

# CORPORATION OF THE TOWN OF TILLSONBURG

## BY-LAW NUMBER 4001

**A BY-LAW to regulate the planting, maintenance, protection, preservation and removal of trees on municipal lands within the Town of Tillsonburg.**

**WHEREAS**, Section 135 (1) of the Municipal Act, 2001, S.O. 2001 c.25 (Act) authorizes a local municipality to prohibit or regulate the destruction or injuring of trees;

**AND WHEREAS**, Section 62 (1) of the Act authorizes a municipality, at reasonable times, to enter upon land lying along any of its highways to inspect trees, and conduct tests on trees, and to remove decayed, damaged or dangerous trees or branches of trees if, in the opinion of the municipality, the trees or branches pose a danger to the health and safety of any person using the highway;

**AND WHEREAS**, Section 391 of the Act provides that a municipality may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it;

**THEREFORE BE IT RESOLVED** That the Council of The Corporation of the Town of Tillsonburg enacts as follows:

### 1. SHORT TITLE

This By-Law shall be known as the "Tillsonburg Tree By-Law" of the Corporation of the Town of Tillsonburg,

### 2. ADMINISTRATION

This by-law shall be administered and enforced by the Director of Recreation, Culture & Parks, or the Director of Operations for the Town of Tillsonburg or authorized designate.

### 3. INTERPRETATION

1. **Director-** Means the Director of Recreation, Culture & Parks or the Director of Operations for the Town of Tillsonburg or authorized designate;
2. **Highway-** Means a common and public highway, street, avenue, parkway, roadway, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
3. **Municipal property** - Refers to any land that is owned by the Corporation of the Town of Tillsonburg;
4. **Person-** Includes a company, a corporation, a partnership or an individual person, and the singular shall include the plural;
5. **Third Party** - Refers to any person who may have be considered an expert in the particular field, or have authority over local conservation, and
6. **Tree** - Means any shade or ornamental tree, all or part of which is located on municipal property or on, above or below a public highway.

#### **4. AUTHORITY & DUTIES OF THE DIRECTOR**

The planting, care and removal of all trees on municipal property shall be under the supervision of the Director.

The Director is hereby authorized to do the following:

1. To plant or cause to be planted, trees on municipal property;
2. To water, fertilize, spray, trim or cause to be watered, fertilized, sprayed, or trimmed any tree growing on municipal lands, or on private property where the branches extend over a highway;
3. To remove or cause to be removed without notice or compensation to any person, anything which in his opinion adversely affects a tree, a stake, post, guard or other object supporting such tree;
4. To remove or cause to be removed any tree or part of a tree which in his or her opinion is decayed, diseased or hazardous to the public;
5. To remove or cause to be removed any tree or part of a tree which interferes with existing or proposed municipal services;
6. To impose such terms and conditions he or she deems necessary in granting written authorization;
7. To take whatever measures deemed necessary in his or her judgement to extend the useful life of a tree without impacting on public liability.

#### **5. PROHIBITED ACTIVITY**

No person shall, without the prior written authorization of the Director, do or cause or permit to be done, any of the following in relation to trees on municipal property:

1. Plant, remove, or cut down a tree or any part of a tree;
2. Mark, cut, break, debark, deface, damage or in any manner injure or destroy a tree, or any part of a tree;
3. Spray, fertilize, prune, trim, disturb, or alter a tree or any part of a tree;
4. Tack, paste or attach a bill or note or any other thing to a tree or a stake, post, guard or other object supporting such tree;
5. Do or cause to be done any work on municipal property or lands adjacent thereto which will affect any tree growing thereon;
6. Deposit, place, store or maintain any stone, brick, sand, soil, concrete or other material, or any vehicle or equipment that may impede the free passage of water, air or nutrients to the roots of a tree;
7. Allow any gaseous, liquid or solid substance which is harmful or toxic to trees to come into contact with any tree;
8. Interfere with fences, boxes or other protective devices placed around any tree;
9. Alter or change soil levels in the vicinity of any tree in a manner likely to cause injury to the tree, and
10. Excavate, disturb or compact soil within the drip line of a tree, being the area at the outer edge of the spread of the tree's branches.

## **6. PLANTING**

- 6.1.** Where a person has received prior written authorization from the Director to plant, or cause to be planted, a tree on municipal property, such planting shall be done under the supervision and to the satisfaction of the Director, and in accordance with the terms and conditions of the written authorization.
- 6.2.** No person shall plant, or cause to be planted, on municipal property a prohibited species of a tree designated in Appendix "A".
- 6.3.** Trees listed in Appendix "A" may be planted on municipal property.

## **7. CONSTRUCTION & EXCAVATION**

- 7.1.** Where a person has received prior written authorization from the Director to do or cause to be done any work on municipal property or lands adjacent thereto which will affect any tree growing thereon, such work shall be done in accordance with the terms and conditions of the written authorization and if the same cannot be followed for any reason, such person shall apply to the Director for instructions and directions.

## **8. REMOVAL**

- 8.1.** Where a tree is identified as unhealthy or no longer desirable by the Town, but poses no immediate safety risk to the public, a Notice of Removal as outlined in Appendix "B" shall be affixed to the tree for fourteen (14) days.
- 8.2.** The Notice shall outline the date the Notice was posted, whether the tree will be removed in whole or in part, a reason why the tree is being removed, the Town's contact information, and how objections may be raised.
- 8.3.** If no objection is received by the Director within the fourteen (14) day period, the Town may proceed with removal in whole or part of the designated tree.
- 8.4.** If a member of the public is in objection of the removal in whole or part of the tree, a notice of objection outlining the reasons for the objection shall be filed with the Director within the fourteen (14) day period.
- 8.5.** If in the event an objection is raised by a member of the public, the Director shall schedule a meeting with the objector and any other third party who may assist with the matters raised in the objection.
- 8.6.** If a mutual understanding between the Director and the objector cannot be reached, the objector may appeal to Council at the next regularly scheduled Council meeting by submitting a standard Council delegation request.
- 8.7.** At any time an objector may withdraw the objection to the removal of the tree in whole or part.

## **9. REVOCATION OF WRITTEN AUTHORIZATION**

The Director may revoke written authorization that has been previously granted where:

1. The terms and conditions of the written authorization are not complied with, or
2. Any instructions or directions of the Director are not complied with.

## **10. TREES LOCATED ON PRIVATE PROPERTY**

**10.1.** No person shall cause or permit any part of a tree planted on private property to obstruct, be a hazard to or interfere with travel on a highway. The Director may require the removal of any part of the tree which causes an obstruction, a hazard to or interference with travel by notice in writing to the owner of the property on which the tree is planted. If the demand for removal is not complied with within the time-limit provided therein, the Director may cause any part of the tree to be removed from the public highway and may charge the cost of such removal to the owner of the property by adding the cost to the tax rolls of the property to be collected in the like manner as municipal taxes.

## **11. TOWN & PUBLIC UTILITY INSTALLATIONS**

**11.1** The provisions herein shall not limit the rights and obligations of the Town, or any public utility to construct, install, maintain and repair any road, sidewalk, sewer, watermain, public utility, telephone, hydro, or other installations pursuant to any statute or regulation.

## **12. PENALTY**

**12.1.** Except as otherwise provided for in this By-Law, every person whether as principal or agent, or an employee of either of them, who contravenes any provision of this By-Law, upon conviction, is guilty of an offence and, is liable to a fine of not more than \$5,000 pursuant to the provisions of the *Provincial Offenses Act*.


**12.2.** Any sum due to the Town in connection with the enforcement of this By-Law may be added to the collector's roll for the appropriate property and be collected in the like manner as municipal taxes.

## **13. REPEAL-ENACTMENT**

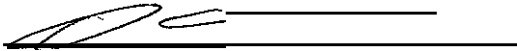
1. THAT By-Law 3135, Tillsonburg Tree Policy, enacted March 14, 2005, be hereby repealed in its entirety;
2. AND THAT this by-law comes into full force and effect on the day of passing.

**READ A FIRST AND SECOND TIME THIS 29th day of March, 2016.**

**READ A THIRD AND FINAL TIME AND PASSED THIS 29th day of March, 2016.**

A handwritten signature in black ink, appearing to read 'S. Molnar', written over a solid horizontal line.

M AYOR – Stephen Molnar

A handwritten signature in black ink, appearing to read 'D. Wilson', written over a solid horizontal line.

TOWN CLERK- Donna Wilson

**APPENDIX A**

**THE CORPORATION OF THE TOWN OF TILLSONBURG**

**BY-LAW NO. 4001**

**TABLE OF CONTENTS**

<b>PAGE</b>	<b>CHAPTER/TABLES</b>
1	What Trees Can Do For You!
2	TABLE: A "TREES NOT RECOMMENDED"
3	TABLE: B TREES RECOMMENDED FOR BOULEVARDS
4	TABLE: C STREET PLANTING "LARGE TREES"
5	TABLE: D TREES - RAVINE BOTTOMS AND STREAM MARGINS
6	TABLE: E TREES - RAVINES AND UPLAND PARKS
7	TABLE: F STREET PLANTING "SMALL TREES"

## WHAT TREES CAN DO FOR YOU\*

Whether you own a woodlot, farm, rural property, or live in town, trees are essential for life. Below please find a list of everyday benefits of trees:

\*\*\*\*\*

- Prevent nutrients and pesticides from entering streams and rivers
- Provide income from agro-forestry (e.g. tree nuts, Christmas trees)
- Provide income from lumber, fuelwood, pulp, and fibre
- Act as carbon sinks to combat climate change
- Provide sound and sight barriers (e.g. along busy roads, traffic and buildings)
- Act as living wind breaks, and snow fences
- Provide summer shade for livestock and people
- Provide buffers along stream banks
- Reduce flooding and soil erosion
- Trap moisture and store water (e.g. for cities and towns)
- Increase property values
- Provide organic matter
- Provide raptor perches
- Beautify the landscape

\*Published by **CAROLINIAN CANADA COALITION** (almost verbatim)

Addenda: Provides **FOOD, SHELTER, NESTING SITES, and WATER** for a host of Wildlife **SPECIES** (e.g. birds, animals, butterflies, etc.)

\*\*\*\*\*

- Did You Know?
- (a) There is no record of a beech tree being struck by lightning!
  - (b) If you know silence and patience...welcome the company of trees!
  - (c) What is in the heart of a man...when he plants a tree...in the shade of which he knows he may never sit?
  - (d) **CONSERVATION** begins with the realization and hope, that there is...a **TOMORROW!**

**TABLE A – TREES “NOT RECOMMENDED”**

NAME	(Genus)	COMMENTS
WILLOWS	(Salix)	high maintenance, leaves & twigs messy, roots plugging drains, forever cleaning up
POPLARS	(Poplar)	aggressive root systems, similar to willows, drainage problems
TREE-OF-HEAVEN	(Ailanthus)	a.k.a. Chinese Sumac, leaves, twigs, seed, high maintenance
HONEY LOCUST	(Gleditsia)	thorns, decay resistant, high maintenance, leaves, seeds, etc.
WHITE MULBERRY	(Morus)	messy, but irresistible to birds, stains everywhere
MANITOBA MAPLE	(Acer)	a.k.a. Box Elder, compound leaves, brittle, messy, invasive... basically a weed tree
*ASH - all species	(Fraxinus)	ravaged by Emerald Ash Borer since early 1990s in Ontario *Planting PROHIBITED
RUSSIAN OLIVE	(Elaeagnus)	thorny, invasive, not too winter hardy
HORSE CHESTNUT	(Aesculus)	seeds bitter and poisonous
SILVER MAPLE	(Acer)	twigs brittle, bark sheds, aggressive roots
AMERICAN ELM	(Ulmus)	a.k.a. White Elm, very susceptible to Elm Bark Beetle (some trees seem resistant to beetle)
GINKGO (Maiden Hair Tree)	(Biloba)	don't plant <u>female</u> of the species – very pungent odour of seeds and husks
**BLACK WALNUT	(Jugulans)	roots/leaves bleed toxic juglone that affects, most vegetation, even its own saplings
*NORWAY MAPLE	(Acer)	cross pollinates with our Native Maples, many cultivars e.g. Crimson King, Schwedlers Maple
CHINESE ELM	(Ulmus)	introduced, adapts to infertile/dry sites and used as windbreaks in some locales
AMERICAN CHESTNUT	(Castanea)	blight ravaged over the last 100+ years
LONDON PLANE-TREE	(Platanus x acerifolia)	resembles American Sycamore, leaves Maple-like, tolerant in urban areas, a sycamore cross
CATALPA	(Catalpa)	a.k.a. Bean Tree, very invasive, messy, rapid growth

\*PROHIBITED

\*\* Choose planting area with caution

Also, do not plant: Black Locust, European Black Alder, Autumn Olive (shrub), Red Beech (ravaged by bark disease)



**TABLE B – TREES RECOMMENDED FOR BOULEVARDS**

NAME	(Genus)	FAMILY	BEST SOIL	**	COMMENTS *a.k.a.
SWEET GUM	(Liquid Amber)	Witch Hazel	moist sandy	USA	a.k.a. Star Leaf Gum, orange fall leaves, like turkey feet (shape)
SERVICE BERRY	(Amelanchier)	Rose	moist sandy	CC	a.k.a. Juneberry, Indian Pear, wildlife food, sweet/juicy
COMMON LILAC	(Syringa)	Olive	moist loam	EUR	many cultivars, most planted bush in Canada
WHITE FLOWERING DOGWOOD	(Cornus)	Dogwood	moist sandy	CC	a.k.a. Flowering Dogwood, white 4 leaf petals, wildlife food
WILD CRABAPPLE	(Malus)	Rose	variety	N	its range defines Carolinian area, wildlife food, jams/jellies
EASTERN REDBUD	(Cercus)	Legume	variety	CC	a.k.a. Judas Tree – flowers (red buds) appear before leaves
LINDEN/ BASSWOODS	(Tilia)	Linden	loams clay	N	a.k.a. Littleleaf Basswood, wildlife food, soft texture wood
BLUE BEECH	(Carpinus)	Birch	moist clay	N	a.k.a. Hornbeam, add mulch to soils b/f planting, shade tolerant
RED MULBERRY	(Morus)	Mulberry	moist sandy	CC	rare in Canada, deer browse, irresistible wildlife food
BURNING BUSH	(Euonymus)	Staff Tree	moist sandy	N	a.k.a. Spindle Tree, bark greenish-grey, twigs 4-sided
SASSAFRAS	(Sassafras)	Laurel	moist sandy	CC	rare in Canada, 3-shapes of leaves(on same tree), shade tolerant
IRON-WOOD	(Ostrya)	Birch	well-drained	N	a.k.a. HopHornbeam, shade-tolerant, bark shaggy, hardwood

\*a.k.a. – also known as

\*\* N denotes Native Species

CC denotes Carolinian Canada Species

\*\*\* Only 1 Species Native to Canada

**TABLE C – STREET PLANTING “LARGE TREES”**

NAME	(Genus)	FAMILY	BEST SOIL	**	COMMENTS *a.k.a.
*** BALSAM POPLAR	(Populus)	Poplar	moist valleys	N	frequently used in windbreaks, fast growing
*** EASTERN COTTONWOOD	(Populus)	Poplar	moist loams	N	yellow fall leaves, leaves triangular at base, large tree
*** LARGE-TOOTHED ASPEN	(Populus)	Poplar	moist soils	N	large ‘teeth’ on leaf margins, leaf base rounded
KENTUCKY COFFEE TREE	(Gymnocladus)	Cassia	moist loams-clay	CC	need full sun, decay resistant, large leaves, compound
AMERICAN BASSWOOD	(Linden)	Linden	moist slopes	N	a.k.a. American Linden, shade tolerant, great den trees
TULIP TREE	(Liriodendron)	Magnolia	moist loams	CC	a.k.a. Yellow Poplar, large trees, yellow-orange flowers
BLACK MAPLE	(Acer)	Maple	moist loams-clay	N	leaves appear wilted, grows where Sugar Maple does not
SUGAR MAPLE	(Acer)	Maple	well-drained loam	N	hard maple, ‘fire-ball’ of fall colours
RED MAPLE	(Acer)	Maple	wide variety	N	soft maple, real swamp lover, like Silver Maple
NORTHERN WHITE OAK	(Quercus)	Beech	moist loams	N	acorn, sweet food source
NORTHERN RED OAK	(Quercus)	Beech	moist loams	N	acorn bitter food source, but accepted when food scarce
BLACK OAK	(Quercus)	Beech	dry acid clays	N	a red oak, acorns VERY bitter food source
SCARLET OAK	(Quercus)	Beech	dry sandy	USA	leaves are scarlet, a Red Oak species
NORTHERN HACKBERRY	(Celtis)	Elm	variety, limestone	2sp N CA	cherry-like fruit, shade tolerant, ‘warty’ bark
YELLOWWOOD	(Cladrastis)	Bean	moist sand	USA	bark is beech-like, small tree, white flowers, wood yellow

\*a.k.a. – also known as

\*\* N denotes Native Species

CC denotes Carolinian Canada Species

\*\*\* Softwood (easily damaged by ice/wind storms)

**TABLE D – TREES - RAVINE BOTTOMS and STREAM MARGINS**

NAME	(Genus)	FAMILY	BEST SOIL	**	COMMENTS *a.k.a.
WITCH HAZEL	(Hamamelis)	Witch Hazel	moist, loam,shade	CC	deer browse, understory tree, forked stick good diviner
SASSAFRAS	(Sassifrix)	Laurel	moist sand	CC	multi-coloured fall leaves, 3 shapes of leaves on each tree
HEMLOCK	(Tsuga)	Pine	soil moist	N	hard wood, very shade tolerant, likes wet ravines
OSAGE ORANGE	(Maclura)	Mulberry	variety, hardy	TX area	a.k.a. Hedge Apple, intolerant to shade, lrg fruit
AMERICAN SYCAMORE	(Platanus)	Sycamore	wet, variety bottomland	CC/ N	mottled bark, very large tree, shade tolerant tree
BLACK GUM	(Nyssa)	Dogwood	low wet soils	CC	a.k.a. Tupelo, scarlet autumn leaves, under-story tree
YELLOW BIRCH	(Betula)	Birch	variety, rich, moist	N	a.k.a. Swamp Birch, wintergreen fragrance
PAPER BIRCH	(Betula)	Birch	variety	N	a.k.a. White Birch, can be tapped for birch syrup
SPECKLED ALDER	(Alnus)	Alder	wet soils	N	often with black spruce or white cedar, intolerant to shade
SWAMP WHITE OAK	(Quercus)	Oak	moist, swamp	CC	uncommon in Canada, leaves pale – hairy beneath
BLACK WALNUT	(Jugulans)	Walnut	drained, lowlands	N	a.k.a. American Walnut, edible fruit, furniture wood
EASTERN WHITE CEDAR	(Thuja)	Larch	bogs -> dry	N	a.k.a. arbor-vitae, dull yellow-green leaf, slow grow
TAMARACK	(Larix)	Larch	bogs -> loams	N	wet, cool bogs, deciduous conifer
CUCUMBER TREE	(Magnolia)	Magnolia	moist-wet, sandy	CC	very rare, endangered species, flowers large
PAWPAW	(Asinima)	Custard Apple	rich moist, sand, clay	CC	a.k.a. jasmine, shade tolerant, false banana, red-purple flwr
EASTERN REDBUD	(Cercis)	Legume	variable loams	CC	a.k.a. Judas Tree, understory, red flowers before leafing

\*a.k.a. – also known as

\*\* N denotes Native Species

CC denotes Carolinian Canada Species

\*\*\* Also include in this Table D – Pine Bark, Nannyberry, Red Osier Dogwood, Silky Dogwood and Spicebush

**TABLE E – TREES - RAVINE MARGINS and UPLAND PARKS**

NAME	(Genus)	FAMILY	BEST SOIL	**	COMMENTS *a.k.a.
ALL MAPLES	(Acer)	Maple	--	N	See Tables C & D for Details
ALL OAKS	(Quercus)	Beech	--	N	See Tables C & D for Details
REDBUD	(Cercis)	Legume	variable	CC	a.k.a. Judas Tree, understory, red flowers before leaves come out
WHITE FLOWERING DOGWOOD	(Cornus)	Dogwood	acid sandy	CC	ancient tree, multi-stemmed or tip flower, 4 showy bracts
WITCH HAZEL	(Hamamelis)	Hazel	moist loam	N	excellent deer food, an understory tree, good diviner
SASSAFRAS	(Sassafras)	Laurel	moist sand	CC	multi-coloured fall foliage, leaves have 3 patterns
AMERICAN BASSWOOD	(Tilia)	Linden	moist slopes	1sp N CA	a.k.a. Linden, shade tolerant, great den tree for wildlife
WHITE PINE	(Pinus)	Pine	well-drained sand	N	our Provincial Tree (ON), wildlife food, -5 needle bundles
EASTERN HEMLOCK	(Tsuga)	Pine	moist slopes	N	short needles, some wildlife value, bark value Tannin
DOWNY SERVICE BERRY	(Amelanchier)	Rose	variety	N	sensitive to salt, ozone, clouds of showy white flowers
KENTUCKY COFFEE TREE	(Gymnocladus)	Legume	moist sandy	CC	last to leaf-out, 1 <sup>st</sup> to fall, very large compound leaves, full sun
QUAKING ASPEN	(Populus)	Willow	light sandy	N	a.k.a. Trembling Aspen, deer browse, beaver browse
HOP HORNBEAN	(Ostrya)	Birch	well-drained	N	a.k.a. Ironwood, very hard, tough, strong wood
GINKGO	(Ginkgo)	Ginkgo	variable	China	a.k.a. Maidenhair Tree, leaves fan shaped, plant MALE trees only
BLACK CHERRY	(Prunus)	Cherry	wide variety	N	bark like burnt toast, wildlife food, berries, furniture wood
SHAGBARK HICKORY	(Carya)	Hickory	rich moist	N	main source of edible hickory nuts, bark in loose strips

\*a.k.a. – also known as

\*\* N denotes Native Species

CC denotes Carolinian Canada Species

**TABLE F – STREET PLANTING “SMALL TREES”**

NAME	(Genus)	FAMILY	BEST SOIL	**	COMMENTS *a.k.a.
COMMON LILAC (Syringa)	(Syringa)	Olive	moist loam	EUR	many cultivars, most common plant in Canada
WHITE FLOWERING DOGWOOD	(Cornus)	Dogwood	moist sand	CC	rare, food for wildlife, white flowers, 4 white bracts
WILD CRABAPPLE	(Malus)	Rose	variable	N	excellent food (wildlife and people) many cultivars
EASTERN REDBUD	(Cerus)	Legume	variable	CC	a.k.a. Judas Tree, food, flowers appear prior to leaves
LITTLE-LEAF LINDEN	(Tilia)	Linden	loams, clays	EUR	a.k.a. Dwarf Basswood, wildlife food, tolerates urban areas
RED MULBERRY	(Morus)	Mulberry	moist sandy	CC	rare, deer browse, irresistible berries for wildlife
BURNING BUSH	(Euonymus)	Staff Tree	variable	CC	along streams, brilliant red in fall, twigs 4-sided, corky wings
SWEET GUM	(Liquid Amber)	Witch Hazel	variable	USA	a.k.a. Red Gum, turkey foot leaf, large tree
SERVICE BERRY	(Amelanchier)	Rose	variable	N	excellent wildlife food, along fence rows
SASSAFRAS	(Sassifrix)	Laurel	variable	CC	multi-coloured fall leaves, 3 shapes of leaves, wildlife food
IRONWOOD (HOP-HORNBEAM)	(Ostrya)	Birch	well-drained	N	the borders of streams and swamps, smooth bark
PAWPAW	(Asimina)	Custard-Apple	moist sand	CC	a.k.a. Jasmine, false banana, edible fruit, tolerant to shade

\*a.k.a. – also known as

\*\* N denotes Native Species

CC denotes Carolinian Canada Species

# NOTICE OF REMOVAL

**THIS NOTICE WAS POSTED ON:** \_\_\_\_\_

**THIS TREE WILL BE REMOVED IN:**

**WHOLE**

**PART**

**REASONS FOR REMOVAL:**

**IN ACCORDANCE WITH BY-LAW 4001, OBJECTIONS  
MAY BE RAISED TO THE DIRECTOR OF**

**\_\_\_\_\_ NO LATER THAN 15 DAYS AFTER  
THIS NOTICE HAS BEEN POSTED.**

**Town Contact Information:**

Name  
Position  
Town of Tillsonburg  
Contact Number  
Email