

08/27/92

**TOWN OF BRIDGEWATER
TREES AND TREE LIMB REMOVAL POLICY**

Policy No: 9

Approval Date: December 11, 1989

Resolution No: 89-407

It shall be the policy of Council that with respect to trees on Town owned property that:

- 1). Are dead, damaged or diseased, such tree or limb so affected shall be removed at Town expense.
- 2). Overhang private property and only where there is imminent danger of damage or an obstruction to the private property as a result, such limb or tree shall be removed at Town expense. The determination as to whether or not such danger exists shall be made by the Tree Committee.
- 3). A tree or limb is not dead or damaged, neither the tree nor any portion of it shall be removed without the express consent of Council except for operational reasons such as the installation of sidewalks, sewers, roads, etc., and in such case, only at the determination of the Town Engineer.

08/27/92

**TOWN OF BRIDGEWATER
REPLANTING OF TREES POLICY**

Policy No: 20
Approval Date: November 13, 1990
Resolution No: 90-395

It shall be the Policy of Council with respect to the replanting of trees that, when a tree or trees is or are removed from Town owned property, pursuant to Policy No. 9, it is desirable that the tree be replaced with a new tree, the species of the replacement tree to be determined by the Tree Committee.


In implementing this policy, the Tree Committee may consider the following:

- 1). The effect of such a tree or trees on traffic safety, water and sewer services, electrical, telephone or other such utilities or services;
- 2). The wishes of adjoining private land owners;
- 3). the availability of suitable replacement trees;
- 4). The cost of replacement.

MUNICIPAL POWERS RESPECTING TREES

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- (1) A municipality may
 - (a) remove dead, dying or diseased trees on public and private property;
 - (b) recommend and encourage
 - (i) the proper pruning, protection and repair of privately owned trees in the municipality,
 - (ii) the planting of trees of suitable species at desirable sites within the municipality.
- (2) A municipality shall not remove trees from private property unless the owner has granted written permission or an order requiring the removal of the tree has been issued.
- (3) The council may, by policy, authorize its employees to enter upon land within the municipality to
 - (a) treat the trees on the land as approved and recommended by Forestry Canada;
 - (b) inspect the trees to determine whether they are in a diseased condition or damaged to the extent that they constitute a hazard to the safety of persons or property.
- (4) The council may, by policy, authorize an employee to order an owner of land, within thirty days of service of a copy of the order, to remove a tree or limb that is, in the opinion of the employee, hazardous to persons or property or so affected by disease or insect infestation as to endanger the life and health of trees in the vicinity.
- (5) An order to remove a tree or limb shall contain a description of the location of the tree or limb directed to be removed and a copy of the order shall be served upon the owner of the land.
- (6) Where the owner fails to remove the tree or limb described in the order within thirty days of service of a copy of the order, a person authorized by the employee may enter upon the land upon which the tree or limb is situate, without warrant or other legal process, and remove the tree or limb.
- (7) The actual cost of removal of the tree or limb pursuant to subsection (6) may be recovered as a debt from the owner of the land upon which it was located and is a first lien on the real property of the owner of the land and may be collected in the same manner as taxes.

- (8) An owner may appeal an order requiring the removal of a tree or limb to the Supreme Court of Nova Scotia within seven days of service of the order on the owner and the giving of a notice of appeal acts as a stay of proceedings until the appeal has been determined.
- (9) Upon an appeal pursuant to subsection (8), the Supreme Court of Nova Scotia may confirm, modify or set aside the order.
- (10) A municipality is not liable for failure to remove a diseased or dangerous tree or limb from property, whether publicly or privately owned.
-  (11) **A person who defaces, mutilates or cuts a tree upon property of a municipality without the written consent of the municipality is guilty of an offence, and is guilty of a separate offence for each tree defaced, mutilated or cut.**
- (12) A municipality may borrow for a term not exceeding ten years for the cost of a major tree removal program.