



**BYLAW NO. 2010-891
OF THE
TOWN OF TWO HILLS**

**A BYLAW OF THE TOWN OF TWO HILLS, IN THE PROVINCE OF ALBERTA,
TO REGULATE THE PLANTING, MAINTENANCE AND REMOVAL OF
BOULEVARD, PARK AND PUBLIC TREES WITHIN THE CORPORATE LIMITS OF
THE TOWN OF TWO HILLS**

Whereas, pursuant to section 7 of the *Municipal Government Act*, a Council may pass bylaws for municipal purposes respecting certain matters;

And Whereas trees are the longest living organisms on earth. Trees help purify the air we breathe, contribute to urban biodiversity, provide wildlife habitat, beautify and enrich our lives throughout the year, sequester carbon and provide a sense of well-being in our urban environment. Therefore, these valuable assets require our dedicated stewardship.

Now Therefore by the virtue of the power conferred upon it by the Municipal Government Act, the Council for the Town of Two Hills enacts as follows:

1. DEFINITIONS

- a. Boulevards – includes all municipal property that is part of a right-of-way of a highway within the Town.
- b. Drip line – means the outer limits of a tree’s canopy. The point at which water will drip unimpeded from the perimeter of the branches to the ground.
- c. Highway – means any thoroughfare defined as a highway in the Highway Traffic Act.
- d. Municipality – means the Town of Two Hills.
- e. Park – includes all public parks, other parkland, municipal reserve and environmental reserve within the Town.
- f. Shall – means the mandatory and not directory.
- g. Tree – means any municipal tree located on public lands.
- h. Tree Topping – means the severe cutting back of limbs within a tree’s crown to such a degree so as to remove the normal canopy and structure of the tree causing the disfiguration of the tree.

2. PROCEDURES

- a. No person other than an employee of the Town, a person authorized by the Town, or a contractor hired by the Town shall;
 - i. Trim, prune, remove or otherwise alter any tree or portions thereof;



- ii. Plant, treat, spray or otherwise disturb any tree on public lands;
 - iii. Deposit, place, store or maintain upon any public lands any stone, brick, sand, concrete, soil or other materials which may impede the free passage of water, air and/or fertilizer to the roots of any tree;
 - iv. Excavate any ditches, tunnels or trenches on public lands that are within the drip line of any tree.
- b. Nothing herein shall be construed so as to prevent a person from watering or fertilizing any tree located on public lands provided nothing is done to harm the tree.
 - c. Public Utility companies, if performing work on trees, shall obtain approval from the Town to prune or remove any tree located on public lands for the purpose of maintaining safe line clearance and shall carry out all such work in accordance with accepted arboriculture standards.
 - d. In the event of an emergency, such as a limb falling on live wires or danger to public safety, Public Utility companies may perform such work as is required to eliminate an immediate danger without obtaining approval for work.
 - e. Anyone who wishes to trim, prune, remove or otherwise alter a tree shall submit an application to the Public Works Foreman detailing the location, number, size and species of trees affected by the proposed work. The applicant shall also specify the purpose of the work and the methods to be used.
 - f. The Public Works Foreman shall have the authority to grant and/or disallow permits and affix reasonable conditions to such permits for work performed on municipal trees.
 - g. The Public Works Foreman shall have the authority and the duty to inspect all work performed on municipal trees.
 - h. Permits for work on trees may be granted provided the following conditions are fulfilled by the applicant:
 - i. If the work for which a permit is issued entails the felling of any tree or portion thereof, which as a result of such felling may be expected to fall upon public lands and/or private property, and if such felling is to be performed by a person other than the property owner, the property owner shall agree to indemnify and hold the Town of Two Hills harmless for any and all damages resulting from such work conducted;
 - ii. The property owner, as the applicant, shall bear all costs associated with the work and all conditions as stated in the permit.
 - i. Any decision of an employee of the Town may be appealed, in writing, to the Town Council, stating the reason for the appeal. Council may confirm, amend or reverse the decision of the Town employee.
 - j. All trees on boulevards, parks or other public lands near any excavation or construction shall be guarded with a good substantial fence, frame or box not less than four (4) feet high and sixteen (16) square feet in area, to protect against construction damage. The stated protective enclosure shall be erected by whoever is performing such work in proximity to trees.
 - k. In the event of any excavation or construction in a boulevard, park or other public land, the Public Works Foreman may at his or her discretion, require the person performing such work to erect protective snow fence around the perimeter of the drip line of the tree(s).
 - l. No person shall intentionally damage, cut, carve, transplant or remove any tree; attach



- rope, wire, nails or other object to any tree; allow any pesticide, gaseous liquid or solid substance which is harmful to trees to come in contact with them; or set fire or permit any fire to burn which such fire or the heat thereof will damage any portion of a tree.
- m. It shall be unlawful as a normal practice for any person to top any tree located on public property. Trees severely damaged by storms or other causes, may have damaged portions removed. Trees under utility wires or other obstructions when normal pruning practices are impractical may be exempted at the discretion of the Public Works Foreman. Written approval is required for this exemption.
 - n. No person shall unreasonably hinder, prevent, delay or interfere with any Town employees while engaged in the execution or enforcement of the terms of this bylaw.
 - o. If as a result of a violation of any provision of this bylaw the injury, mutilation, death or unapproved removal of a tree is caused, through accidental or deliberate means, the cost of repair and/or removal and replacement of such plant material shall be borne by the party in violation. The replacement value of trees shall be determined in accordance with the specifications of plant appraisal as published by the International Society of Arboriculture.
 - p. Upon summary conviction any person who violates any provision of this bylaw, or who fails to comply with any notice issued pursuant to such provisions shall be subject to a fine of a minimum of Two Hundred Dollars (\$200.00) and a maximum of Two Thousand Five Hundred Dollars (\$2,500.00) for each separate offence.
 - q. The employee, officials and agents of the Town of Two Hills, while acting in the course of their employment or duties, shall be exempted from provisions of this bylaw.
 - r. In the event that a Court in the Province of Alberta should strike down or otherwise declare invalid any section of the bylaw, the remainder of the bylaw shall remain in effect.
 - s. This Bylaw shall come into force and take effect on the date of final passing.

READ a first time this 13th day of September, 2010.

READ a second time this 13th day of September, 2010.

READ a third time and final reading, this 13th day of September, 2010 and finally passed.

TOWN OF TWO HILLS

MARK KUSSMANN
MAYOR

ELSIE HOWANYK
CHIEF ADMINISTRATIVE OFFICER

