
Tree Removal Permitting

A Bylaw of the Summer Village of Burnstick Lake, in the Province of Alberta for the purpose of establishing policies for the removal of trees in public spaces that are owned or controlled by the Summer Village.

WHEREAS it is important to provide for the management, improvement and operation of trees and forests;

AND WHEREAS trees provide benefits including: improvement of air quality; absorption of carbon dioxide; energy moderation; storm water retention; wildlife habitat; aesthetics and general improvement of quality of life;

AND WHEREAS the Municipal Government Act, R.S.A 2000 Chapter M-26, and amendments thereto, as amended from time to time, provides authority for the Summer Village to regulate such matters;

NOW, THEREFORE, the Council of the Summer Village of Burnstick Lake, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. SHORT TITLE

1.1 This Bylaw may be cited as the “Tree Removal Permitting Bylaw”.

2. DEFINITIONS

2.1 “All Terrain Vehicle (ATV)” means a small motor vehicle with three or four wheels that is designed for use on various types of terrain;

2.2 “Bylaw Enforcement Officer” means:

a) Any member of the Royal Canadian Mounted Police

b) Any Community Peace Officer

c) The Chief Administrative Officer of the Summer Village of Burnstick Lake or any person designated by the Chief Administrative Officer to enter and inspect property in accordance with the provisions of this Bylaw;

2.3 “Chief Administrative Officer” means the Chief Administrative Officer of the Summer Village of Burnstick Lake regardless of any subsequent title that may be conferred on that Officer by Council or statute, or his or her designate.

2.4 “Council” means the Municipal Council of the Summer Village of Burnstick Lake.

2.5 “Owner” means the person who is registered under the Land Titles Act as the owner of the fee simple estate in the land or is the spouse of a person who holds title or is a person or the spouse of a person who holds a valid land lease agreement on a property and, in respect of any property other than land, the person in lawful possession of it;

- 2.6 "Permit" means a written authorization issued pursuant to approval granted by the Summer Village of Burnstick Lake in respect to activities on public lands.
- 2.7 "Public Lands" means any lands including municipal reserves, environmental reserves, parks, public open spaces, walkways.
- 2.8 "Strict Liability" means a Person is responsible for the damage and loss caused by their acts and omissions regardless of guiltiness.

3. REMOVAL OF TREES

- 3.1 Any person wanting to remove a live standing tree or trees from public lands must first obtain a permit from the Summer Village.
- 3.2 Only persons issued a written permit may cut down and/or remove a tree or trees from public lands.
- 3.3 Only trees specifically marked and stated on the permit may be cut down and/or removed.
- 3.4 The Summer Village may remove, trim, or otherwise dispose of any tree or authorize the removal, trimming, or disposal of any tree if in the opinion of the Summer Village the tree or trees may fail due to mortality, a structural defect or changed stand conditions, insect or virus infestation and, as a result, may cause property damage or personal injury or is a public nuisance.

4. GENERAL PROVISIONS

- 4.1 A request for a permit shall be made in writing to the Council and the CAO shall receive and consider the request and after having done so, may in absolute discretion, issue to the applicant a permit.
- 4.2 No cutting or removal of tree or trees is permitted unless a permit is issued.
- 4.2 The applicant must physically mark all trees applied for removal with surveyor's tape prior to inspection by the Summer Village.
- 4.3 When issuing a permit, the Council or CAO may issue the permit unconditionally or may impose conditions considered appropriate.
- 4.4 Permits pursuant to this bylaw are valid for such period of time as determined by the Council or CAO.
- 4.5 The applicant assumes all responsibility to ensure the safe removal of trees without damaging adjacent lands, other trees, reserve lands or people and shall save the Summer Village harmless from any actions, suites or claims that may result from the removal the tree or trees.
- 4.6 An ATV may enter onto public lands via the shortest and most practical route only for the purpose of removing deadfall, downed trees, bucked up trees, stumps and/or other brush and debris.

5. EXCEPTIONS

- 5.1 If through an act of hail, strong winds, heavy rain or heavy snowfall, a tree or trees on public lands experiences major damage and threatens the safety of people or property, an owner may take immediate action to cut down and/or remove the said tree or trees without a permit.
- 5.2 The removal of dead trees, stumps and deadfall due to natural causes can be cleared without a permit.

6. OFFENCES

6.1 Except as provided for in Section 5.1, no person shall damage, cut down and/or remove a tree or trees from police lands without first obtaining a valid permit.

7. PENALTIES

7.1 Any person who cuts down, removes or damages a tree or trees on public land without a valid permit authorizing such action is guilty of an offence is liable to a fine of:

- a) \$250.00 per tree with a trunk diameter of 5 cm (2 inches) or less;
- b) \$500.00 per tree with a trunk diameter greater than 5 cm (2 inches).

8. ENFORCEMENT

8.1 Where a Bylaw Enforcement Officer has reasonable grounds to believe that a person has violated any provision of this Bylaw, the Bylaw Enforcement Officer may commence court proceedings against such a person by:

- a) Issuing an Order to Comply to remedy the contravention in any manner deemed necessary in the circumstances pursuant to Section 545 of the *Municipal Government Act*;
- or
- b) Issuing the person a Violation Ticket pursuant to the provisions of Part 2 of the *Provincial Offences Procedure Act*.

8.2 Where a Bylaw Enforcement Officer issues a person an Order to Comply, the Officer may:

- a) Identify the Unauthorized Use;
- b) Direct the person to take action or measures necessary to remedy the Unauthorized Use including, but not limited to, the restoration of the public lands to a natural state; and
- c) State the time within which the person must fulfill the Order to Comply;
- d) State that if the person does not abide by the Order to Comply in a specified time, the Summer Village may take action or measures at the expense of the person.

8.3 Where a Bylaw Enforcement Officer issues a person a Violation Ticket, the Officer may either:

- a) Allow the person to pay the specified penalty as indicated on the Violation Ticket; or
- b) Require a court appearance of the person where the Bylaw Enforcement Officer believes that such an appearance is in the public interest, pursuant to the provisions of Part 2 of the *Provincial Offences Procedure Act*.

8.4 No provision of this Bylaw nor any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent, or preclude the Summer Village from pursuing any other remedy in relation to a premises provided by the *Municipal Government Act*, or any other law in the Province of Alberta.

9. STRICT LIABILITY

9.1 It is the intention of Council that all offences created by this Bylaw be interpreted to be Strict Liability offences.

10. SEVERABILITY

10.1 Each provision of this Bylaw is independent of all other provisions. If any such provision is declared invalid by a court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

11. EFFECTIVE DATE

11.1 This Bylaw shall come into force and take effect upon the date of third reading.

12. REPEAL

12.1 Bylaw 31-1998 is hereby repealed.

Introduced and given first reading this 11th day of February, 2023.

Given second reading this 22nd day of April, 2023.

Given third and final reading this 22nd day of April, 2023.

The Summer Village of Burnstick Lake

Original Signed

Mayor

Original Signed

Chief Administrative Officer