

TOWN OF LUSELAND

BYLAW NO. 2023-07

A BYLAW TO PROTECT PUBLIC TREES

WHEREAS it is desirable to protect, preserve and retain trees in public spaces owned or controlled by the Town of Luseland;

AND WHEREAS Luseland's Urban Forest provides many environmental, health and economic benefits to the community, including:

- Improvement of air quality by removal of gaseous pollutants and dust particulates;
- Absorption of carbon dioxide;
- Climate moderation and energy conservation;
- Storm water retention;
- Wildlife habitat;
- Aesthetics; and
- General improvement of quality of life;

AND WHEREAS public trees share limited space with services such as utilities and transportation infrastructure, the repair and replacement of which causes loss of valuable trees;

AND WHEREAS *The Municipalities Act* provides that Council may pass bylaws for regulating people, activities and things in, on or near a public place or place that is open to the public;

NOW THEREFORE, The Council of the Town of Luseland, in the Province of Saskatchewan, enacts as follows:

1. This Bylaw may be referred to as the "Tree Bylaw".
2. In this bylaw:
 - (a) "Council" means the Council of the Town of Luseland;
 - (b) "Emergency Personnel" includes fire rescue personnel, emergency medical providers, law enforcement officers, local, provincial and federal authorities, and workers engaged in emergency repair to a Public Utility;
 - (c) "Enforcement Officer" means a member of the Luseland Police Service;
 - (d) "Move" means uprooting and transferring a tree from one location to another;
 - (e) "Pruning" includes the cutting of tree branches, twigs or roots;
 - (f) "Public Tree" includes any tree which has any part of its trunk located on Town Lands.
 - (g) "Public Utility" means a system or works used to provide one or more of the following for public consumption, benefit, convenience or use:
 - (i) water;
 - (ii) sewage disposal;
 - (iii) drainage;
 - (iv) fuel;
 - (v) electric power;
 - (vi) roads, sidewalks, or pathways;
 - (vii) waste management; and
 - (viii) telecommunications and cable television;And includes the thing that is provided for public consumption, benefit, convenience or use.

- (h) "Town Lands" means property owned, controlled or maintained by the Town of Luseland including parks, greenspaces, walkways, medians, boulevards and road rights-of-way;
- (i) "Tree" means any perennial woody plant that normally has one or few upright stems and is maintained as a tree and includes plants designated as trees by Council.
3. No person shall remove, move, cut or prune a Public Tree or cause a Public Tree to be removed, moved, cut or pruned without prior written authorization from Council.
4. Where Council has authorized a person to remove a Public Tree or cause a Public Tree to be removed, Council will stipulate the number, size and species of tree that is to be planted in place of the Public Tree that has been removed,
- (a) The replacement tree(s) must be planted within one year of the Public Tree being removed.
- (b) Trees planted to replace Public Trees become the property of the Town and are Public Trees and subject to this Bylaw.
5. No person shall remove the bark of any Public Tree or cause the bark of a Public Tree to be removed without the prior written authorization from Council.
6. No person shall use or cause to be used an object of any kind to penetrate the bark of a Public Tree without prior written authorization from Council
7. Notwithstanding section 4,
- (a) In accordance with Regulations governing Public Utilities, a Public Utility may perform such Pruning as necessary to comply with safety regulations and to maintain safe operation of their facilities provided that the Pruning is carried out in accordance with accepted arboricultural standards and practices.
- (b) Council may order the Public Utility to stop any Pruning performed by a Public Utility if appropriate arboricultural practices are not being followed.
- (c) Council may determine it is not in the best interests of the Town or the Urban Forest for a tree to be planted at the same or nearby location as the tree that is or is to be removed. In those instances, Council may require payment of a sum in lieu of planting a tree, such sum to be kept by the Town in a separate account and used only for trees planted in the locations and of the species determined appropriate by Council
8. Where removal or Pruning of a Public Tree is determined to be necessary by Emergency Personnel responding to an emergency, such tree or part of it may be cut or removed without first obtaining written authorization to do so.
9. Emergency Personnel shall notify Council of the emergency and work done on the Public Tree as soon as possible but no later than three days after the removal or pruning of the tree.
10. No person shall attach electrical cord to a Public Tree.
11. No person shall use a Public Tree to secure any object.
12. No person shall put any thing in the branches of a Public Tree or cause anything to be put in the branches of a Public Tree.
13. Notwithstanding section 12, a person may place strings of lights in a Public Tree during the months of October, November, December, January and February so long as doing so does not create a safety hazard.
14. No person shall place, apply or spray or cause to be placed, applied or sprayed any substance other than water on or near any Public Tree without the prior written authorization of Council.

15. Where an Enforcement Officer believes a person has contravened any provision of this Bylaw, he may issue to the person an Order to Remedy the infraction.
16. Where an Enforcement Officer observes a contravention of this Bylaw with respect to a Public Tree, he may issue to the owner of the property adjacent to the Public Tree an Order to Remedy the contravention.
17. If the person to whom an Order has been issued pursuant to section 15 or section 16 fails to comply with the Order within the time specified in the Order:
 - (a) That person commits an offence under this section and an Enforcement Officer may issue a Notice of Violation; and
 - (b) Council may take or cause to be taken whatever steps are necessary to remedy the breach of the Bylaw and the cost of doing so becomes a debt owing to the Town by the person to whom the Order was issued.
18. (a) Any person who contravenes any provision of this bylaw is guilty of an offence and, upon summary conviction, shall be subject to a penalty as follows:

First Offence:	\$500.00
Subsequent Offences	\$1000.00 each
- (b) A violator of any section of this bylaw, having been served with a Notice of Violation by a Peace Officer, shall be subject to a penalty as follows:

First Offence:	\$500.00
Subsequent Offences	\$1000.00 each
- (c) The violator may, during office hours, voluntarily pay the penalty at the Luseland Town Office.
19. All violations of this Bylaw which are of a continuing nature shall constitute a separate offence for each day the offence continues.
20. Nothing in this Bylaw relieves a person from complying with any federal or provincial law or regulation, or other bylaw or any requirements of any lawful permit, order, consent or other direction.
21. Where this Bylaw refers to another Act, Regulation or agency, it includes reference to any Act, Regulation or agency that may be substituted therefore.
22. Every provision of this Bylaw is independent of all other provisions. If any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
23. Bylaw 2022-03 is hereby repealed.

This Bylaw shall come into force and take effect on the day of approval by the Council of the Town of Luseland.



Kathy Reedy
Mayor

D. Richardson
Administrator

Read a third time and adopted this 17th day of August 2023.

Certified true copy of Bylaw 2023-7
adopted by resolution of Council
on the 17th day of August 2023

D. Richardson
Administrator