

**TOWN OF LEADER**

**BYLAW NO. 07/23**

**A BYLAW OF THE TOWN OF LEADER IN THE PROVINCE OF SASKATCHEWAN TO ESTABLISH AND ADMINISTER AN URBAN FORESTRY PROGRAM.**

The Council of the Town of Leader in the Province of Saskatchewan enacts as follows:

**Part I INTRODUCTION**

**1 *Title***

This bylaw shall be known as the "Urban Forestry Bylaw".

**2 *Purpose***

The purpose of this bylaw is to establish and regulate an Urban Forestry Program within the Town of Leader to protect the "living" assets of the Town.

**Part II DEFINITIONS**

1 For the purposes of this bylaw the following words shall have the meaning given herein:

**"Back Alley"** means the passageway between or behind buildings;

**"Barrier"** means any fence, frame, guard, or other device placed around or near a tree for the purpose of protecting it from injury or harm;

**"Boulevard"** means the vegetation strip between the sidewalk and a curb;

**"Bylaw Enforcement Officer"** means an employee or agent designated by the Town to enforce the terms of the Urban Forestry Bylaw;

**"Certified Contractor"** means an individual who has obtained a certificate of competency in the arboriculture field;

**"Developer"** means any individual or company which buys land for the purpose of the construction of real estate and all associated roads, sidewalks, greenspaces, landscaping, and utilities;

**"Hazard"** means a dead, dying, or unstable tree at risk of falling, breaking, or uprooting;

**"Hedge"** means a boundary formed by closely grown shrubs;

**"New Development"** means any infill housing construction or creation of a new subdivision in the Town of Leader;

**"Occupant"** means a person residing at an owned or rented property;



“**Park**” means all public parks, playgrounds, sports fields and municipal greenspace;

“**Pest or Disease**” means any insect or disease which is detrimental to the health of a plant;

“**Private Property**” means any land other than public or Town-owned property;

“**Private Tree**” means a tree on private property;

“**Property Owner**” means the assessed owner, as shown on the current assessment roll of the Town;

“**Provincial Legislation**” means laws made by the Government of Saskatchewan;

“**Pruning**” means cutting away dead, damaged, or overgrown branches or stems;

“**Public Property**” means all other grounds owned by the Town including but not limited to boulevards, parks and municipal greenspaces;

“**Public Tree**” means a tree on public property;

“**Road**” means any part of a road allowance, street, or way intended for or used by the general public for the passage of vehicles or pedestrians, excluding highways;

“**Shrub**” means a woody plant, generally smaller than a tree, typically with multiples stems branching from or near the ground;

“**Town**” means the Town of Leader;

“**Treat or Disinfect**” means to apply a substance that is registered as a plant disease or pest control product;

“**Tree**” means a woody perennial plant, usually having one dominant trunk and a mature height greater than five (5) meters;

“**Tree Removal**” means the removal of both the above and below ground portions of a tree including landscape repair;

“**Utility**” means the facilities for energy, communications and transportation, the provisions of those facilities, and the persons responsible for their provision and maintenance. Whether the facilities are publicly or privately owned;

“**Urban Forest**” means naturally occurring and planted trees and associated plants in the urban setting;

“**Urban Forestry Program**” means a program designed to manage trees in an urban setting;

“**Work**” means the installation and maintenance of utilities, the paving or repairing of roads, sidewalks or boulevards, the construction, demolition, replacement of any structure, excavation, landscaping activities, snow removal and grounds maintenance.



**Part III TREES ON PRIVATE PROPERTY**Planting

- 1 The owner of a private property shall not:
- plant a new tree closer than one (1) meter from the back of the sidewalk;
  - plant a new hedge closer than one (1) meter from the back of the sidewalk;
  - plant a new tree or hedge closer than one (1) meter from the rear property line; and
  - plant a new tree or hedge closer than one (1) meter from the side property line, unless mutually agreed upon by the neighbouring property owner.

Pruning

- 2 The owner of a private tree shall:
- prune the branches so that there is a clearance of not less than 4.25 meters above the surface of any road or highway;
  - prune the branches so that there is a clearance of not less than 2.5 meters above the surface of any sidewalk; and
  - prune the branches so that there is a clearance of not less than 4.25 meters above the surface of any back alley.
- 3 A property owner shall confirm a tree is a private tree and not a public tree prior to commencing any work including pruning or removal of a tree. If a property owner is uncertain, the Administrator shall be consulted to confirm if the tree is private or public.
- 4 The owner of a corner lot shall:
- keep the area within the 7.5 meters by 7.5 meters intersection of the two roads clear of trees, as indicated in Figure 1; and
  - keep the area within the 8.5 meters by 15 meters intersection of a road and a highway clear of trees, as indicated in Figure 2.
- 5 The owner of a private shrub or hedge on a corner lot shall:
- keep the shrub or hedged trimmed 30 centimeters from the back of the sidewalk;
  - keep the shrub or hedge trimmed to a height not exceeding one meter when planted within the area of the 7.5 meters by 7.5 meters intersection of two roads as indicated in Figure 1.; and
  - keep the shrub or hedge trimmed to a height not exceeding one meter when planted within the area of the 8.5 meters by 15 meters intersection of a road and a highway as indicated in Figure 2.

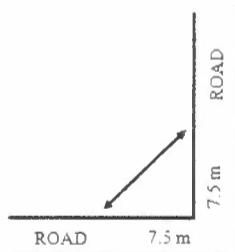


Figure 1

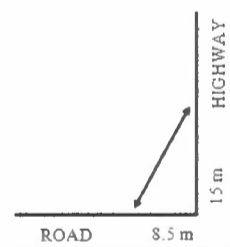


Figure 2

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Pests, Diseases and Hazards

- 6 A private tree, shrub or hedge that is infected with a pest or disease which may affect the health of other plants or creates a hazard to public safety and public property, as declared by the Administrator or an appointed agent, the property owner may be ordered to:
- a) treat or disinfect the tree, shrub or hedge;
  - b) repair, prune or remove the tree, shrub or hedge;
  - c) eliminate the condition in another manner as deemed appropriate by the Administrator.

**Part IV TREES ON PUBLIC PROPERTY**Pruning

- 1 Pruning of public trees:
- a) shall be performed by the Town of Leader, an appointed certified contractor or a property owner who has received approval from the Administrator in the fall and winter months or as needed;
  - b) may be performed without prior notice to a property owner or occupant of property in the vicinity.

Planting

- 2 The Town of Leader has the right to plant trees on boulevards adjacent to a private property if the Town deems it necessary for the Urban Forestry Program.
- 3 Property owners may plant trees on the boulevard adjacent to their property as outlined in the Boulevard Tree Incentive Policy.

Pests, Disease and Hazards

- 4 Where any public tree has endangered or may endanger any person or property, or due to damage or disease, the Town shall:
- a) repair, prune or remove the tree;
  - b) treat or disinfect the tree; and
  - c) make all reasonable efforts to preserve and protect the tree.

Removal

- 5 When a public tree is removed from a park, the Town must:
- a) replace the tree with a similar tree in the same location; or
  - b) plant a more suitable tree in the same location, on adjoining land, or in a different suitable location.
- 6 Requests for removal of public trees located on the boulevard adjacent to private property or in a new development shall:
- a) be made by the property owner or developer;
  - b) be delivered in writing to the Administrator; and
  - c) specify the location of the public tree, the reason for requesting the removal, and all other details deemed relevant to the request.

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- 7 The Administrator upon receiving a tree removal request shall perform a tree evaluation to determine the validity of the request.
- 8 Upon receiving the written request and completing the tree evaluation, the Administrator shall:
  - a) approve the removal at no cost to the property owner or developer;
  - b) approve the removal with the property owner or developer incurring the cost to remove only;
  - c) approve the removal with the property owner or developer incurring the cost of the removal and planting of a new approved tree, as found in the Boulevard Tree Incentive Policy; or
  - d) deny the request for removal.
- 9 If a property owner or developer is unsatisfied with the response to a request for removal of a public tree, an appeal may be made as per Section 8(4).

#### Replacement

- 10 A request by an owner to replace a public tree on a boulevard shall:
  - a) be made to the Administrator; and
  - b) accepting or denying approval to replace a public tree shall be at the discretion of the Administrator.
- 11 Acceptable reasons for replacing a public tree may include:
  - a) if a public tree has been excessively damaged;
  - b) if a tree has died due to pests or disease;
  - c) if a tree has died due to age or deterioration of health; and
  - d) other reasons deemed acceptable by the Administrator.
- 12 Reasons for denying approval for replacing a public tree may include:
  - a) the site is determined by the Town to be an unsuitable planting site;
  - b) the Town has planted a replacement public tree on the same site three times and the tree has not survived; and
  - c) other reasons as deemed appropriate by the Administrator.
- 13 If the property owner is unsatisfied with a decision made regarding tree planting or replacement, he or she may apply in writing as per Section 8(4).

#### **Part V PROHIBITED ACTIVITIES**

- 1 No person shall:
  - a) plant a tree on public property, other than a boulevard adjacent to their property, without written permission from the Administrator;
  - b) cut, prune, alter the appearance, or remove any public tree;
  - c) apply or administer a chemical in any form that would cause harm or death to any public tree;

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- d) deposit any materials or equipment which may impede the free passage of water, air, or nutrients to the roots of any public tree;
- e) alter the grade level or alter the drainage pattern in a manner in which may interfere with the access of water, air or nutrients to any public tree;
- f) fasten any object to or directly around a public tree;
- g) remove or damage any marker, barrier, water bag, or other device which has been installed by the Town to aid or protect a public tree; and
- h) commence or continue work or activity which damages or interferes with a public tree including the root system.

## **Part VI CONSTRUCTION AND NEW DEVELOPMENT**

- 1** Any person responsible for work near a public tree shall:
  - a) protect the tree before the work begins with a barrier sufficient to ensure the tree is protected from physical damage;
  - b) maintain the barrier in good condition so that it can perform its function;
  - c) segments of barrier shall be attached to each other and not to the tree;
  - d) keep all building materials, soil, and other debris outside the barrier; and
  - d) restore the affected area surrounding the public tree to a condition satisfactory to the Administrator.
- 2** Prior to proposed construction:
  - a) the Administration and Council shall determine the impact of the proposed construction on public trees prior to issuing permits, approvals, or other required paperwork;
  - b) the developer shall be informed, as early in this process as practicable, that all tree removal requests shall be considered only after all other alternatives have been pursued, including revision of plans and blueprints; and
  - c) if an acceptable alternative cannot be arrived at, the developer shall provide a written request as per Section 4(6).
- 3** Any person who intends to move any building or other large structure using a road or highway shall:
  - a) obtain a moving permit from the Administrator which shall contain a clause in reference to the protection of trees; and
  - b) be responsible for any costs incurred due to damage of any public tree including repair, removal, or replacement.
- 4** Upon completion of construction in a new development, including final grade of the top soil, the Town shall:
  - a) offer to supply and plant trees on the boulevards;
  - b) the Owner or Developer may choose a species of tree in accordance with the Boulevard Tree Incentive Policy; or

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- c) offer a property owner the option to decline having a public tree planted on the boulevard adjacent to the property if a tree(s) will be planted in the front yard of the property.
- 5 The Administrator or an appointed agent may inspect any construction, demolition, excavation, or grading site where there is any term or condition in a development permit or building permit relating to public trees and enforce any violations found.

#### **Part VII EXEMPTION**

- 1 This bylaw shall not apply to any emergent work required to be carried out immediately in order to prevent imminent danger to life, health, or property due to natural events including lightning, wind, hail, and snow, or unforeseen circumstances including automobile accidents, or to permit repairs to building structures or drains.

#### **Part VIII ADMINISTRATION & ENFORCEMENT**

##### Administration

- 1 The Administrator will execute the authority over the Urban Forest and the administration of the Urban Forest Program.
- 2 Every order under the Urban Forestry Bylaw shall:
- a) be delivered to the property owner or mailed to the property owner's address;
  - b) be in writing and specify the reason, corrective action to be taken and time period to correct the conditions;
  - c) specify that if the order is not corrected in the manner or time period as specified, corrective action shall be taken by the Town at the property owner's expense; and
  - d) notify the property owner of their right to appeal the order and the manner in which to appeal.
- 3 The Government of Saskatchewan may elect to designate the Town to enforce applicable provincial legislation, including but not limited to *The Dutch Elm Disease Regulations, 2005*.

##### Appeals

- 4 If a property owner chooses to appeal an order or appeal the denial of a tree planting or tree removal request:
- a) within ten days (10) of the order, the property owner may appeal the order in writing to the Administrator;
  - b) if the response is unsatisfactory to the applicant, an appeal may be made, in writing, to Council.

##### Enforcement

- 5 The Administrator may refer any non-compliance orders to the Bylaw Enforcement Officer.
- 6 The Bylaw Enforcement Officer shall enforce the requirements of the Town as related to the Urban Forestry Bylaw.

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- 7 Anyone found guilty of a violation of any of this bylaw may upon summary conviction be liable to a fine as provided in the General Penalty Bylaw of the Town of Leader.

Coming Into Force

- 8 This Bylaw shall come into force and take effect on the third and final reading by the Council of the Town of Leader.



*Al Wenzel*  
Mayor

*[Signature]*  
Administrator

*Read a first time this 19<sup>th</sup> day of September, 2023.*

*Read a second time this 3<sup>rd</sup> day of October, 2023.*

*Read a third time this 17<sup>th</sup> day of October, 2023  
and is hereby adopted.*

Certified True Copy of Bylaw 07/23

passed by the Council of the Town of Leader

on the 17<sup>th</sup> day of October 2023.

*[Signature]*  
Administrator

