

Middlesex Centre Tree Policy

Purpose

The purpose of the Middlesex Centre Tree Policy is to identify tree protection, maintenance and removal criteria and considerations, outline criteria for commemorative tree planting, and identify priority areas and yearly targets for tree planting.

Scope

This policy applies to all municipally owned or leased lands, or lands in which the municipality holds an interest such as, but not limited to, the municipal road right of way.

Definitions

“**Arborist**” a person holding a valid International Society of Arboriculture (ISA) certificate

“**Contractor**” means a person engaged by the Municipality to perform a specific activity or service, on or at a particular land or premises.

“**Council**” means the Council for the Municipality of Middlesex Centre and includes its successor.

“**DBH**” means the tree trunk diameter at breast height, which is measured 1.3m from the ground.

“**Destroy**” in relation to a tree includes any action which causes or results in the death of a tree, not limited to but including the acts of cutting, burning, or knocking over the tree.

“**Director**” means the Director of Public Works & Engineering or designate as well as the Director of Community Services or designate.

“**Drip Line**” means the area on the ground directly located under the outer circumference of the tree branches.

“**Emergency Work**” means any work carried out by the Municipality, a public utility service, or other authority and its contractors, whether above and below ground level, which is work necessary in an emergency situation for maintenance, or to restore or ensure service is maintained.

“**Heritage Tree**” means a tree having one, or more of the following characteristics:

- An individual tree because of its size, form, shape, beauty, age, colour, rarity, genetic constitution or other distinctive features;
- A living relic that displays evidence of cultural modification by Aboriginal or non-Aboriginal people, including strips of bark or knot-free wood removed, test hole cut to determine soundness, furrows to collect pitch or sap or blazes to mark a trail;
- A prominent community landmark;
- A specimen associated with an historic person, place, event or period;
- A tree associated with local folklore, myths, legends or traditions; and/or
- A representative of a crop grown by ancestors and their successors that is at risk of disappearing from cultivation.¹

“Heritage Tree Program” means the Ontario Heritage Tree Program provided by Forests Ontario or any successor program or similar program if the Forests Ontario Heritage Tree Program is no longer provided.

“Highway” means a common and public highway (road) under the jurisdiction of the Municipality of Middlesex Centre; and includes any bridge, trestle, viaduct or other structure forming part of a highway and includes any portion of a highway to the full width thereof.

“Improper Pruning” means trimming a tree so as to cause irreversible damage in a manner contrary to Good Arboricultural Practices.

“Injure” includes any act or treatment which causes irreversible damage to a tree.

“Municipal Law Enforcement Officer” means a person appointed as such under this or any by-law of the Municipality.

“Municipality” as the context requires, means the Corporation of the Municipality of Middlesex Centre or the geographical limits of the municipality.

“Naturalized Area” means an area that has been set aside by the municipality for the undisturbed growth of any tree species where the desired effect is that of natural growth, and for the purposes of this policy the term will include municipal woodlots and woodlands.

“Park” means any area or open space set aside for or providing recreational activities or facilities to residents of Middlesex Centre.

“Pest” means any organism including, but not limited to, such things as insects or diseases whether viral, fungal, or bacterial, which directly or indirectly cause irreversible damage to the long-term health, vitality, and integrity of a tree.

¹ Heritage Tree Definition is taken from: Aird, P. (2005). Heritage, natural heritage, cultural heritage and heritage tree defined. *Forestry Chronicles*, 81(4), 593.

“Private Tree” means any tree which has greater than fifty (50) percent of its trunk diameter measured at ground level on private property.

“Public Property” means lands that are not public highways such as; parks, stormwater management facility, cemetery, open space, wood lot, ravine, walkway, square, public un-assumed alley, or any other public place or land owned by, or leased to, or controlled by, or vested in the Municipality.

“Public Tree” means any tree which has greater than or equal to fifty (50) percent of its trunk diameter measured at ground level on public property, and “public tree” shall be used interchangeably with “municipal tree” or “municipally owned tree”.

“Removal” means the elimination, in whole or in part, of a tree.

“Staff” means all employees and agents of the Municipality or contractors hired by the Municipality.

“Transportation Manager” means the Transportation Manager or designate, or successor to that position for the municipality of Middlesex Centre.

“Transportation Supervisor” means the Transportation Supervisor or designate, or successor to that position for the municipality of Middlesex Centre.

“Tree” means a plant of any species of woody perennial including its root system, which has reached or can reach a height of at least 4.5 metres at physiological maturity.

“Tree Maintenance” includes all operations of watering, trimming, pruning, spraying, injecting, fertilizing, treating, cabling and bracing and any other like activity.

Roles & Responsibilities

The Director of Public Works & Engineering and/or Transportation Manager shall be responsible for any and all trees located on public property, including on right of ways whether opened or closed.

The Director for Community Services or designate shall be responsible for reviewing and approving commemorative tree planting requests, as well as parks and open space tree planting plans.

The Director of Public Works & Engineering, the Director of Community Service, and/or their respective designates shall be responsible for following and implementing this policy in accordance with Council-approved budgets, municipal standards, and any other provincial or federal legislation that may affect tree planting.

Council, and members of Council shall approve budgets for tree planting and maintenance.

Benefits

It is acknowledged that trees provide an overall benefit to the community and are to be treated as assets that are to be maintained and renewed. These benefits include:

- Aesthetically enhance real estate value within the community.
- Help reduce air and noise pollution.
- Assist in conserving energy. (The shade produced by trees cools the air by as much as 10% in urban areas.)
- Help to filter water, stabilize soils, and provide habitat and food for wildlife.
- Supply oxygen in the air and help absorb carbon dioxide.
- Help reduce the effect of high winds.
- Provide snow breaks.

Street trees along and/or abutting municipal right of ways are an important feature of the municipality.

Prohibitions Against Injury or Destruction

- 1.0 Without prior approval of the Director of Public Works and Engineering, no person shall undertake to or cause or permit the undertaking of any of the following actions towards a public tree: injure; remove; disturb; damage; destroy; cut above or below ground; spray; prune; or alter in any way. Persons guilty of such an offence may be subject to fines and fees as found in the [Municipal Right of Way By-law](#) and/or the [Fees and Charges By-Law](#), as may be amended by Council from time to time, and enforced by a Municipal Law Enforcement Officer.
- 2.0 Where a person reports having injured or damaged a public tree, or where a person is found to have injured or damaged a public tree, the Director of Public Works and Engineering shall issue an order requiring that the person arranges for payment of restitution in accordance with the; [Fees and Charges By-law](#), [Property Standards By-law](#) and [Municipal Right of Way By-law](#), as may be applicable and amended by Council from time to time.

Protective Measures for Trees during Construction

- 1.0 Any person undertaking to perform any work within the drip line of a public tree requires the consent of the Director of Public Works & Engineering and shall follow the regulations and conditions listed herein. The regulations shall apply to all contractors, utilities, engineers, architects and citizens working or affecting work in the vicinity of municipality owned trees. Tree protection is to be installed and maintained in a manner consistent with arboricultural practices found in the Municipality's [Infrastructure Design Standards Manual](#).

Powers under the Municipal Act

- 1.0 When considering tree maintenance and removal, it is important to note that the Municipal Act, 2001, sections 62 (1) and (2) provides that staff may inspect, trim, prune or remove trees located on private property that pose a danger to the health or safety of anyone using the highway and/or municipal right of way.

Tree Maintenance and Inspection

- 1.0 All maintenance shall follow industry standards regarding species specific pruning and maintenance.
- 2.0 Biennial inspections shall be performed in all settlement areas noting dead or distressed trees and their location.
- 3.0 For all trees that are assessed and are deemed to require removal or trimming/pruning, staff will prioritize and schedule the required work.

Tree Removal

- 1.0 Tree removal from public property and municipal highways will only be considered after other maintenance items and good arboriculture practices such as pruning, root pruning, cabling, bracing or other measures as deemed appropriate have been considered. Trees will generally be removed when they are seriously damaged, diseased, decaying, dead, or have major splitting or cracking, or when they obstruct the visibility of signs, or obstruct, block or damage drainage infrastructure, or restrict sightlines at intersections for motorists, pedestrians, and cyclists.
- 2.0 Trees in good health may be removed from public property and municipal highways if their removal is to allow for utility installation, driveway installation, or other items as deemed acceptable or necessary by the Director of Public Works & Engineering and/or the Transportation Manager. Financial compensation from the requestor will be payable to the Municipality for the removal of healthy trees and will be based on DBH in accordance with the [Fees and Charges By-Law](#), which may be amended by Council from time to time. This compensation will fund the planting of replacement trees in alternate locations and minimize requests for the removal of healthy trees.
- 3.0 Trees that are planned for removal will be marked with an “X” or dot.
- 4.0 When trees located in a settlement area or along a manicured front yard in rural areas within the boulevard adjacent to a private property are planned for removal, the Transportation Supervisor will provide the owner with a “courtesy notice” prior to removal, provided the resident did not initiate the request.

- 5.0 When a tree or parts thereof are located on private property that is adversely affecting a public municipal highway requires pruning or removal, the Transportation Supervisor will provide the owner with “notice” prior to removal.
- 6.0 If any resident has an objection to the removal or pruning of a tree on private property that cannot be resolved first by way of discussion with the Transportation Supervisor, they may submit their objection in writing for evaluation by the Transportation Manager. The Transportation Manager’s decision is final and binding.
- 7.0 Anyone wishing for tree removal on public property or a municipal highway for any reason not covered in this section must submit a written request along with an explanation to the Director of Public Works & Engineering.
- 8.0 Trees posing an immediate danger, that are blocking municipal highways or have fallen on buildings or infrastructure from a weather-related or any other event are exempt from the requirements in sections 4.0, 5.0 and 6.0
- 9.0 Tree stumps are removed entirely in settlement areas or in manicured/maintained front yards of rural properties. Tree stumps may be removed in rural areas outside of manicured/maintained front yards and will be prioritized to areas where adjacent rural property owners are maintaining the municipal right of way. Removal of stumps will be at the timing and discretion of the municipality.

Tree Planting

- 1.0 All trees planted on public property and on municipal highways require permission from the Municipality of Middlesex Centre. Staff will evaluate site conditions for height, soil type, growing conditions, location of services and other restricting factors such as sight lines. Residents that wish to have a tree planted in the boulevard in front of their residence may register with the Public Works & Engineering Administrative Assistant. The Municipality will endeavor to plant enough trees to satisfy resident requests, however, should there be more demand than available budget, plantings will be based on a first-come, first-served basis. Residents are encouraged to help care for trees planted in front of their residence by monitoring their condition and watering.
- 2.0 Middlesex Centre will undertake a tree planting program to replace trees that have been removed prioritizing the replacement of trees in settlement areas, and expansion of urban parks and open space tree canopy. The municipality may also undertake roadside rural tree plantings along low-volume roads (Minimum Maintenance Standards class 5 & 6 roads) and will prioritize the filling of existing tree rows along the roadside.
- 3.0 Middlesex Centre will undertake a tree planting program to realize and increase the community benefits associated with healthy trees. The annual program will include, at a minimum the planting of 150 trees of a variety of species as per the tree species list and planting standards contained in the [Infrastructure Design Standards Manual](#) (most current version) and subject to Council budget approvals.

Commemorative Tree Requests

From time to time, the Municipality receives requests to have commemorative trees planted placed within the Municipality's parks or open spaces. In order for the Municipality to review, consider and permit the requests, the following will be followed:

- 1.0 All requests for commemorative trees and benches shall be submitted to the Director of Community Services using the Commemorative Tree and Bench Program request form. After receipt of the form, the application will be reviewed and a decision will be made. The form may be amended from time to time.
- 2.0 The Municipality has the sole authority as to what species of commemorative tree or type of commemorative bench, marker, etc. Specific locations are determined by Middlesex Centre's Community Services staff, taking into consideration public safety concerns, sightlines, underground utilities, and planned future development within the park space. Commemorative trees and benches are not permitted in the municipal right of way.
- 3.0 Commemorative items for inclusion in the Municipality's parks and open spaces include the following and are subject to change or modification at the discretion of the Director of Community Services:
 - Trees
 - Small ornamental trees & shrubs
 - Boulders/rocks/plaques
 - Park benches (as prescribed by the municipality)
- 4.0 All costs associated with the installation of commemorative trees and benches will be at the sole cost and expense of the requester, at the price identified in the [Fees and Charges By-Law](#).
- 5.0 In the event a commemorative tree, plaque or other item is damaged, stolen, or in the case of trees and shrubs becomes dead or diseased, these items will not be replaced by the Municipality.

Heritage Trees

- 1.0 The Municipality recognizes that heritage trees are an important component of the community, and in doing so the Municipality endorses and supports the efforts of Forests Ontario's "Heritage Tree Program." Through this program, heritage trees are identified and assessed based on their age, size, appearance, and most importantly their cultural and historical significance. The identification of these trees supports the work of Forests Ontario and other community minded organizations in locating potential native seed sources of legacy trees.
- 2.0 Heritage trees on public property are subject to the same protection, maintenance, and removal conditions as other trees, as outlined above.

Climate Change

- 1.0 While it is difficult to predict exactly what climate change will mean for municipal forestry, some of the trends that have been identified include:
- Warmer winter temperatures and longer growing seasons
 - Changes in the seasonality of precipitation and extreme events such as droughts and heavy rainfalls
 - Increased frequency and severity of storm events
 - Expanded ranges of insects and increased over-winter survival rates
 - Increasing severity of pest and disease outbreaks

All this uncertainty makes long-term planning for forest and tree climate adaptation and resiliency more challenging. The Municipality will endeavor to consider all aspects of climate change when planning any tree selection and reforestation projects.

Wood Chip and Wood Delivery

For many years, the Municipality has offered free wood and wood chip delivery from municipal forestry activities on a first-come, first-served basis. This service provides residents with no cost firewood and wood chips and helps the Municipality manage wood material from the tree removal and trimming activities.

- 1.0 To ensure that all residents have an opportunity to participate, and that this service is not taken advantage of by commercial for-profit enterprises to generate profits, the Municipality will restrict deliveries of wood and wood chips to two (2) loads of each material type per address, resident or corporation per year. Deliveries will not be made outside of the municipality unless the requestor agrees to pay for delivery based on the hourly rates for staff and equipment contained in the [Fees and Charges By-law](#), which may be amended by Council from time to time.
- 2.0 Should there be a surplus of material (wood chips or wood logs) and there are interested parties who wish to acquire more material above and beyond the two free loads permitted, such deliveries can take place provided the requestor agrees to pay for delivery at the rates set out in the [Fees and Charges By-law](#).
- 3.0 Staff will prioritize deliveries based on the current area of work and minimizing delivery costs and distances.
- 4.0 All delivery requestors will need to complete the wood delivery form indemnifying the Municipality for any damage that may occur because of wood delivery and agreeing to pay delivery fees as per this policy. This form may be updated and amended from time to time by the Director of Public Works & Engineering and/or Transportation Manager.
- 5.0 Excess wood chips will still be available to residents at no cost for pick-up on a first-come, first-served basis at the two Enviro Depots during their normal operating hours, availability

of wood chips varies through the year based on municipal tree operations there may be times when wood chips are not available.

Policy Review

This policy will be reviewed once per council term to ensure alignment with legislation and corporate values and operations.