

City of Cold Lake
BYLAW #222-PL-05

A BYLAW OF COLD LAKE, IN THE PROVINCE OF ALBERTA, TO PROTECT, PRESERVE AND RETAIN TREES IN PUBLIC SPACES THAT ARE OWNED OR CONTROLLED BY THE CITY.

WHEREAS it is important to provide for the management, improvement and operation of urban trees and forests;

AND WHEREAS trees provide benefits including: improvement of air quality; absorption of carbon dioxide; energy moderation; storm water retention; wildlife habitat; aesthetics and general improvement of quality of life;

AND WHEREAS the *Municipal Government Act*, R.S.A 2000 Chapter M-26 provides that Council may pass bylaws for regulating people, activities and things in public places that are open to the public;

NOW THEREFORE, by the authority of the Council of Cold Lake, in the Province of Alberta, Council enacts the bylaw as follows:

1. This Bylaw may be referred to as the "Municipal Properties Tree Protection Bylaw".

Definitions

2. In this Bylaw:

"Boulevard" means the strip of land between the curb and the sidewalk and between the sidewalk and the property line; or where there is not sidewalk, the strip of land between the curb and the property line, or where is not curb, the strip of land between the near edge of the road and the property line.

"City" means the City of Cold Lake or, where the context requires, the area comprised with the boundaries of the City as it may exist from time to time while this Bylaw is in force;

"Officer" means a Bylaw Enforcement Officer appointed by Council to enforce its Bylaws or a Special Constable or a member of the Royal Canadian Mounted Police or a Municipal Police Officer.

"Parks Foreman" mean person employed by the City of Cold Lake holding in the position of park foreman or his/her delegate;

"Public Lands" means any lands including boulevards, parks, public open spaces, public service land uses, walkways, medians, right of ways, municipal reserve or environmental reserve;

"Public Tree" means a self-supporting perennial woody plant that is species of the coniferous or deciduous genus and includes plants designated as a tree by the Parks Foreman located on any part of its trunk located on public property or any public lands including boulevards, parks, public open spaces, public service land uses, walkways, medians, right of ways, municipal reserve lands and environmental reserve lands;

"Remove" means to cut down, remove, move, prune, trim or kill a tree or a substantial part of a tree by any means;

"Trees Protection Barrier" means a fence or any other protective cordon surrounding a tree to restrict access.

General Provisions

3. All public trees on public lands shall be deemed to be the property of the City of Cold Lake and the care, custody and control of such trees shall be with the Parks Foreman.
4. The planting of all public trees shall be carried out by the City Parks and Recreation department or provided that a person may plant a boulevard tree but only with the written permission from the Parks Foreman.
5. No person shall remove a public tree or cause a public tree to be removed from any public lands without prior written authorization from the Parks Foreman.
6. No person shall remove bark of any public tree or cause the bark of a public tree to be removed without prior written authorization from the Parks Foreman.
7. No person shall use or cause the use of an object of any kind to penetrate the bark of a public tree without the prior written authorization from the Parks Foreman.
8. No person shall place any building materials or other similar object against a public tree without the prior written authorization from the Parks Foreman.
9. No person shall, by any means, attach a sign or poster to any public tree, without prior written authorization from the Parks Foreman.
10. No person shall attach electrical cords to any public tree.
11. No person shall use a public tree to secure any object.
12. No person shall put any thing on a public tree or cause any thing to be put on a public tree.
13. No person shall remove or cause to remove any part of a tree protection barrier or enter an area enclosed by tree protection barrier.
14. Notwithstanding section 12, a person may place strings of lights in a public tree with authorization from the Park Foreman so as doing so does not offend any Regulation respecting the location of electrical cords or create a safety hazard.
15. Any signs erected on or attached to private property shall be located in a manner in which no way interferes with a public tree and will not necessitate pruning or thinning in excess of normal practice without prior written authorization from the Parks Foreman.
16. 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 prior written authorization from the Parks Foreman.
17. The Parks Division may remove from any City tree, any wire, rope, nail, poster, or any such contrivance, that may, in the opinion of the Parks Foreman, damage the tree.
18. The Parks Division may replace any City tree that has died or been removed provided that such replacement, in the opinion of the Parks Foreman is desirable.

Exemptions

19. The City Parks Division may remove, trim, transplant or otherwise dispose of any public tree or authorize the removal, trimming, transplantation or disposal of any public tree if in the opinion of the Parks Foreman the tree:

- a) constitutes a hazard to the life or property or is a public nuisance;
- b) is infected by disease or injurious insects;
- c) is planted too close to an abutting tree that it impedes growth of either or both;
- d) interferes with the lines, poles, pipes, sewer lines, traffic control devices or other public utilities; or
- e) at the discretion of the Park Manager.

Offences

20. Any person who contravenes any provision of this Bylaw or the regulations is guilty of an offence.

21. All violations under this Bylaw shall be constituted as separate offences and treated as such.

22. Except as otherwise provided in this Bylaw, a person who is guilty of an offence under this Bylaw or the regulations for which a penalty is not otherwise provided is liable for each offence to a fine of not more than \$10,000.00 or imprisonment for not more than 1 year, or both, and in default of payment to imprisonment for a term not exceeding 1 year.

23. A person who is guilty of an offence under this Bylaw is liable upon summary conviction to a fine of:

- a) for a first offence, direct costs for replacement or repair of a damaged tree and a fine, in default of payment to imprisonment for a term of not more than 30 days, and
- b) for a 2nd or subsequent offence, direct costs for replacement or repair of the damaged tree and a fine, in default of payment to imprisonment for a term of not more than 60 days.

24. When an Officer has entered a specified penalty as per Schedule "A", and a defendant wishes to plea guilty, he/she may make a voluntary payment in respect to an offence, by delivering the municipal tag, violation ticket, or summons together with an amount equal to the specified penalty for the offence as provided for in Schedule "A", to the City office or a Provincial Court as identified on the violation ticket.

Violation Notices

25. Where an Officer or other person authorized to carry out the provisions of this Bylaw believes that a person has contravened any provisions of this Bylaw he may serve upon such person a notice, or form of intention to prosecute by way of a municipal tag, Provincial Violation Ticket, or by way of a summons to appear in court. The notice shall set out the name of the offender, time, location and date of offence, briefly describing the nature of the offence and the Section, applicable penalty and the court date on which the accused has the option of appearing to enter a plea.

26. A notice, ticket, or summons shall be deemed to have been sufficiently served if:

- 1) served personally on the accused, or
- 2) served by registered mail, or
- 3) left at the accused usual place of residence with an inmate thereof who appears to be at least sixteen (16) years of age.

FIRST READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta, this 23rd day of August, A.D. 2005, on motion by Councillor Kolewaski.

**CARRIED
UNANIMOUSLY**

SECOND READING passed in open Council duly assembled in the Town of Cold Lake, in the Province of Alberta, this 13th day of September, A.D. 2005, on motion by Councillor Kolewaski as amended.

**CARRIED
UNANIMOUSLY**

THIRD AND FINAL READING passed in open Council duly assembled in the Town of Cold Lake, in the Province of Alberta, this 13th day of September, A.D. 2005, on motion by Deputy Mayor Pelechovsky.

**CARRIED
UNANIMOUSLY**

CITY OF COLD LAKE



MAYOR



CHIEF ADMINISTRATIVE OFFICER

Schedule "A"

Specified Penalties for an Offence

Section	Description	Specified Penalty
5.	Remove, prune or trim a public tree	\$300.00
6.	Remove bark of a public tree	\$150.00
7.	Penetrate the bark of a public tree	\$150.00
9.	Attach a sign to a public tree	\$150.00
10.	Attach electrical cords to public tree	\$150.00
11.	Secure any object to a public tree	\$150.00
12.	Put any thing in the branches of a public tree	\$150.00
13.	Remove or enter a tree protection barrier	\$150.00
14.	Apply or spray any substance	\$150.00

AS
[Signature]