

THE CORPORATION OF THE CITY OF CAMBRIDGE

BY-LAW NO. 1478

A By-law to regulate the planting, propagation, preservation and removal of trees on lands owned by the Corporation of the City of Cambridge or over or adjacent to highways under the jurisdiction of the Corporation of the City of Cambridge pursuant to the provisions of Section 457 of The Municipal Act, R.S.O. 1970, c. 284 and amendments thereto.

WHEREAS the Council of the City of Cambridge deems it expedient to regulate the planting, propagation, preservation and removal of trees within the Municipality and to establish certain requirements with respect thereto;

THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF CAMBRIDGE HEREBY ENACTS AS FOLLOWS:

1. Definitions: In this By-law
  - (a) "Highway" means a common and public highway and includes a street and a bridge forming part of a highway, or on, over or across which a highway passes.
  - (b) "Tree" includes a growing tree or shrub planted or left growing on either side of a highway for the purpose of shade or ornament.
  - (c) "Municipality" means The Corporation of the City of Cambridge.
  - (d) "Utility" includes all plant and facilities used in the supply and maintenance of water, artificial or natural gas, electrical power or energy, steam or hot water, and television and radio transmission or reception.
2. No person other than the Municipality or person authorized by the Municipality shall plant or place or cause to be planted or placed any shade or ornamental tree on any highway under the jurisdiction of the Municipality or on land owned by the Municipality.
3. The Superintendent of Forestry and Equipment Supplies

shall supervise the planting and trimming of trees upon any highways under the jurisdiction of the Municipality or on any land owned by the Municipality or upon private property where the branches extend over a highway under the jurisdiction of the Municipality or over any land owned by the Municipality.

4. The Superintendent of Forestry and Equipment Supplies may remove decayed or dangerous trees or trees that have by by-law of the Municipality been directed to be removed.

5. The Municipality may, with the consent of the owner, plant and maintain shade or ornamental trees adjacent to any highway under the jurisdiction of the Municipality or any land owned by the Municipality, at the expense of the Municipality, provided that the Municipality shall not be liable for the maintenance or otherwise in respect of any tree so planted.

6. Where the removal of a live and healthy tree is requested for the purpose of providing an entrance to private property, for the protection of buildings, or where such removal is requested for the preservation or construction of a utility, the person or corporation requesting such removal shall:

- (a) Pay all costs and expenses incurred in such removal; and
- (b) Pay to the Municipality as compensation for the tree to be removed an amount equal to the value thereof in accordance with the most recent shade tree valuation formula as set out by the Ontario Shade Tree Council.

7. Except as authorized under the provisions of this by-law, no person shall injure or destroy any tree on a highway under the jurisdiction of the Municipality or on any land owned by the Municipality; and without restricting the generality of the foregoing, no person shall damage, cut, carve, transplant, trim or remove any tree or allow any substance which is harmful

to come into contact with any tree or set fire to or permit any fire to burn where such fire or the heat thereof may injure any portion of any tree located upon any highway under the jurisdiction of the Municipality or on any land owned by the Municipality.

8. No person or corporation shall deposit, place, store or maintain upon any lands any stone, brick, sand, concrete, asphalt or any other materials which may impede free passage of water, air and fertilizer for the roots of any tree, or do any work within eight feet of the trunk of any tree located on any highway under the jurisdiction of the Municipality or on any lands owned by the Municipality without the approval of the Superintendent of Forestry and Equipment Supplies.

9. Any person damaging or destroying a tree (including a tree root system) on any highway under the jurisdiction of the Municipality or on any lands owned by the Municipality, shall forthwith report such damage to the Municipality and shall pay an assessment equal to the value of such tree determined in accordance with Paragraph 6(b) of this by-law, and all costs of the Municipality incurred in connection with such damage or destruction.

10. No person or corporation shall attach any object or thing to a tree located on any highway under the jurisdiction of the Municipality or any public place except with the consent of the Superintendent of Forestry and Equipment Supplies, notwithstanding that such attachment would not injure or destroy the tree.

11. Where a person or corporation proposes to instal, alter, repair or otherwise maintain a utility or do any work within eight feet of the trunk of any tree upon a highway under the jurisdiction of the Municipality or on lands owned by the

Municipality, such person or corporation shall:

- (a) Deposit with the Municipality plans clearly showing the property lines, the edge of the roadway and sidewalk, the distance from any other utilities or important geographical features, the location and nature of the proposed work, and the exact distance of such work from any tree or trees. Such plans shall include both horizontal and vertical measurements.
- (b) Proceed with such work only in accordance with a method of construction approved by the Municipality to ensure that minimum damage is done to trees.
- (c) Pay to the Municipality for any tree damaged or removed any amount equal to the value thereof determined in accordance with Paragraph 6(b) hereof, and all costs and expenses incurred by the Municipality in connection with such damage or removal.
- (d) During the period of construction, which shall include clean-up and restoration, to properly guard and to protect all trees insofar as is reasonably possible.

12. This By-law shall not apply to any trees damaged or destroyed or required to be removed or trimmed in connection with the construction, reconstruction or repairs to the highways under the jurisdiction of the Municipality or resulting from work of the Hydro-Electric Power Commission of Cambridge in maintaining the safety and security of its service.

13. Any person or corporation violating the provisions of this By-law is guilty of an offence and on conviction is liable to a fine of not more than One Thousand Dollars (\$1,000.00) for each violation, exclusive of costs.

ENACTED AND PASSED this *15th* day of *October* 1979.

"C. Millar"  
MAYOR

A. L. Habermehl"  
CLERK