

# Trees on Private Property in Urban Areas (Private Tree Protection By-law)

Open House  
April 25, 2019



# History

- On December 5, 2018, Council passed the Trees on Private Property in Urban Areas By-law, No. 5106-18 (Private Tree Protection By-law).
- On March 11, 2019, Council amended that By-law and passed By-law 5139-19, which currently remains in force.



# Purpose of the By-law

- To help preserve healthy trees and protect our community's urban forest.
- There are many benefits to protecting the urban forest; conservation of energy, increase property value, reduce stormwater runoff, increase groundwater recharge, provide habitat and food for wildlife etc.



# Scope of the By-law

- The By-law applies to ALL private properties in the five urban areas of the municipality.
- The By-law does not apply to trees in woodlands that are governed by the Niagara Region Tree By-law 30-2008.





## Five Urban Areas of the Municipality;

- Old Town
- Virgil
- Queenston
- St. Davids
- Glendale

\* NOTE - Rural properties are not impacted by this By-law.

# Trees impacted by the By-law

- A tree that has a DBH of 12.5 cm or greater.
- DBH means the diameter of the stem or trunk at breast height, measured outside the bark at 1.4 meters above the highest point of the ground, at the base of the tree.



# When Permission is Required

- Permission is required, from the Town, through the Permit Application Process, for the removal or injuring of a tree with a DBH greater than 12.5 cm.
- Dead or dying trees and trees on the Nuisance and Weed Tree List are included in this requirement.



# Permit Process

- A permit application is required for EVERY tree slated for removal.
- Upon review of the application by one of the Town's inspectors, it will be determined if the tree sits on the Nuisance and Weed Tree list or is dead or dying.





# Permit Process - continued

- If the tree is not on the Town's Nuisance and Weed Tree List and not dead or dying, it is considered a Regulated Tree. The following documents are required for consideration with the application:
  - Arborist Report,
  - Site Plan/Photos,
  - Replacement Tree Plan OR Landscaping, Replanting & Replacement Tree Plan if applying for more than three trees,
  - A reason why removal is necessary.



# Permit Process - continued

- If an application is approved, a permit will be issued.
- The permit must be posted on the property five days prior to the removal of the tree.
- The permit is valid for ninety days.
- If an application is refused, the applicant has seven days to submit a written appeal to the inspector. Council makes the final decision.



# Permit Process - continued

- Every Regulated Tree removed must be replaced. Depending on the DBH of the removed tree, more than one replacement tree might be required.
- Every applicant will be asked for a Replacement Tree Plan. If applying for three or more removals, a Landscaping and Replanting and Replacement Tree Plan is required.
- If accommodation for a replacement tree(s) is not possible on site, cash-in-lieu of tree(s) is required.



# Permit Fees - Individuals

Permit fees include consultation and administration.

For owners who are individuals;

- \$ 0 For a high risk/hazardous tree, dead tree or Nuisance/Weed Tree,
- \$50 For the first Regulated Tree,
- \$25 For every subsequent Regulated Tree.



# Permit Fees - Corporations

Permit fees include consultation and administration.

For owners who are corporations;

\$250 For every tree.



# Security Deposit - Individuals

## Security Deposit

For owners who are individuals;

\$250 – A security deposit will be required for each Regulated Tree(s) removed. The security deposit will be refunded once a final inspection of the replacement planting(s) is complete. If it is deemed that the replacement planting(s) cannot be fulfilled on site, the deposit will be considered cash-in-lieu of tree.



# Security Deposit - Corporations

## Security Deposit

For owners who are corporations;

\$500 – A security deposit will be required for each Regulated Tree(s) removed. The security deposit will be refunded once a final inspection of the replacement planting(s) is complete. If it is deemed that the replacement planting(s) cannot be fulfilled on site, the deposit will be considered cash-in-lieu of tree.



# How To Apply For A Permit

- Applications can be made through the Town's web-site.
- Applications can also be made in person at the Town offices.
- Application fees and deposits are required at the time of permit pick up.





# Common Questions

- Do I need a permit to prune my tree(s)?
- What is the consequence to not applying for the removal of a tree?
- What does the Town consider to be an Arborist?

