

BY-LAW NUMBER 275-99

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THE CORPORATION OF THE COUNTY OF BRANT

To regulate the planting and maintenance of
trees on and adjacent to County of Brant highways.

WHEREAS in accordance with Section 312 of the Municipal Act, being Chapter M.45 of R.S.O. 1990, authority is vested in Council to regulate the planting and trimming of trees on any highway.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF BRANT HEREBY ENACTS as follows:

1. **Definitions:** In this By-law:

“**Highway**” means a common and public highway;

“**Person**” includes any Corporation or Agency;

“**Director of Public Works**” means the Director of Public Works appointed by the County of Brant, or such person or persons as he/she shall designate for any purpose of this By-law;

“**County**” means the Corporation of the County of Brant;

“**Tree**” includes a growing tree or shrub planted or left growing on a highway for the purpose of shade or ornament.

2. **THAT** the Director of Public Works or designate is hereby authorized to administer and supervise:

- i. the management of trees on County highways including the removal of any tree or trees when considered necessary;
- ii. the provision of trees, in replacement of trees removed pursuant to section 2(i) or 2(iv), to owners of abutting properties, if deemed advisable, provided such replacement trees are planted on the property of the abutting owner, not closer than ten feet from the road allowance limit and any trees so planted become the property of the owner of the land in which it is planted and the County is not liable for any maintenance or otherwise in respect to said tree;
- iii. the planting of trees on road allowances;
- iv. the trimming of trees planted upon a highway or upon private property where the branches extend over a highway, or the removal of decayed or dangerous trees;
- v. all acts necessary to administer the provisions of this By-law.

3. **THAT** no person, other than the County, shall plant any tree on a highway, without the authority of the Director of Public Work or their designate.
4. **THAT** no person, other than the County, shall remove, cut down or injure any tree or part thereof located on a highway, without the authority of the Director of Public Works or their designate.
5. **THAT** where any person damages or injures any tree on a highway in any manner whatsoever, such person shall pay all costs and expenses incurred by the County to:
 - i. repair such damage;
 - ii. remove the tree; and,
 - iii. plant a replacement tree.
6. **THAT** subject to the provisions of other applicable laws and the provisions of any Agreements between the County and other persons, corporations or agencies, no person, corporation or agency shall trim trees on highways for wires, poles, standards, conduits or for any other purpose without first having obtained the approval of the Director of Public Works or designate.
7. **THAT** prior to the removal of any planted tree, the owner of the land to which the tree is appurtenant shall be given ten (10) days written notice of the County's intention to remove the tree, on the form attached hereto as Schedule "A". Provided, however, when the removal of any tree is considered by the Director of Public Works or designate to be an emergency, then no notice of removal shall be required to be given to the said owner. Notice shall be deemed to be served by leaving it with a grown-up person residing on the adjacent land or where the adjacent land is unoccupied by posting it in a conspicuous place on the land.
8. **THAT** every person who contravenes any provision of this By-law is guilty of an offence and shall be liable pursuant to the provisions of the Provincial Offences Act, and any penalty shall be recoverable pursuant to the provisions of the Provincial Offences Act.

READ a first and second time, this 21st day of December, 1999.

READ a third time and finally passed this 21st day of December, 1999.

THE CORPORATION OF THE COUNTY OF BRANT

Mayor

Clerk