

BY-LAW NO. 11**TREE COMMITTEE BY-LAW**

1(a) In this By-law:

“Committee” means the Tree Committee of the Town of New Glasgow established under this By-law.

“Council” means the Town Council of the Town of New Glasgow.

- (b) And this By-law shall be known and may be cited as the “Tree Committee By-law” of the Town of New Glasgow.
2. The Council hereby establishes a Tree Committee.
 3. The Committee shall be composed of five members, two of which shall be members of Council.
 4. Appointments to the Committee shall be made annually, in the month of January.
 5. Members of the Committee shall serve without remuneration.
 6. The powers and duties of the Committee shall be as set out in Sections 173(B) - 173(F) inclusive of the Towns Act, saving and excluding Sections 173(C) (1) (a) and (6), which are attached hereto as Appendix “A” and which form part of this By-law.
 7. The “Tree Committee By-law” passed by Council on January 21, 1980 and approved by the Minister of Municipal Affairs on February 12, 1980 and any amendments thereof are hereby repealed.

APPENDIX A

173B The duties of the Tree Committee shall be:

- (a) to formulate plans of street tree planting;
- (b) to ensure that trees on lands owned by the Town are properly pruned, protected and repaired when deemed necessary and to recommend and encourage the proper pruning, protection and repair of privately owned trees in the Town;
- (c) to recommend and encourage the planting of trees of suitable species at desirable sites within the Town.

173C (1) The powers of the Tree Committee shall include the power:

- (a) omitted;
- (b) to enter upon any lands within the Town for the purpose of inspecting the trees thereon to determine whether the same are in a diseased condition or damaged to such an extent that they constitute a hazard to the safety of persons or property;
- (c) where a tree or limb on lands of the Town is, in the opinion of the Committee, hazardous to persons or property or so affected by disease or insect infestation as to endanger the life and health of trees in the vicinity, to remove the tree or limb.
- (d) where a tree or limb thereof on private lands within the Town is, in the opinion of the Committee, hazardous to persons or property or so affected by disease or insect infestation as to endanger the life and health of trees in the vicinity, to order the owner of such lands to remove the tree or limb within thirty days of service upon him of a copy of the order.

(2) An order under clause (d) of subsection(1) of this Section shall be signed by the Chairman and Secretary of the Committee and shall contain a description of the location of the tree or limb thereof which the Committee directs to be removed.

(3) A copy of such order shall be served personally upon the owner of such lands or may be served by mailing the same by registered mail postage prepaid to such owner at his last known place of residence or business.

(4) In the event of failure by the person so served with notice, to remove the tree of limb described in the notice within ten days after service, any person authorized by the Committee may enter upon the land upon which the tree or limb is situate, without writ, warrant or other legal process and remove the tree or limb; and the actual cost of so doing may be recovered as a debt from the person, so served, by action brought by the Clerk in

the name of the Town with the approval of the Council in any court of competent jurisdiction within sixty days after the cost is incurred.

(5) After notice has been served under subsection (3) of this Section any person who fails to comply with the terms of the notice shall be liable on summary conviction to a penalty of not more than two hundred and fifty dollars.

(6) omitted.

173D (1) The owner of any tree or limb thereof who is dissatisfied with an order of the Committee ordering the removal of tree or limb, may within ten days from the date of such order appeal therefrom to the County Court.

(2) Upon the appeal the Court may confirm, modify or set aside the order of the Committee.

(3) The giving of a notice of appeal shall act as a stay of proceedings until the appeal has been determined.

173E (1) The Council may appoint such officials and employees as it may consider expedient for the efficient operation of the Committee, and provide for the remuneration of such employees.

(2) The Committee shall at such times as may be required by Council submit to Council a written report of its operations.

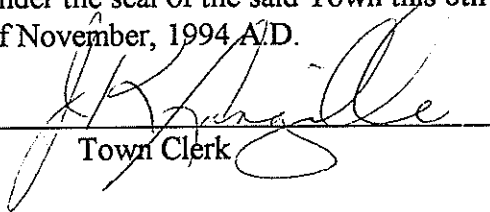
(3) The Committee shall annually submit to Council an estimate of its expenditures for the ensuing year and the said estimates or so much thereof as are approved by Council shall be paid out of the general revenues of the Town.

(4) The Committee shall not expend in any year a larger sum than that contained in its estimates as approved by Council without having first obtained special permission of Council.

173F Any person who defaces, mutilates or cuts any tree upon any street, park or public place in the Town without having first obtained the written consent of the Mayor, is guilty of an offence, and shall upon summary conviction be liable to a penalty of not more than two hundred and fifty dollars, or ten dollars for each and every tree so cut, mutilated or defaced, whichever is the more, and in default of payment to imprisonment for a term not exceeding thirty days.

I, J. K. Langille, Clerk of the Town of New Glasgow, do hereby certify that the foregoing is a true copy of a by-law duly passed at a duly called meeting of the Town Council duly convened and held on the 24th day of October, 1994 A.D.

Given under the hand of the Town Clerk and under the seal of the said Town this 8th day of November, 1994 A/D.


Town Clerk