is deemed necessary by the Superintendent of Urban Forestry.

Dangerous Tree - means any tree that:

- (i) is in danger of falling, breaking, uprooting or collapsing; and
- (ii) in the opinion of the Director of Community Services is likely to cause injury to

persons or damage to property.

Interfering Tree - means any tree growing in a location that:

- (i) impedes access or interferes with public maintenance work; or
- (ii) is causing or has the potential to cause damage to public infrastructure; and
- (iii) in the opinion of the Director of Community Services the problem can only be cost-effectively corrected by removing the tree.

Obstructing Tree - means any tree that:

- (i) obstructs a clear line of sight for motorists or pedestrians approaching a street intersection or exiting curb-crossing, walkway or alley onto the street; and
- (ii) in the opinion of the Director of Community Services the problem cannot be corrected by pruning and the tree must be removed.

Sight-line triangles are measured from:

- The intersection of curb line projections to 10.0 meters along those lines.
- The intersection of back of the walk and property line projections to 4.61 meters

Structurally Damaged Tree - means any tree that:

- (i) has been severely damaged by a storm, fire or other natural or man inflicted cause;
- (ii) while the tree does not pose an immediate threat to persons or property, it has the potential to become a dangerous tree; and
- (iii) in the opinion of the Director of Community Services there is no possibility of repairing the tree and removal is deemed necessary.

4.0 STATUTORY AUTHORITY

The following identifies the statutory authority for the various types of tree removals:

<u>Type of Removal</u>	<u>Statutory Authority</u>
Hazard Tree	<i>The Pest Control Act</i> Section 2 (d)
Infected Tree	<i>The Pest Control Act</i> Section 2 (e)
Nuisance Tree	<i>The Urban Municipality Act</i> Section 127
Dangerous Tree	<i>Forestry Bylaw No. 9607</i>
Interfering Tree	<i>Traffic Bylaw No. 9900</i> Section 92 <i>Forestry Bylaw No. 9607</i>

Obstructing Tree	<i>Traffic Bylaw No.9900 Section 69</i>
	<i>Forestry Bylaw No. 9607</i>
Structurally Damaged Tree	<i>Forestry Bylaw No. 9607</i>

5.0 RESPONSIBILITY

- 5.1 The Director of Municipal Engineering and anyone authorized to act on his behalf may authorize the removal of an obstructing or interfering tree on any public highway, boulevard or sidewalk under *Traffic Bylaw No. 9900*.
- 5.2 The Director of Community Services may authorize the removal of a nuisance, dangerous or interfering tree that is not already covered under *Traffic Bylaw No.9900* on public or private land. The Director may also authorize the removal of a structurally damaged tree on public land.
- 5.3 The Director of Community Services may authorize the removal or relocation of trees in the management of the City nursery.
- 5.4 The Superintendent of Urban Forestry or the Arborist is responsible for determining if a tree on public or private land is a dangerous or obstructing tree. The Superintendent of Urban Forestry is also responsible for determining if a tree on public land is structurally damaged.
- 5.5 The Supervisor of Integrated Pest Management is responsible for determining if a tree on public or private land is a hazard, infected or a nuisance tree.
- 5.6 A Pest Control Officer may order the removal of an infected or hazard tree on public or private land.
- 5.7 The Parks and Recreation Board is responsible for hearing appeals from private applicants whose request for removing a tree on public land has been denied. Only those cases where there is a dispute between the City and the private landowner or in cases where the removal of a tree or trees could impact the surrounding residents should be forwarded to the Parks and Recreation Board for their consideration. Trees which may be removed by a tree spade and relocated to another area for planting should be considered a relocation and not a removal.
- 5.8 Maintenance and Open Space Services staff are responsible for notifying The Urban Forestry Section of any trees requiring removal in the areas under their jurisdiction.
- 5.9 The Arborist is responsible for training all staff involved in tree removals.

6.0 TREE REMOVAL CRITERIA

The following criteria are intended to prevent the indiscriminate removal of public trees.

Public trees may be removed only when one or more of the following criteria apply:

- 1) The tree is infected with an insect pest or tree disease that could cause an epidemic and removal is the recommended action to prevent transmission.
- 2) The tree is dead or suffering from major decay which cannot be treated successfully and is therefore susceptible to DED or poses a threat to public safety or property.
- 3) The tree poses a threat to persons or property which cannot be corrected by pruning, transplanting or other treatments.
- 4) Removal of the tree is required to accommodate private development or civic projects such as sewers, roadways, utilities, buildings or driveways and there is no cost-effective alternative to save the tree.
- 5) Removal of the tree is required to mitigate conflicts such as the obstruction of motorist or pedestrian sight-lines; roof damage to buildings; sidewalks or underground water or utility lines; or interference with overhead utility lines or public maintenance work; and there is no cost-effective alternative to save the tree.
- 6) The tree has been severely damaged in a storm, fire or other natural or man inflicted cause, and there is no possibility of repairing it.
- 7) The tree interferes with the growth and development of a more desirable tree.

7.0 THE TREE REMOVAL PROCESS

7.1 Trees on Public Land

7.1.1 Hazard, Infected and Nuisance Trees

- The Integrated Pest Management Section will determine whether a tree is a hazard, infected or a nuisance tree.
- If the tree cannot be successfully treated by other alternatives and removal is necessary to prevent transmission, The Urban Forestry Section will remove the tree.
- Hazard, infected or nuisance trees on public land should be removed as soon as possible.
- Written notification stating the reasons and authority for the removal will be provided to the homeowner whose property is adjacent to the tree.

7.1.2 Dangerous, Interfering, Obstructing and Structurally Damaged Trees

- The Director of Community Services may authorize the removal of a tree from public land where, in the Director's opinion, the tree is a dangerous, interfering (not covered under *Traffic Bylaw No. 9900*) or a structurally damaged tree.
- The Director of Municipal Engineering may authorize the removal of an obstructing tree or interfering tree on any public highway, boulevard or sidewalk.
- All dangerous, interfering, obstructing or structurally damaged trees considered for removal shall be referred to The Urban Forestry Section for inspection. Each tree shall be assessed by the Arborist or Forestry Technician in order to determine if it meets the tree removal criteria outlined in section 6.0 of this policy. An evaluation form shall be provided for this purpose which identifies the reason and the authority for the removal.
- A copy of the completed evaluation form and action proposed shall be left with the property owner whose house is adjacent to the tree.
- Those trees that meet the tree removal criteria shall be scheduled for removal. Those that do not shall be referred to the Superintendent of Urban Forestry for remedial action.
- Dangerous trees shall be removed as soon as possible when they are reported. While the expectation is that staff would respond to a dangerous tree as soon as they become aware of it, this may not always be possible after normal work hours or on week-ends. Interfering trees may be removed as they are encountered. Obstructing trees shall be removed within three days. Structurally damaged trees shall be removed within two months. All trees that are removed shall have a posting that states the reason for the removal, the section of the bylaw or act under which the tree was or is being removed, and the phone number for City Central in the event the residents have questions related to the removal.

7.1.3 Removals to Accommodate Civic or Private Development Requests

- In those cases where the City receives a request for the removal of a tree on public land that is not a hazard, infected or nuisance tree, the Superintendent of Urban Forestry will conduct a site assessment to determine if removal is the preferred option.
- The following mechanisms for reporting to Parks and Recreation Board shall be adopted:

1) Civic Development Projects

A preliminary report shall be submitted to Parks and Recreation Board each year prior to the beginning of construction season. The report shall describe the specific projects, the approximate number of trees to be removed or relocated and the site(s)

to which the trees may be relocated. Any civic projects that arise unexpectedly after the preliminary report has been submitted shall be presented in an interim report to Parks and Recreation Board for their consideration. At the end of the construction season a reconciliation report shall be provided to Parks and Recreation Board providing accurate numbers on the trees actually removed or relocated and the sites to which they were relocated.

2) Private Development Projects

Requests for tree removals or relocations to accommodate private development projects such as garages or driveways will continue to be considered by Parks and Recreation Board on an individual basis. An information report shall be provided to Parks and Recreation Board at the end of construction season describing the number of trees relocated to accommodate private development projects and where they were relocated.

The advantages of these reporting mechanisms are as follows:

- 1) Costly delays in civic department projects will be avoided.
- 2) Public trees that might otherwise be lost will be saved by relocating them during the appropriate transplanting periods.
- 3) While the Administration will still be accountable to Parks and Recreation Board for reporting tree removals and relocations, the number of reports will be significantly reduced and the information contained in the reports at the end of construction season will be more accurate.

The Parks and Recreation Board shall continue to exercise the option of charging the person requesting the removal of a public tree, the costs of removing the tree and either:

- a) the cost of a replacement tree having a caliper width of seven and one-half (7.5) centimeters, taken at a height of one and one-half (1.5) metres; or
- b) the inventory cost of the tree being removed, as determined by the Director in accordance with the standards as established by the International Society of Arboriculture, from time to time;

as determined by the Parks and Recreation Board, at their sole discretion. In cases where a significant number of trees are impacted or trees of significant value (\$2,500 or more) are affected, the Board shall consider charging the inventory cost of the trees or consider the option of having the applicant pay the cost of two or more replacement trees for each tree of significant value to be removed.

7.1.4 Emergency Situations

- In cases where a gas leak poses an immediate threat to public safety as determined by the utility company and the corrective work required may impact public trees, the utility company shall notify the Superintendent of Urban Forestry. Depending upon the urgency of the situation, the notification may occur before or after the work commences.
- In situations where Public Works or a utility company must respond quickly such as a sewer, water or gas line break and there is not time to arrange a site visit prior to commencing work, they should phone the Superintendent of Urban Forestry or designate for approval if their activities are likely to affect public trees. The Superintendent of Urban Forestry will follow up their phone conversation with a letter confirming their agreement.

7.2 Trees On Private Land

7.2.1 Hazard, Infected and Nuisance Trees

- Pest Control Officers currently monitor elm trees for Dutch elm disease on both public and private land. Urban Forestry personnel also monitor street trees including boulevard trees in the course of their regular maintenance activities. As a consequence, Pest Control Officers and Urban Forestry personnel may come across nuisance trees or trees other than elm trees that are infected on private land. The intent of this policy is not to actively seek out nuisance trees on private land, but rather when City staff encounter them during the course of their regular duties, to set out procedures for notifying homeowners so that they can take corrective action and prevent a possible infestation in the urban forest.
- Where Urban Forestry personnel suspect a tree is a hazard, infected or a nuisance, they shall make a referral to the Supervisor of Integrated Pest Management for an inspection.
- Where a Pest Control Officer determines that a privately owned tree is a hazard, infected or a nuisance tree, they shall first confer with the owner regarding the method of destruction or control and attempt to enter into a written agreement setting out the arrangements made.
- If agreement cannot be reached, or if the officer goes to the residence on two different days and fails to make contact with the owner, they may issue an order under subsection 19 a (1) of *The Pest Control Act*. The order must:
 - 1) describe the land or premises with respect to which the order is issued;
 - 2) describe the disease or pest which the order is intended to control;
 - 3) describe the action required to comply with the order;
 - 4) specify the time within which the order must be complied with.
 - 5) clearly mark the tree to distinguish it from other trees on the property.

- Such an order is properly served if left at the residence with a person 21 years of age or more or if sent by registered mail to the last known address of the owner. The person must be allowed five days from the date of service or mailing to commence the work.
- Where the person resides outside Saskatchewan, the order must be sent by registered mail by the Clerk's Office to the persons last known address and allowed ten days from the date of mailing to commence the work.
- If the owner fails to complete the work within the time specified in the order or to carry out the work to the satisfaction of the officer, the officer may do whatever is necessary to carry out the work required. Within thirty days of incurring the expenses, the officer must submit to the Clerk a certified statement of expenses together with a description of the land. The municipality must pay the expenses and may recover them from the owner in the same manner as rates and taxes. The Clerk must then send a notice by mail to the owner setting out the expenses together with a description of the land advising that if the owner does not pay the amount by December 31 of the same year, it shall be added to their taxes of the property.

7.2.2 Dangerous and Interfering Trees

- Where in the course of their regular duties Urban Forestry or Integrated Pest Management staff encounter a tree on private land that poses a danger to public safety or public property, they shall report the tree to the Superintendent of Urban Forestry. The Director of Community Services shall take steps to eliminate the danger. Written notification stating: 1) the reason for the removal; 2) the statutory authority; and 3) the time specified for the removal shall be provided to the owner of the tree. If the owner fails to comply within 48 hours, the Director of Community Services may have the tree removed and the cost added to the taxes of the property. Three estimates for removing the tree will be obtained from qualified tree service companies with the lowest bid being successful.

It should be noted that the City's interest is in protecting public safety and public property. If during the normal course of their duties, City staff encounter a dangerous tree on private land that poses a danger to the homeowner or to private property, they will notify the homeowner of the threat. In this case, it is the responsibility of the homeowner to take corrective action to eliminate the danger.

- Where a private tree interferes with public maintenance work, the Director of Community Services may order the owner to remove the tree within seven days. Written notification stating: 1) the reason for the removal; 2) the statutory authority; and 3) the time specified for removal shall be provided to the owner of the tree. If the owner fails to comply within seven days, the Director of Community Services may have the tree removed and the cost added to the taxes of the property. Three estimates for removing the tree will be obtained from qualified tree service companies with the lowest bid being successful.

The following table illustrates the tree removal process.

Table 1: THE TREE REMOVAL PROCESS

Criteria	Dangerous, Interfering, Obstructing and Structurally Damaged Trees	Dangerous and Interfering Trees	Removals to Accommodate Development	Hazard, I
	Public Land	Private Land	Public Land	Public Land
1. Statutory Authority	Forestry Bylaw #9607 Traffic Bylaw #9900	Forestry Bylaw # 9607	Forestry Bylaw #9607	The Pest Control The Urban Municip Act
2. Approval Authority	Director of Community Services Director of Municipal Engineering	Director of Community Services	Parks & Recreation Board	Pest Control Officer Director of Commun Services
3. Enforcement	City	City	City	City
4. Costs Paid By	City	Homeowner	Petitioner	City
5. Process Initiated By	City	City/Homeowner	Private or Civic Contractor	City
6. Work Done By	City	City or Homeowner	City	City
7. Disposal	City	City or Homeowner	City	City
8. Removal	Dangerous trees shall be removed within 48 hours; interfering trees as encountered; obstructing trees within 3 days; structurally damaged trees within 2 months.	Dangerous trees shall be removed within 48 hours; interfering trees within 7 days.	Once approval is received from Parks and Recreation Board	As soon as possi
9 Penalty	N/A	Forestry Bylaw #9607	Forestry Bylaw #9607	N/A
10. Follow Up	Stump removal/replanting	Inspection to confirm completion	Stump removal/replanting	Stump removal/repla

7.2.3 Enforcement

In cases involving infected or nuisance trees on private land the Pest Control Officer will make the initial contact with the homeowner and attempt to reach a voluntary agreement to have the homeowner remove the tree or failing that will issue an order under *The Pest Control Act* to have the tree removed. In cases of dangerous or obstructing trees on private land Urban Forestry personnel will make the initial contact. In both cases if the homeowner fails to undertake the necessary work within the specified time or to complete the work to the satisfaction of the Pest Control Officer or the Urban Forestry personnel, the matter will be referred to Bylaw Enforcement for follow-up and possible legal action. The final wording of the correspondence to the homeowner shall be reviewed by the Legal Department

7.3 Penalty Provision

Any person who contravenes any provision of *Forestry Bylaw No.9607* is guilty of an offence punishable on summary conviction by a fine in an amount not exceeding:

- (a) Two Thousand (\$2,000.00) Dollars in the case of an individual;
- (b) Five Thousand (\$5,000.00) Dollars in the case of a corporation;

or in default of payment by an individual, by imprisonment for a term of not more than ninety days.

8.0 COMMUNICATION

- 8.1 The Arborist is responsible for notifying the resident of a hazardous tree removal occurring on city property adjacent to their residence.
- 8.2 The Arborist shall notify City Central of any tree removals taking place.
- 8.3 The Horticultural Extension Officer and the Public Affairs Department are responsible for developing public information packages related to tree removal.
- 8.4 In the event Integrated Pest Management discovers a tree that meets the tree removal criteria but is not diseased or infected, they shall refer the tree to Urban Forestry Section for follow up action.
- 8.5 The Superintendent of Urban Forestry shall review all development permits that may impact the urban forest.
- 8.6 The Forestry Technician shall inspect the sites and the relationship of the trees to the proposed construction on the property.
- 8.7 The Forestry Technician shall inspect the sites and the relationships of the trees to the

proposed construction on the property.

- 8.8 Prior to the construction season, the Urban Forestry Section, Public Works and Municipal Engineering Departments shall meet to identify any projects that may involve tree removals.

