



**CITY OF BROOKS  
BYLAW NO. 15/18**

**A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA  
FOR THE PLANTING AND PROTECTING OF TREES AND SHRUBS ON  
ANY HIGHWAY OR PUBLIC PLACE.**

**WHEREAS** the Municipal Government Act RSA 2000, c.M-26 and regulations as amended, provides that Council may pass Bylaws in relation to services provided by or on behalf of the municipality;

**NOW, THEREFORE**, the Council of the City of Brooks, in the Province of Alberta, hereby enacts as follows:

**1. TITLE:**

100. This Bylaw may be referred to as the "Protection of Trees and Shrubs" Bylaw.

**2. DEFINITIONS:**

200. In this Bylaw, unless the content otherwise requires:

201. "**Act**" means the Municipal Government Act RSA 2000 c-M-26 and regulations made under the Municipal Government Act as amended;

202. "**Boulevards**" means that part of a Highway in an urban area that is not a roadway and is that part of the Sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians;

203. "**Chief Administrative Officer**" means the Chief Administrative Officer of the City of Brooks regardless of any subsequent title that may be conferred on that officer by Council or statute, or his/her designate;

204. "**City**" means the City of Brooks, a Municipal Corporation in the Province of Alberta, or the geographical area contained within the boundaries of the City of Brooks, as the context may require;

205. "**Council**" means the Municipal Council of the City of Brooks;

206. "**Drip Line**" means the outer limits of a Tree's canopy. The point at which water will drip unimpeded from the perimeter of the branches to the ground;

207. "**Highway**" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes a sidewalk, including a boulevard adjacent to the sidewalk, if a ditch

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lies adjacent to and parallel with the roadway, the ditch, and if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be, but does not include a place declared by regulation not to be a highway as defined in the *Traffic Safety Act, R.S.A. 2000, c. T-6*;

208. **"Park"** means all named public parks, other park land, municipal reserve and environmental reserve within the City;
209. **"Parks Supervisor"** means the Supervisor, Parks Services, or his/her designates;
210. **"Peace Officer"** means a Bylaw Enforcement Officer appointed by the City of Brooks pursuant to Section 555 of the *Municipal Government Act* and for the purpose of enforcement of this Bylaw, also includes a Community Peace Officer or a member of the Royal Canadian Mounted Police;
211. **"Person"** means any Person, firm, partnership, association, corporation, company or organization of any kind;
212. **"Public Lands"** means all property owned by or under the control of the City;
213. **"Tree(s)"** means any City Tree(s) and shrub(s) located on Public Lands;
214. **"Tree Topping"** means the severe cutting back of limbs within a Tree's crown to such a degree so as to remove the normal canopy and structure of the Tree causing the disfiguration of the Tree;
215. **"Violation Tag"** means a tag or similar document issued by the City Pursuant to the Act;
216. **"Violation Ticket"** means a ticket issued pursuant to Part II of the Provincial Offences Procedures Act, RSA 2000, c P-34, as amended and any Regulations thereto.

### **3. GENERAL:**

300. No person other than an employee of the City, or a Person authorized by the City or a contractor hired by the City shall;
  301. trim, prune, remove or otherwise alter any Tree(s) or portions thereof;
  302. plant, treat, spray or otherwise disturb any Tree(s) on public lands;
  303. attach any rope, wire, nails or other object to any City Tree(s);
  304. excavate any ditches, tunnels or trenches on Public Lands that are within the Drip Line of any Tree(s);

305. deposit, place, store or maintain upon any Public Lands any stone, brick, sand, concrete, soil or other materials which may impede the free passage of water, air and/or fertilizer to the roots of any Tree(s); or,
306. allow any pesticide, gaseous liquid or solid substance which is harmful to any Tree(s) to come into contact with them or set fire or to permit any fire to burn when such fire or the heat thereof will damage any portion of any City Tree(s).
307. Public utility companies, if performing work on any Tree(s), shall obtain approval from the City to prune or remove any Tree(s) located on Public Lands for the purpose of maintaining safe line clearance and shall carry out all such work in accordance with accepted arboricultural standards.
308. Anyone who wishes to trim, prune, remove or otherwise alter any Tree(s) shall submit an application to the Parks Supervisor detailing the location, number, size and species of any Tree(s) affected by the proposed work. The applicant shall also specify the purpose of the proposed work.
309. The Parks Supervisor shall have the authority to grant and/or disallow the removal of City Tree(s). Removal shall only be granted if the Tree(s) do not meet the qualifications of a healthy Tree, or is deemed to be dangerous by the Parks Supervisor, in accordance with the form set out in Schedule "B". Should the removal be granted, the Parks Supervisor shall obtain a quote to remove the Tree(s) and inform the property owner. All costs incurred from the removal of the Tree(s) shall be a debt owing to the City by the property owner. If the owner obtains their own quote, it must be provided by a certified Arborist, with proof of the certification provided to the City. Further, all other City Bylaws must be adhered to.
310. When a City Tree(s) is removed, the property owner that requested the removal shall pay for a new Tree(s) to be planted and all costs associated with the planting of the Tree(s). The type and location of the Tree(s) shall be determined by the Parks Supervisor.
311. Any Tree(s) on Boulevards, Parks or other Public Lands near any excavation or construction shall be guarded with a substantial fence, frame or box not less than four (4) feet high and sixteen (16) square feet in area to protect against construction damage. The stated protective enclosure shall be erected by whoever is performing such work in proximity to the Tree(s).
312. In the event of any excavation or construction in a Boulevard, Park or other Public Land, the Parks Supervisor may at his discretion, require the person performing such work to erect protective snow fence around the perimeter of the Drip Line of any City Tree(s).
313. If, as a result of a violation of any provision of this Bylaw, the injury, mutilation, death or unapproved removal of any Tree(s) is caused
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through accidental or deliberate means, the cost of repair and/or removal and replacement of such plant material shall be borne by the party in violation. The replacement value of any Tree(s) shall be determined in accordance with a specification of plant appraisal as published by the International Society of Arboriculture.

#### **4. PENALTIES AND OFFENCES:**

400. Any person who contravenes any provision of this Bylaw is guilty of an offence and liable upon summary conviction, to a maximum penalty of \$10,000 and a minimum penalty equal to the specified penalty for that offence.

#### **5. ENFORCEMENT:**

500. A Peace Officer is for the purpose of enforcement of this Bylaw, a designated officer of the City.
501. No person shall unreasonably hinder, prevent, delay or interfere with any City employee(s) while engaged in in the enforcement of this Bylaw.
502. Any person who contravenes any provision of the Bylaw is guilty of an offence and is liable upon summary conviction, to a maximum penalty of \$10,000 and a minimum penalty equal to the specified penalty for that offence.
503. A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
504. A Violation Tag may be issued to such person:
- 505. either personally; or,
  - 506. by mailing a copy to such person at his or her last-known post office address.
507. A Violation Tag issued pursuant to this Bylaw shall be in a form approved by the Chief Administrative Officer and shall state:
- 508. the name of the person or other information to adequately identify the person;
  - 509. the offence;
  - 510. the appropriate penalty for the offence and specified in "Schedule A" of this Bylaw;
  - 511. the time period in which the specified penalty must be paid in
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order to avoid prosecution for the alleged offence; and,

512. any other information as may be required by the Chief Administrative Officer.
513. Where a Violation Tag has been issued pursuant to this Bylaw, the person to whom the Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the City, the penalty specified on the Violation Tag.
514. In those cases where a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket.
515. A Peace Officer is authorized and empowered to immediately issue a Violation Ticket to any person who the Peace Officer has reasonable and probable grounds to believe is responsible for a contravention of this Bylaw.
516. A Violation Ticket issued with respect to a contravention of this Bylaw shall be served upon the person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
517. The person to whom the Violation Ticket may, in the case of a Violation Ticket issued pursuant to the *Provincial Offences Procedure Act*, plead guilty by making a voluntary payment in respect to the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided for in Schedule "A" to this Bylaw.
518. When a clerk of the Provincial Court records the receipt of a voluntary payment pursuant to Subsection 517 and the *Provincial Offences Procedure Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes the conviction and imposition of a fine in the amount of the specified penalty.

## **6. EXEMPTIONS**

600. In the event of an emergency such as a limb falling on live wires or a danger to public safety, public utility companies may perform such work as is required to eliminate an immediate danger without obtaining approval for the work.
601. Any Tree(s) under utility wires or other obstructions when normal pruning practices are impractical shall be exempted at the discretion of the Parks Supervisor. However, written approval is required for this exemption.

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**7. APPEALS**

700. A person affected by a decision of the Parks Supervisor pursuant to this Bylaw may appeal to Council by filing a written appeal with the Chief Administrative Officer (CAO) within fourteen (14) days of the date of the decision. The written appeal shall include a description of the circumstances giving rise to the appeal; the reasons for the appeal; all supporting documentation and the remedy requested by the appellant. Council's decision with regard to the appeal shall be final and binding.

**8. SEVERABILITY:**

800. It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions herein shall remain valid and enforceable.

**9. REPEAL OF BYLAW**

900. That Bylaw No.14/15 be hereby repealed.

**10. EFFECTIVE DATE**

1000. This Bylaw shall take effect at the date of final passing thereof.

Read a first time this 8<sup>th</sup> day of September, 2015.

Read a second time this 8<sup>th</sup> day of September, 2015.

Read a third time and finally passed this 8<sup>th</sup> day of September, 2015.



\_\_\_\_\_  
Mayor



\_\_\_\_\_  
Chief Administrative Officer

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**CITY OF BROOKS**

**BYLAW NO. 14/15**

**SCHEDULE "A"**

**PENALTIES:**

**PART I**

For any contravention of any provision of Bylaw No. 14/15

	Penalty:
First Offence	\$300.00
Second and Subsequent Offences	\$600.00

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CITY OF BROOKS  
 BYLAW 15/18  
 SCHEDULE "B"

**ISA** Basic Tree Risk Assessment Form

Client \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_  
 Address/Tree location \_\_\_\_\_ Tree no. \_\_\_\_\_ Sheet \_\_\_\_\_ of \_\_\_\_\_  
 Tree species \_\_\_\_\_ dbh \_\_\_\_\_ Height \_\_\_\_\_ Crown spread dia. \_\_\_\_\_  
 Assessor(s) \_\_\_\_\_ Time frame \_\_\_\_\_ Tools used \_\_\_\_\_

**Target Assessment**

Target number	Target description	Target zone			Occupancy rate 1 - rare 2 - occasional 3 - frequent 4 - constant	Practical to move target?	Restriction practical?
		Target within drip line	Target within 1 x Ht.	Target within 1.5 x Ht.			
1							
2							
3							
4							

**Site Factors**

History of failures \_\_\_\_\_ Topography Flat  Slope  \_\_\_\_\_ % Aspect \_\_\_\_\_  
 Site changes None  Grade change  Site clearing  Changed soil hydrology  Root cuts  Describe \_\_\_\_\_  
 Soil conditions Limited volume  Saturated  Shallow  Compacted  Pavement over roots  \_\_\_\_\_ % Describe \_\_\_\_\_  
 Prevailing wind direction \_\_\_\_\_ Common weather Strong winds  Ice  Snow  Heavy rain  Describe \_\_\_\_\_

**Tree Health and Species Profile**

Vigor Low  Normal  High  Foliage None (seasonal)  None (dead)  Normal \_\_\_\_\_ % Chlorotic \_\_\_\_\_ % Necrotic \_\_\_\_\_ %  
 Pests \_\_\_\_\_ Abiotic \_\_\_\_\_  
 Species failure profile Branches  Trunk  Roots  Describe \_\_\_\_\_

**Load Factors**

Wind exposure Protected  Partial  Full  Wind funneling  \_\_\_\_\_ Relative crown size Small  Medium  Large   
 Crown density Sparse  Normal  Dense  Interior branches Few  Normal  Dense  Vines/Mistletoe/Moss  \_\_\_\_\_  
 Recent or planned change in load factors \_\_\_\_\_

**Tree Defects and Conditions Affecting the Likelihood of Failure**

**— Crown and Branches —**

Unbalanced crown  LCR \_\_\_\_\_ % Cracks  \_\_\_\_\_ Lightning damage   
 Dead twigs/branches  \_\_\_\_\_ % overall Max. dia. \_\_\_\_\_ Codominant  \_\_\_\_\_ Included bark   
 Broken/Hangers Number \_\_\_\_\_ Max. dia. \_\_\_\_\_ Weak attachments  \_\_\_\_\_ Cavity/Nest hole \_\_\_\_\_ % circ.  
 Over-extended branches  Previous branch failures  \_\_\_\_\_ Similar branches present   
**Pruning history**  
 Crown cleaned  Thinned  Raised  Dead/Missing bark  Cankers/Galls/Burls  Sapwood damage/decay   
 Reduced  Topped  Lion-tailed  Conks  Heartwood decay  \_\_\_\_\_  
 Flush cuts  Other \_\_\_\_\_ Response growth \_\_\_\_\_  
 Main concern(s) \_\_\_\_\_

Load on defect N/A  Minor  Moderate  Significant  \_\_\_\_\_  
 Likelihood of failure Improbable  Possible  Probable  Imminent  \_\_\_\_\_

**— Trunk —**

Dead/Missing bark  Abnormal bark texture/color   
 Codominant stems  Included bark  Cracks   
 Sapwood damage/decay  Cankers/Galls/Burls  Sap ooze   
 Lightning damage  Heartwood decay  Conks/Mushrooms   
 Cavity/Nest hole \_\_\_\_\_ % circ. Depth \_\_\_\_\_ Poor taper   
 Lean \_\_\_\_\_ ° Corrected? \_\_\_\_\_  
 Response growth \_\_\_\_\_  
 Main concern(s) \_\_\_\_\_

Load on defect N/A  Minor  Moderate  Significant   
 Likelihood of failure Improbable  Possible  Probable  Imminent

**— Roots and Root Collar —**

Collar buried/Not visible  Depth \_\_\_\_\_ Stem girdling   
 Dead  Decay  Conks/Mushrooms   
 Ooze  Cavity  \_\_\_\_\_ % circ.  
 Cracks  Cut/Damaged roots  Distance from trunk \_\_\_\_\_  
 Root plate lifting  Soil weakness   
 Response growth \_\_\_\_\_  
 Main concern(s) \_\_\_\_\_

Load on defect N/A  Minor  Moderate  Significant   
 Likelihood of failure Improbable  Possible  Probable  Imminent

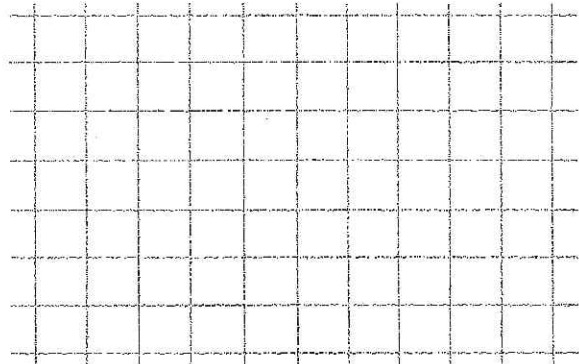
# CITY OF BROOKS BYLAW 15/18 SCHEDULE "B"

## Risk Categorization

Condition number	Tree part	Conditions of concern	Part size	Fall distance	Target number	Target protection	Likelihood												Consequences				Risk rating of part (from Matrix 2)
							Failure				Impact				Failure & Impact (from Matrix 1)				Negligible	Minor	Significant	Severe	
							Improbable	Possible	Probable	Imminent	Very low	Low	Medium	High	Unlikely	Somewhat	Likely	Very likely					
1																							
2																							
3																							
4																							

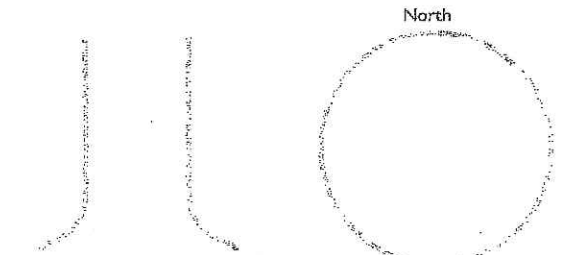
Matrix 1. Likelihood matrix.

Likelihood of Failure	Likelihood of Impacting Target			
	Very low	Low	Medium	High
Imminent	Unlikely	Somewhat likely	Likely	Very likely
Probable	Unlikely	Unlikely	Somewhat likely	Likely
Possible	Unlikely	Unlikely	Unlikely	Somewhat likely
Improbable	Unlikely	Unlikely	Unlikely	Unlikely



Matrix 2. Risk rating matrix.

Likelihood of Failure & Impact	Consequences of Failure			
	Negligible	Minor	Significant	Severe
Very likely	Low	Moderate	High	Extreme
Likely	Low	Moderate	High	High
Somewhat likely	Low	Low	Moderate	Moderate
Unlikely	Low	Low	Low	Low



Notes, explanations, descriptions \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Mitigation options \_\_\_\_\_ Residual risk \_\_\_\_\_  
 \_\_\_\_\_ Residual risk \_\_\_\_\_  
 \_\_\_\_\_ Residual risk \_\_\_\_\_  
 \_\_\_\_\_ Residual risk \_\_\_\_\_

Overall tree risk rating    Low     Moderate     High     Extreme

Work priority    1     2     3     4

Overall residual risk    Low     Moderate     High     Extreme

Recommended inspection interval \_\_\_\_\_

Data  Final  Preliminary    Advanced assessment needed  No  Yes-Type/Reason \_\_\_\_\_

Inspection limitations  None  Visibility  Access  Vines  Root collar buried Describe \_\_\_\_\_