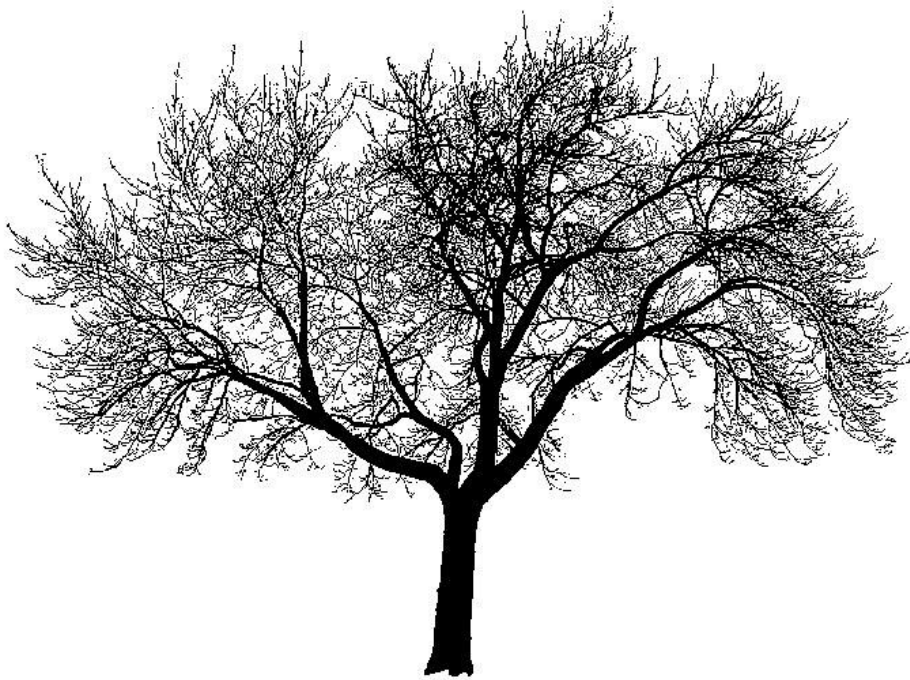




## A Municipal Tree Preservation By-law # 130-2017

### For the City of St. Thomas

The Municipal Tree Preservation By-law 130-2017 is intended to preserve and safely maintain trees located on Municipal Property and trees overhanging Highways within the City of St. Thomas by prohibiting or regulating the injury or destruction of trees and will protect and enhance St. Thomas' existing tree cover



## CITY OF ST. THOMAS

### A By-law to Prohibit or Regulate the Destruction or Injury of Trees on Municipally Owned Lands and other Trees along Highways within the City of St. Thomas.

**WHEREAS** Section 10(2)6 of the *Municipal Act*, 2001 S.O. 2001 c.25 (hereinafter called “the Act”) authorizes the Council of the Corporation of the City of St. Thomas to pass a By-law respecting the health, safety and well-being of persons;

**AND WHEREAS** Section 11(2)5 of the Act provides that a local municipality may adopt by-laws for the economic, social and environmental well-being of the municipality;

**AND WHEREAS** Section 135(1) of the Act authorizes the Council of the Corporation of the City of St. Thomas to pass a By-law to prohibit or regulate the destruction or injuring of trees, without limiting the municipality’s authority under Sections 9, 10 and 11 of the Act;

**AND WHEREAS** Section 436 of the Act provides that a municipality may pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law or an order made pursuant to the by-law;

**AND WHEREAS** Section 141 of the Act provides for planting Trees on Private Property adjacent to Highways with the consent of the landowner;

**AND WHEREAS** Section 62 of the Act authorizes a municipality, at reasonable times, to enter upon land lying along any of its highways to inspect trees, and conduct tests on trees, and to remove decayed, damaged, or dangerous trees or branches of trees if, in the opinion of the municipality, the trees or branches pose a danger to the health or safety of any person using the highway;

**AND WHEREAS** Section 444 of the Act provides that a municipality may make an order to require a Person to discontinue contravening a by-law and to do the work required to correct the contravention;

**AND WHEREAS** Section 445 of the Act provides that a municipality may make an order requiring a Person who contravened a by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention;

**AND WHEREAS** Section 446 of the Act provides that a municipality may proceed to do things at a Person’s expense which that Person is otherwise required to do under a by-law but has failed to do and the costs incurred by a municipality may be recovered by adding the costs to the tax roll and collecting them in the same manner as property taxes;

**AND WHEREAS** Section 391(1) of the Act provides that a municipality may impose fees or charges on Persons for service or activities provided or done by the municipality and Section 398(2) of the Act provides that such fees and charges may be added to the tax roll for any property in the municipality owned by the same Persons and collected in the same manner as taxes;

**AND WHEREAS** the Council of the Corporation of the City of St. Thomas recognizes the ecological and aesthetic value of trees and is desirous of managing the injury and destruction of trees;

**AND WHEREAS** the Council of the Corporation of the City of St. Thomas supports the principle that in addition to any other Municipal Trees planted within the City of St. Thomas, replacement trees should be planted on municipal property commensurate with each tree that is removed from municipal property;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF ST. THOMAS  
ENACTS AS FOLLOWS:

### **INTERPRETATION**

1. (1) In this By-law, the following definitions will apply:

**“Applicant”** means an applicant who submits and application under this By-law who is the registered owner(s) of the Private Property where the subject Tree(s) is located and also means a contractor, arborist, occupant or other agent authorized to act on behalf of the Owner(s). The City may request written verification of such authorization. **“Application”** has the corresponding meaning, as detailed in Section 5 of this By-law.

**“Arborist”** means a person with a diploma or degree involving arboriculture from an accredited college or university, a registered professional forester, an accredited certified arborist under the International Society of Arboriculture or a registered consulting arborist with the American Society of Consulting Arborists or with a demonstrated history of tree preservation experience satisfactory to the Director.

**“Arborist Report”** means a technical report prepared by an arborist which identifies the surveyed location, species, size and the condition of the tree, provides the reasons for any proposed injuring or destruction of the tree, and describes tree protection measures or other mitigating activities to be implemented.

**“City”** means the Corporation of the City of St. Thomas and **“City Council”** means the elected Council of the City.

**“DBH”** means the diameter of a Tree at breast height, measured on the Tree stem 1.37 metres (4.5 feet) above the ground.

**“Destroy”** means to remove, cut down, or Injure a Tree in any way to such an extent that it has become a Hazard or its life processes have been compromised in such a way that it cannot survive, and **“Destruction”** has a corresponding meaning.

**“Director”** means the Director of Parks and Recreation for the City and any City employee, including a City appointed Arborist, designated by or acting under the direction of the Director.

**“Drip Line”** means that line which could be drawn running along the ground beneath and perpendicular to the outermost branches of the Tree.

**“Emergency Tree Work”** means work involving Injury or Destruction of a Tree required to be performed immediately in order to prevent imminent danger including Tree maintenance work necessary due to a Hazard resulting from natural events (e.g. ice storm, high winds, lightning), as well as Tree maintenance work associated with emergency re-constructs or repairs of a drain, waterline, utility or building.

**“Hazard”** and **“Hazardous”** means a Tree, or part of a Tree that is destabilized, structurally compromised or obstructing views of vehicle operators or pedestrians in such a way that it is deemed, by a City appointed Arborist or the Director, to pose a potential safety concern to property or Persons.

**“Highway”** means any public highway or any part thereof under the jurisdiction of the City, including the boulevard and all land dedicated or assumed as a road allowance, and includes a street and a bridge forming part of a highway.

**“Injury”** means any action causing harm, damage, or impairment to a Tree, and includes, but is not limited to, causing stress or injury of Trees by changing grades or compacting or excavating soils within the Drip Line of a Tree, severing roots, the improper application of chemicals excessive or otherwise, excessive or improper pruning, attachments of any items, and the removal or slashing or defacing or girdling or burning of the bark, and **“Injure”**, **“Injured”** and **“Injurious”** shall have the corresponding meaning.

**“Municipal Property”** means any land owned, held, or used under statutory rights by the City, or by any local board within the meaning of the Act or any other municipal body and includes, but is not limited to, road allowances, boulevards, parks, ravines, natural areas, woodlots, Highways, rights-of-ways and grounds of municipal facilities.

**“Municipal Tree”** means any Tree, the trunk of which at ground level is located 60% or more on Municipal Property. A Tree is not a Municipal Tree where more than 40% of its base at ground level is located on Private Property.

**“Officer”** means an enforcement Officer appointed by the Council of the City pursuant to Section 7 (1) of this By-law, which may include the City Arborist if so appointed.

**“Person”** means an individual acting alone or in partnership or association, and a corporation.

**“Private Property”** means land not owned by a government of any level or by a governmental body nor otherwise dedicated to a public purpose.

**“Private Tree”** means any Tree, the trunk of which at ground level is located more than 40% on Private Property. A Tree is not a Private Tree where 60% or more of its base at ground level is located on Municipal Property.

**“Prune”** means the removal of a branch or branches from a Tree for non-detrimental purposes such as improving the health of a Tree, promoting structural soundness and maintaining the shape of the Tree compatible with its location and wellbeing and in any case shall not exceed removal of not more than one-third of the live branches or limbs of a Tree and shall be performed in a manner that complies with the American National Standards Institute (ANSI) A300 Tree Pruning Standards.

**“Tree”** means a living tree of any species of perennial woody plant that has reached or can reach a height of 4.5 meters at physiological maturity. Tree includes the root system and all above ground parts of the Tree.

**“Tree Preservation Plan”** means a report and plan prepared by a qualified biologist or Arborist setting out recommended measures for protection and preservation of a Tree or Trees on a specific property or site.

**“Tree Protection Zone”** means the minimum required distances as set out in Schedule ‘E’ within which Tree protection restrictions are put in place under this By-law so that no construction activity of any kind will take place inside the Tree Protection Zone.

**“woodlands”** means land at least 1 hectare in area with at least:

- (i) 1000 trees, of any size, per hectare;
- (ii) 750 trees, measuring over five (5) centimetres DBH, per hectare;

(iii) 500 trees, measuring over twelve (12) centimetres DBH, per hectare; or

(iv) 250 trees, measuring over twenty (20) centimetres DBH, per hectare;

but does not include a cultivated fruit or nut orchard, or a plantation established and maintained for the purpose of producing Christmas trees or nursery stock; and

“**woodlot**” means land at least 0.2 hectare in area and no greater than 1 hectare in area, with at least:

(i) 200 trees, of any size, per 0.2 hectare;

(ii) 150 trees, measuring over five (5) centimetres DBH, per 0.2 hectare;

(iii) 100 trees, measuring over twelve (12) centimetres DBH, per 0.2 hectare; or

(iv) 50 trees, measuring over twenty (20) centimetres DBH, per 0.2 hectare;

but does not include a cultivated fruit or nut orchard, or a plantation established and maintained for the purpose of producing Christmas trees or nursery stock

- (2) Any use of a singular terms includes its plural, any use of a masculine term includes the feminine term and any use of the present tense includes the past tense, where applicable in this By-law.
- (3) If any Section(s) or part(s) of this By-law are found by a court of law to be beyond the powers of the Council to enact, or otherwise illegal or unenforceable, such section(s) or part(s) shall be deemed to be severable and all other sections and parts of this By-law shall be deemed to be independent therefrom and shall separately continue in full force and effect.

## **GENERAL PROVISIONS**

### 2. (1) Administration

This By-law shall be administered by the Director.

### (2) Director Authority

Notwithstanding Section 3 of this By-law, the Director is hereby authorized to:

- a) plan, regulate, supervise and carry out all planting, pruning, removals, and all maintenance activities –and remedial measures to and for Municipal Trees located within the City of St. Thomas;
- b) determine the species of all Trees planted on Municipal Property consistent with the List of Approved Trees approved from time to time as found in Schedule ‘B’ to this By-law;
- c) where the Director determines that the planting of a Tree on Private Property would be consistent with an established or planned pattern of Tree planting on Municipal Property or would serve any other municipal purpose, the Director may, with the consent of the property owner(s) and at the City’s expense, cause a Tree to be planted on Private Property provided that any Tree(s) planted on Private Property will be the property of the owner of the said lands,

and the City will not be liable for the maintenance, repair, replacement or destruction of any such Private Tree(s).

- d) investigate, make a determination and respond whenever the City receives a complaint that a Municipal Tree poses a Hazard.

(3) Nothing in this By-law requires the Director to provide notice to Persons regarding any actions taken within the Director's authority under a),b) and d) above or otherwise under Section 2 of this By-law.

(4) City Council Authority to overrule decision

City Council may consider and overrule, vary or confirm a decision of the Director, regarding any matter within the Director's Authority as set out in Section 2(2) of this By-law or a decision by the Director under Section 5 of this By-law, where Council is satisfied that:

- a) the Person(s) complaining (the complainant) is a Person(s) either affected directly by the subject decision of the Director or representing a position on a matter of genuine concern to members of the public;
- b) the complainant has submitted to the Director a written request for reconsideration by the Director, which request has not resulted in a resolution satisfactory to the complainant within a period of not more than fifteen (15) business days following the Director receiving the request for reconsideration;
- c) within ten (10) business days after:
  - i. being notified of the Director's response to the request for reconsideration, or
  - ii. the Director has failed to give notice of such response within the fifteen (15) business day period for doing so,The Applicant has submitted to the City Clerk a written submission to the Council requesting that the matter be placed on the agenda of a Council Meeting;
- d) such request is accompanied by the complaint's written summary of the background and concerns of which the complainant wishes City Council to be aware in preparing for the complainant's presentation at the Council meeting along with any written report Council may receive from the Director regarding the basis for the Director's decision.

(5) Trees extending over Highways

- a) Where Private Trees and or their branches extend over a Highway, or are inclined to fall over a Highway or any Municipal Property, and are found to be a Hazard, the Director may issue written notification to the owner(s) of the Private Property where the Private Tree is located indicating the nature of the Hazard, the remedy required, the time allowed for compliance and the fees and potential costs to be payable to the City upon failure to comply.
- b) A property owner who receives a written notification under Section 2(5)a) may apply forthwith for an extension of the date for compliance which may be granted for a period of no more than 14 days, in the discretion of the Director after considering the explanation provided by the property owner and the urgency of remediating the Hazard.
- c) Where the property owner fails to comply with the written notification referred to in Section 2(5)a), and any extension granted under 2(5)b), the Director may cause the Private Tree to be Pruned, Injured or Destroyed, at

the expense of the property owner to alleviate the Hazard arising from the branches and or the trunk of the Tree extending over a Highway, or over any Municipal Property. The City may recover the costs incurred by the City in doing the work or causing the work to be done, in the manner referred to in Section 7(4).

(6) Proceeding without notice

Nothing in this By-law limits the authority of the Director or other employees or agents of the City under Section 62(2) of the Act to remove, without notice to the owner, a Private Tree which poses an immediate danger to any Person using a Highway, in the opinion of the Director or other City employee, and nothing in this By-law limits the authority of the Director or other employees of the City to remove, without notice and without opportunity for reconsideration of such decision, a Municipal Tree which constitutes a Hazard and poses an immediate danger to any Person using the Highway or other Municipal Property, in the opinion of the Director or other City employee.

**PROHIBITED ACTIVITIES**

3. (1) Except for work performed by the City under the authority of the Director, no Person shall cause or permit:

- a) Injury or Destruction of any Municipal Tree having a trunk diameter of more than 10 centimeters DBH, including any part(s) of such on a Municipal Tree which extends beyond the Municipal Property;
- b) planting of a Tree on Municipal Property;
- c) application of fertilizers, pesticides or other chemicals or substances to a Municipal Tree.

(2) Any Person who obstructs or hinders, or attempts to obstruct or hinder the Director, or an Officer in the discharge of a power or duty authorized under this By-law and any Person who obstructs or hinders or attempts to obstruct or hinder any other employee or contractor of the City who is exercising a power or performing a duty authorized under this By-law shall be considered to be committing an act in contravention of this By-law.

(3) The provisions of Section 3(1) of this By-law shall not limit the rights and obligations of the City or any public utility, including, but not limited to, rights or obligations to construct, re-construct, install, or maintain any road, sidewalk, sewer, stormwater facility, watermain, or public utility infrastructure on or near Municipal Property

**TREES DEEMED HAZARDOUS**

4. (1) Where a Municipal Tree constitutes a Hazard, remedial measures satisfactory to the Director will be performed by the City or a contractor on the City's behalf.

**APPLICATION TO INJURE OR DESTROY A NON-HAZARDOUS MUNICIPAL TREE**

5. (1) In regard to a Municipal Tree that is not deemed to constitute a Hazard, a Person may file with the staff located at 75 Caso Crossing, St. Thomas:

- a) an Application requesting the City to Prune or Destroy the Tree; or
- b) an Application for permission to conduct an activity on Private Property, or to perform any other act proposed by the Person, which activity or act would reasonably be expected to, in any way, cause Injury or Destruction of a Municipal Tree;

(2) All Applications shall be in the form then currently approved by the Director and shall include full particulars of the action requested or proposed by the applicant and shall be

accompanied by the fee prescribed by this By-law. Applications shall be approved or declined by the Director. Applications pertaining to Destruction or Injury of a Municipal Tree will only be granted after consideration of all applicable criteria described in Section 5(3).

- (3) The Director shall consider the following criteria prior to approving or refusing an application under Section 5(1) to Injure or Destroy a Municipal Tree:
- a) the Application form is complete;
  - b) the Applicant has paid all required fees;
  - c) the condition and size of the Tree;
  - d) whether the Tree location conflicts with any of the following:
    - (i) a siteplan, subdivision plan or building permit plan that has been proposed, approved or issued for development of Private Property adjacent to the Municipal Tree, in compliance with the zoning of the land;
    - (ii) a proposed pool enclosure; or
    - (iii) access related to expansion of parking areas on Private Property adjacent to the Private Tree, that complies with the zoning of the land,and whether all alternatives have been exhausted for avoiding or resolving such conflicts.
  - e) the species of the Tree;
  - f) whether the Tree is of a classification as “endangered”, “threatened” or “at risk” as defined in the *Endangered Species Act 2007*, S.O. 2007, c. 6, as amended, or is a Tree species classified as an endangered or threatened, or a Tree species of special concern, as defined in the *Species at Risk Act*, S.C. 2002, c. 29, as amended;
  - g) whether the Tree or a portion thereof, is dead, diseased or Hazardous;
  - h) whether all reasonable measures of Tree preservation have been diligently attempted or considered;
  - i) protection of:
    - (i) environmentally sensitive areas;
    - (ii) natural landforms or contours;
    - (iii) significant vistas.
  - j) erosion and stormwater control;
  - k) whether the species of Tree(s) is now prohibited in the subject location, as set out in Schedule ‘A’ of this By-law;
  - l) a written report or research prepared by an Arborist or historian expressing the opinion that the Tree is an important species or example for heritage reasons relevant to the Tree’s age, size, species, location or association with a historical period;
  - m) whether the Municipal Property on which the Tree is located, or the Private Property adjacent to which the Tree is located, is designated under the *Ontario Heritage Act*, R.S.O. 1990, c. O 18, as amended and, if so, a written report approved by the City’s Municipal Heritage Advisory Committee has been provided, indicating that:
    - (i) the Tree is or is not described as a heritage attribute in the designation or is otherwise relevant to the heritage designation of the site; or,
    - (ii) the Tree is relevant to the heritage designation of the site but the Municipal Heritage Advisory Committee acknowledges and approves of the proposed Injury or Destruction of the Tree.



- n) whether the Injury or Destruction of the Tree is otherwise acceptable to the Director;
- (4) For purposes of the Director's consideration of any of the above criteria the Director may consider any reports prepared by qualified professionals and submitted by the applicant with the application or submitted subsequently by the applicant at the Director's request.
  - (5) The Director may approve an Application referred to in Section 5(1) subject to one or more conditions imposed by the Director, which may include, but are not limited to, any one or more of the following:
    - a) that payment is received by the City for a replacement Municipal Tree(s) as set out in Schedule 'C', whether or not the Application was made for the Destruction of a Tree;
    - b) that a Tree Protection Zone is to be provided around a Tree(s) as set out in Schedule 'D' to this By-law;
    - c) the Applicant satisfying the Director that the Application is proceeding with construction of a proposed site improvement or building in accordance with plans, submitted in connection with the application and approved or permitted under the municipal process applicable to the improvement or development of the adjoining Private Property.

**FEES AND CHARGES**

6. (1) All applications requesting Destruction or Injury of a non-Hazardous Municipal Tree will be subject to an application fee as set out in Schedule 'E' to this By-law.
- (2) Such applications as are approved by the Director will also be subject to the following fees and charges:
  - a) an amount equivalent to the cost of performing the Destruction or Injury, determined at the rates charged in the current year by the City's contractor for tree trimming and removal services;
  - b) the appraised value of the living Tree, or a minimum of \$400.00, whichever is greater, where the application is for the Destruction of a Municipal Tree;

the payment(s) referred to in b) above shall be added to the City's Urban Forest Management fund to enhance and maintain the City's Urban Forest.
- (3) A property owner who fails to comply with a notice to remove a Hazard on Private Property under Section 2(5)a) and any extension under Section 2(5)b), shall be subject to a fee of \$500.00 pertinent to the City's services for inspection, for enforcement and for administration relative to remedial work and, in addition, the property owner shall be responsible for the City's cost of Pruning or Destruction of the Private Tree(s), determined as described in Section 6(2)a) above.
- (4) Where any Person has Injured or permitted the Injury of a Municipal Tree, such Person shall pay to the City all costs incurred by the City for the repair and rehabilitation of the Tree including cost of a Tree Protection Plan if deemed necessary by the Director;
- (5) Where any Person has Injured or permitted the Injury of a Municipal Tree which, and as a result, is assessed to be damaged beyond repair as determined by the Director, or where a Person has been responsible for Injuring or Destroying a- Municipal Tree, such Person shall pay to the City the cost of removing any remaining portion of the Municipal Tree and shall pay to the City the the appraised value of the entire Municipal Tree(s) before the Injury as determined by the Director or a minimum of \$400.00, whichever is greater.

## **ENFORCEMENT**

7. (1) This By-Law shall be enforced by one or more Officers appointed by the Council of the City.
- (2) An Order, may be issued for any contraventions of this By-law including, but not limited to, requiring a Person to cease and desist all actions causing Injury or Destruction of Municipal Trees contrary to this By-law or to cease and desist other acts prohibited under Section 3 of this By-law.
- (3) All Notices and Orders under this By-law may be served by:
  - a) personal delivery to the Person to whom it is directed, or
  - b) regular mail to the last address known to the City for the Person to whom the Order is directed, in which case service shall be deemed effective five business days after the date the Order is mailed.
- (4) Fees, and charges, including but not limited to the expense of work performed by the City, imposed under any provision of this By-law, constitute a debt of the Person by whom the fee or charge is payable and the fees and charges may be added to the tax roll and collected in the same manner as taxes on any property in the city of which all the property owners are responsible for paying the fees and charges.

## **ORDER TO DISCONTINUE ACTIVITY AND/OR REMEDIATE**

8. (1) If an Officer is satisfied that this By-law has been contravened, the Officer may make an Order requiring the Person who contravened the By-law or who caused or permitted the contravention, and if different, the Person who is the owner or occupier of the land on which the contravention occurred, to discontinue the contravention by ceasing and desisting from an activity which contravenes this By-law and the Order and/or requiring such Person(s) to correct the contravention.
- (2) The Order shall set out:
  - a) the municipal address or legal description of the Private Property where the contravention occurred or the Private Property which is closest to the Municipal Property where the contravention occurred;
  - b) the municipal address(es), if different, of the Person who is named in the Order as responsible for the contravention;
  - c) reasonable particulars adequate to identify the contravention of this By-law and the work to be done, if any, to remedy the contravention;
  - d) the date by which there must be compliance with the Order; and
  - e) notification of the fees, charges, costs and fines which may become payable under provisions of this By-law due to the contravention and in the event of non-compliance.
- (3) In default of the work required by an Order under this Section being performed by the Person directed or required to do it, the City, in addition to all other remedies the City may have, may do the work or cause the work to be done at the Person's expense and may enter upon Private Property, at any reasonable time, for this purpose. The City may recover the costs incurred by it doing the work or causing the work to be done, including in the manner referred to in Section 7(4) of this By-law.

## **OFFENSES**

9. (1) Every Person who contravenes any provision of this By-law or an Order issued under Section 7 or Section 8 of this By-law is guilty of an offence.
- (2) Every Person who is convicted of an offence under this By-law is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P 33 and this By-law.
- (3) The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the Person convicted, and such order shall be in addition to any other penalty imposed on the Person convicted.
- (4) In addition to being liable to a fine, a Person convicted of an offence under this By-law may by court order:
  - a) be prohibited from continuing or repeating the offence; and,
  - b) be required to correct the contravention or remediate the damage in the manner and within the period of time the court considers appropriate.

**IN FORCE**

This By-law shall come into force and take effect on the date it is passed.

First Reading: \_\_\_\_\_

Passed this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

## Schedule 'A'

### PROHIBITED SPECIES

The below is a list of tree species that are prohibited to be planted on the untraveled portion of the Highway, unless otherwise approved by the Director;

<i>Populus</i> Species	Poplars
<i>Salix</i> Species	Willows
<i>Acer negundo</i>	Manitoba Maple
<i>Acer platanoides</i>	Norway Maples including all cultivars of the species
<i>Fraxinus</i> Species	Ash Trees
<i>Rhamnus</i> Species	All Buckthorn species
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Robinia</i> Species	Black Locust and Varieties
<i>Prunus virginiana</i>	Choke Cherry
<i>Juglans nigra</i>	Black Walnut
<i>Gleditsia triacanthos</i>	Native Honey Locust (Thornless varieties approved)
<i>Malus</i> species	Apples (some fruitless and apple scab resistant varieties approved)
All Coniferous species	

## Schedule 'B'

### List of Approved Street Trees planted by the Parks and Recreation Department

Trees are one of our most important landscape features. If a tree is not properly matched to the landscape site, the tree can become more of a liability than an asset. Tree planting on the Public right-of-way is a long term initiative and each tree species requires certain site requirements that should be considered during the planning process.

Selection of the right tree species for a particular site is one of the most important decisions to ensure long-term benefits, beauty and satisfaction. The mix of species is essential to reduce the risk of insect epidemics, to guard against the spread and to reduce the risk of extensive tree removals of a single species in the event of a wide spread disease or insect infestation (i.e. Dutch elm disease or the Emerald Ash Borer).

The following considerations should determine the selection of species:

- Designs should reflect random species patterns of plantings of diversified species.
- The size, texture and ornamental value of the selected species should vary with the scale and function of the street.
- Existing conditions including soil type, moisture, available growing space above and below ground.
- Proximity to hydro wires, lighting fixtures, hydrants, vaults, underground utilities, sewers and sidewalks and the available space above and below ground, size of boulevard or front/side yards
- Tree species shall be chosen for their disease and insect resistance, salt and air pollution tolerance and hardiness.

Once the conditions of the site are fully understood, the right tree can be selected. The following is a lists of trees recommended in the City of St. Thomas.

Species	Code	Latin Name	Common Name	Comments
<b>Acer</b>	Ac	<i>Acer campestre</i>	Hedge Maple	Small
	Af	<i>Acer x freemanii</i>	Freeman Maple*	Large
	Af	<i>Acer x freemanii 'jeffersred'</i>	Autumn Blaze Maple	Large
	Ag	<i>Acer ginnala</i>	Amur Maple	Small
	As	<i>Acer succharum</i>	Sugar Maple*	Large
	Ap	<i>Acer psuedoplatanus</i>	Sycamore Maple	Medium
	Ay	<i>Acer miyabe</i>	Miyabe Maple	Medium
<b>Aesculus</b>	Ae	<i>Aesculus glabra</i>	Ohio Buckeye*	Small to medium
	Ah	<i>Aesculus hippocastanum 'Baumannii'</i>	Baumannii Horsechestnut	Large
<b>Carpinus</b>	Cc	<i>Carpinus caroliniana</i>	Blue Beech	Small to medium
<b>Cratageous</b>	Cg	<i>Crataegus crus-galli var inermis</i>	Thornless Hawthorn	Small
<b>Celtis</b>	Co	<i>Celtis occidentalis</i>	Hackberry*	Large
<b>Cercidiphyllum</b>	Cj	<i>Cercidiphyllum japonicum</i>	Katsura Tree	Large
<b>Cladastris</b>	Ck	<i>Cladastris kentuckea</i>	Yellowwood	Medium
<b>Corylus</b>	Cy	<i>Corylus colurna</i>	Turkish filbert	Medium to large
<b>Ginkgo</b>	Gb	<i>Ginkgo biloba</i>	Maidenhair Tree	Large - Males only

<b>Gymnocladous</b>	Gd	<i>Gymnocladous dioicus</i>	Kentucky Coffee Tree*	Large
<b>Gleditsia</b>	Gt	<i>Gleditsia triacanthos var inermis</i> 'shademaster'	Shademaster Honey Locust*	Medium
	Gt	<i>Gleditsia triacanthos var inermis</i> 'Suncole'	Sunburst Honey Locust*	Medium
<b>Ostrya</b>	Ov	<i>Ostrya virginiana</i>	Ironwood*	Small to medium
<b>Phellodendron</b>		<i>Phellodendron amurense</i>	Amur Cork Tree	Medium -Males only
<b>Platanus</b>	Px	<i>Platanus x acerfolia</i>	London Plane Tree	Large
<b>Quesrcus</b>	Qm	<i>Quesrcus macrocarpa</i>	Burr Oak*	Large
	Qf	<i>Quercus robur</i> 'fastigiata'	Columnar English Oak	Columnar
	Qr	<i>Quesrcus rubra</i>	Red Oak*	Large
<b>Liquidambar</b>	Ls	<i>Liquidambar styraciflua</i>	Sweetgum	Large
<b>Syringa</b>	Sr	<i>Syringa reticulata</i> 'Ivory Silk'	Ivory Silk lilac	Small
<b>Tilia</b>	Ta	<i>Tilia Americana</i>	Basswood*	Large
	Tc	<i>Tilia cordata</i>	Little Leaf Linden	Medium
	Tc	<i>Tilia cordata</i> 'Greenspire'	Greenspire Linden	Medium
	Tc	<i>Tilia cordata x flavescens</i> 'Glenleven'	Glenleven Linden	Medium
<b>Ulmus</b>	Ua	<i>Ulmus</i> 'Accolade'	Accolade Elm	Large
	Ug	<i>Ulmus glabra x carpinifloia</i>	Pioneer Elm	Large
	Ua	<i>Ulmus Americana</i> 'Princeton'	Princeton Elm	Large
<b>Zelkova</b>	Zs	<i>Zelkova serrata</i>	Japanese Zelkova	Medium to large

#### Species not on the list

The below tree species are examples that are more specific in their site requirements and may be used if appropriate conditions for each tree can be met. The list is not limited to the species below. Planting these species or any species not listed in the document will require the approval of the Parks and Forestry Division.

<b>Species</b>	<b>Code</b>	<b>Latin Name</b>	<b>Common Name</b>	<b>Comments</b>
<b>Acer</b>	Ar	<i>Acer rubrum</i>	Red Maple*	Large
	Ap	<i>Acer palmatum</i>	Japanese Maple	Small to medium
<b>Catalpa</b>	Cs	<i>Catalpa speciosa</i>	Norther Catalpa	Large
<b>Cornus</b>	Co	<i>Cornus sp.</i>	Dog wood species	Small
<b>Chiomanthos</b>	Cv	<i>Chiomanthos virginious</i>	Fringe Tree	Small
<b>Cercis</b>	Cc	<i>Cercis Canadensis</i>	Redbud	Small
<b>Fagus</b>	Fg	<i>Fagus grandifolia</i>	American Beech	Large
	Fs	<i>Fagus sylvatica</i>	European Beech	Large
<b>Liriodendron</b>	Lt	<i>Liriodendron tulipifera</i>	Tulip Tree*	Large

<b>Pyrus</b>	Pc	<i>Pyrus calleryana</i>	Callery Pear	Small to medium
<b>Malus</b>	Ma	<i>Malus 'Indian Summer'</i>	Indian Summer Crab Apple	Small to medium
	Ma	<i>Malus 'White Angel'</i>	White Angel Crab Apple	Small to medium
	Mg	<i>Magnolia accuminata</i>	Cucumber Magnolia	Large
<b>Magnolia</b>	Mg	<i>Magnolia x saucer</i>	Saucer Magnolia	Small to medium
<b>Quercus</b>	Qro	<i>Quercus robur</i>	White Oak	Large

**Special Circumstances:**

In special circumstances in the center islands in cultivars, or as screening, coniferous trees may be accepted with the approval of the City Arborist.

## Schedule 'D'

### Tree Protection zones

A Tree Protection Zone (TPZ) is to be constructed around all trees that are not subject to destruction within the construction area unless otherwise approved by the City Urban Forester.

The TPZ shall be determined in accordance with ISA Standards at a minimum of 30.5cm or 1 foot of diameter from the trunk for 2.54 cm or 1 inch diameter at Breast Height (DBH) or located at the drip line of the canopy. Therefore, a tree having a 35 inch DBH would require a 35 foot diameter or placed along the drip line.

The barrier shall be at least 1.2m (4 ft) high and be plywood or orange plastic snow fence or equivalent as approved by the City Arborist

All Supports and bracing should be outside the TPZ. All such supports should minimize damaging roots outside the TPZ

All TPZ shall have Tree Protection Signage indicating that it is a TPZ

Within the Tree Protection Zone there must be:

- No construction
- No altering of grade by adding fill, excavating, trenching, scraping, dumping or disturbance of any kind
- No storage of construction materials equipment, soil, waste or debris
- No disposal of any liquids
- No movement of any vehicles or machinery
- Directional micro-tunnelling and boring may be permitted within the limits of the TPZ subject to approval by the City Arborist
- Open faced cuts outside a TPZ that are consistent with an approved plan and that require root pruning, require the services of a qualified Arborist or approved tree care professional.

### Tree protection Barriers

Tree Protection Zones: Trunk Diameter (DBH) <sup>1</sup>	Minimum Protection Distances Required <sup>2</sup> City-owned and Private Trees	Minimum Protection Distances Required Trees in Areas Protected by the Ravine and Natural Feature Protection By-law
< 10 cm	1.2 m	Whichever of the two is greater: The drip line or 1.2 m The drip line or 3.6 m The drip line or 4.8 m The drip line or 6.0 m The drip line or 7.2 m The drip line or 8.4 m The drip line or 9.6 m The drip line or 10.8 m The drip line or 12.0 m 12 cm protection for each 1 cm diameter or the drip lines
10 – 29 cm	1.8 m	
30 – 40 cm	2.4 m	
41 – 50 cm	3.0 m	
51 – 60 cm	3.6 m	
61 – 70 cm	4.2 m	
71 – 80 cm	4.8 m	
81 – 90 cm	5.4 m	
91 – 100 cm	6.0 m	
> 100 cm	6 cm protection for each 1 cm diameter	



**Schedule 'E'**

<b>Non Hazardous Tree Removal Application Fee Schedule</b>	
Less than 10 Trees	\$100.00
10 to 100 Trees	\$150.00
More than 100 Trees	\$250.00
Not-for-profit housing Associations	\$0.00
Dead, Diseased or Hazardous Trees	\$0.00
Other, as set out in By-law: _____	\$0.00
<b>TOTAL FEE INCLUDED IN APPLICATION</b>	

Fees required to be paid at time of application submission