

**TOWN OF KERROBERT****BYLAW NO. 1091-23  
TREE BYLAW****A BYLAW TO PROVIDE FOR THE MANAGEMENT AND PRESERVATION  
OF TREES GROWING IN THE TOWN OF KERROBERT****OBJECTIVE:**

The purpose of this bylaw is to provide a guide for the planting, establishing, maintaining and removal of trees in the Town of Kerrobert to provide maximum benefits to the community with minimal costs and conflicts to abutting land uses, pedestrian and vehicular traffic and regular maintenance programs.

**DEFINITIONS IN THIS BYLAW:**

1. Town means Town of Kerrobert, or any qualified individual that is appointed by the Town to Determine matters established in this bylaw.
2. Boulevard means the portion of land lying between the curb and gutter of a street and the adjacent property line, excluding the sidewalk. Where no curb and gutter exist, it is the portion of land lying between the designated roadway and the adjacent property line;
3. Dangerous Tree means any tree that:
  - a.) In the opinion of the resident, and agreed upon by the Town of Kerrobert is in danger of falling, breaking, uprooting and collapsing and
  - b.) The Town determines that injury to persons or damage to property may occur as a result.
4. Established Tree means any tree that is not an infected tree, or dangerous tree.
5. Infected Tree means any tree that:
  - a) Had been determined to be infected with Dutch Elm disease; and
  - b) Has been identified to the Owner as an infected tree by:
    - i) Written notice to the Owner or posted on the Owner's property and
    - ii) A clear marking placed on the Elm tree, that distinguishes it from other Elm trees that are not Infected.
  - c) Any tree that has been determined by the Town to be infected with an insect, pest or tree disease which may potentially spread and infect other trees and cannot be controlled by pruning.
6. Interfering tree means any tree growing in a location which:
  - a) impedes access or interferes with public maintenance work; or
  - b) is causing or has the potential to cause damage to public property.

and the Town determines that such interference cannot be controlled by cost effective means other than removal of the tree.

7. Obstructing Tree means any tree that obstructs a sightline for motorists or pedestrians Approaching a street intersection or exiting curb crossing, walkway or alley of the Town. determines that such obstruction cannot be corrected by pruning the tree.
8. Owner means any person who owns, occupies, or controls land within the Town of Kerrobert.
9. Town Property means all land legally owned or controlled by the Town including boulevards, buffer strips, parks, cemeteries, municipal reserve, streets, rights-of-way and natural stands.
10. Tree means a living woody plant with one or more stem(s), a minimum caliper width of 2.5 centimeters and a minimum height of 1.5 meters
11. Suitable Species are tree species that are hardy in nature, non-fuzzing and are a minimum size of 30 mm caliber measured 4 Feet (1.5 m) above ground level. Hybrid Popular and Fruit trees are forbidden as boulevard trees.

#### GENERAL

1. It is the policy of the Town to:
  - a) Remove dead, dying, diseased, interfering, obstructing or dangerous trees on public property.
  - b) Recommend and encourage:
    - (i) The proper pruning, protection and repair of privately owned trees in the Town
    - (ii) The planting of suitable species at desirable sites with in the town.
  - c) Review development plans and agreements to provide recommendations regarding landscaping and trees;
  - d) Maintain large mature trees in the Town
  - e) Implement tree planting programs/incentives as needed to maintain and enhance the tree population within the Town to maximize benefits to the Town and the citizens in terms of enhancement to aesthetics, reduction in urban warming, and improvement to air quality

#### TREE REMOVAL ON PRIVATE PROPERTY

1. The Town is not responsible for the removing of trees on private property.
2. Town employees, or any professional contracted by the Town may enter upon private land within the Town to:
  - a). Inspect trees to determine whether they are in a diseased condition
  - b.) Treat trees on land as needed to curb Dutch Elm Disease, or other such infestation
3. The town may order an owner of the land to remove a tree or limb that is, in the opinion of the Town or professional contracted by the town, hazardous to the persons or property or so affected by disease or insect infestation as to endanger the life and health of trees in the vicinity. Such Order shall be in writing from the Administrator and shall specify the tree(s) in question, the remedy to undertaken and the time by which the order must be completed.
  - a). Where the owner fails to remove the tree or limb described in the order within the

time required a person authorized by the town may enter upon the land upon which the tree or limb is situated, without warrant or other legal process, and remove the tree or limb.

- b). Costs associated with removal of the limb according to Section 3 (a) will be billed to the owner of the property, and upon failure to pay, may be added to the taxes on that property.
4. Any owner of a tree that is Dutch Elm shall not prune or trim the tree unless it is the specified time period from September 1st - March 31<sup>st</sup>, so as to prevent the occurrence and/or spread of Dutch Elm Disease. The owner shall also bear all responsibility and cost to remove and dispose of the trimmings as per the guidelines set out by the Government of Saskatchewan.

#### TREE REMOVAL ON TOWN PROPERTY

1. The Town is responsible for the removal of trees on town property.
2. Any tree considered dangerous or interfering with traffic and pedestrian safety will be pruned or removed as quickly as possible at the discretion of the town via the public works staff or any contracted business/individual.
3. In order to prolong the safe life of trees, the Town will coordinate whenever possible the pruning of dead and dying branches on trees on Town Property;
4. Trees that are dead or diseased, as determined by the Town will be marked for removal.
5. Trees that are requested for removal by an adjacent property owner may be marked for removal as determined by approval of the Town.

#### TREE PRESERVATION AND PROTECTION:

1. Private individuals are not to remove any trees that are on Town property. Anyone wishing to have a tree on town property removed must submit a written request using Form A (make sure it has location and why) If the resident is requesting that a tree on town property be removed:
  - a) the cost shall be the responsibility of the individual requesting the tree removal (state on form)
  - b) the resident will be required to replace the tree at their cost within the guidelines of this bylaw.
2. Unless authorized by the Town no person shall:
  - a). Tack, paste, or attach a poster or note or any other thing, or object to a tree or to a stake, post or guard or other object supporting such tree
  - b). Deposit, place store or maintain any stone, brick, sand, soil, concrete, vehicle equipment of other material that may impede the free passage of water air or nutrients to the root of the tree.
  - c). Alter or change the soil levels in the vicinity of any tree in a manner likely to cause injury to the tree.

3. Pruning of the boulevard trees adjacent to the homeowner's property by the homeowner will be allowed and is encouraged providing the owner:
  - a.) Gives notification to the Town office for verification of proper procedure.
  - b). Adheres to property pruning guidelines and does not impede the use of the sidewalk any longer than necessary
  - c) Does the pruning at an appropriate time of the season
  - d.). Does not impede the use of the sidewalk
  - e.) Disposes of the branches if they are able to do so. If they do not have the means to move the trimmings to the Landfill, the town of Kerrobert will remove them providing it corresponds with the annual spring pick up of yard maintenance debris or it is paid by the resident as a custom work order at the current custom work rates.
4. In the event that a tree is pruned incorrectly and does not survive, it will be the responsibility of the home owner to replace the tree and maintain according to the guidelines represented in this policy.

#### TREE PLANTING:

1. The town may undertake a tree planting program to replace trees that have been removed due to disease and old age, subject to tree availability and budget considerations.
2. The Town will attempt to replace trees at a rate of one to one, or a recommended amount so they are properly spaced and promote healthy growth of the tree(s)
3. The Town will keep a list of residents who wish to have a tree planted in the boulevard in front of their residence. On a yearly basis the town will endeavor to plant enough trees on the boulevards to satisfy the requests made by residents. Those residents will be responsible for the newly planted trees until they have become established, there will be no reimbursement from the town for water usage or tree care after they are planted. The time frame for establishment will be 5 years.
4. The town will supply mulch, (if the Town has an adequate supply) for the newly planted trees if it is desired, and. However, the resident is responsible to obtain the mulch from the community pile and spread it around the base of the newly planted tree.
5. Requests for shelterbelts that are from the residents that have homes on the edge of Town may be presented to council in writing. The process of that will be as follows:
  - a). If the residents have no intention of aiding the town in establishing the shelter belt it will be done as time and budget restrictions permit.
  - b.) The request for trees as a shelter belt will be first taken to the Communities in Bloom committee to see if they are interested in adopting the shelter belt as a major project for them in the current year.
  - c.) Upon approval from the Community in Bloom Committee, plans will be made to purchase the trees within their annual budget constraints. The town will be available to help mark out an appropriate area for the shelter belt. As well as water the newly planted shelter belt providing that a summer student has been hired for the Town. All

other requirements such as watering, (if the town can't) weeding and pruning will be responsibility of the individual(s) that requested the shelter belt.

6. All newly planted trees on the boulevards and for shelterbelts will require approval of council, before being planted. Please fill out Form "B" and provide it to the Administrator by noon the Friday before a Council meeting so it can be added to the agenda.
7. Anyone who is planting a tree will contact Sask 1<sup>st</sup> Call or request online before digging.

This bylaw shall become effective upon adoption by Council.



Wayne Wood  
Mayor

Brad Deumer  
CAO

Read a 1<sup>st</sup> time this 10 day of May 2023

Read a 2<sup>nd</sup> time this 24 day of May 2023

Read a 3<sup>rd</sup> time and adopted this 24 day of May 2023



# Tree Removal Request

Form "A" Bylaw 1091-23

## Applicant Information

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Street Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

## Tree Information

Tree Location \_\_\_\_\_

Species \_\_\_\_\_ Height \_\_\_\_\_

Reason for Removal Request:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Disclaimer and Applicant Signature

I certify that my answers are true and complete to the best of my knowledge. I understand that this application does not guarantee tree removal and assessment and removal of said trees is at the sole discretion of the Town.

Signature \_\_\_\_\_ Date: \_\_\_\_\_

## For office Use Only:

Tree Location: \_\_\_\_\_ Condition: \_\_\_\_\_

Removal Cost: \_\_\_\_\_ Paid for by: TOWN RESIDENT

Replacement Tree Planted YES NO Paid for by: TOWN RESIDENT

\* If the Resident is wanting the tree removed before budget allows, they are free to remove at their own cost once approved by the town. If they are wanting a healthy tree removed it will be after approval by Council, at their own cost and with the understanding that a new tree will be planted and cared for at their expense.



# Tree Planting Request

Form "B" Bylaw 1091-23

## APPLICANT INFORMATION

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Street Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

## PROPOSED LOCATION AND TREE INFORMATION

1. Proposed Tree Species: \_\_\_\_\_

2. Tree Height/Tree Diameter: \_\_\_\_\_

3. Is the Location a corner lot: \_\_\_\_\_

4. Will the proposed tree location conform with the following planting setbacks?

(Mark the distance or n/a for not applicable)

	Center of Boulevard	
	From driveway and private walkways	5 feet (1.5 m)
	From Curb: no sidewalk	10 feet (3 m)
	<b>Intersection Street Sight Triangle</b> (9 m out from the corner both ways)	30 feet (9 m)

	<b>From a Utility</b> Includes: Hydrant, Street light, Utility pedestal, Transformer	10 feet (3m)
	<b>From the front of stop or yield signs</b>	23 feet (7m)

**DISCLAIMER AND APPLICANT SIGNATURE**

I certify that my answers are true and complete to the best of my knowledge. I understand that this application does not guarantee tree planting and assessment and removal of said trees is at the sole discretion of the Town.

I acknowledge that with approval of this request I am committing, at my own cost to care for the newly planted trees until they have become established, there will be no reimbursement for the town water usage or tree care after they are planted. The time frame for establishment will be 5 years.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

SASK 1<sup>st</sup> Call has/or will be contacted (please circle)    **YES**    **NO**

**FOR OFFICE USE ONLY:**

TREE LOCATION: \_\_\_\_\_ SPECIES: \_\_\_\_\_

DATE PLANTED: \_\_\_\_\_

APPROVED:    YES    NO

RECOMMENDATIONS OR COMMENTS: \_\_\_\_\_

**\*\* Approved Species with pictures can be found on the Town of Kerrobert Website**