

TOWN OF WOLFVILLE POLICY

Title: Tree Inspection and Removal Powers	
Policy No.: 1226-42	Supersedes: N/A
Effective Date: September 17, 2001	Approval By Council Resolution No.: 13-09-01

Purpose:

To permit Town staff to inspect trees and issue orders for removal as outlined in Section 63 of the Municipal Government Act.

Definitions:

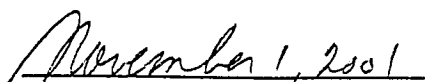
Policy Statement:

1. The Town may:
 - (a) remove dead, dying or diseased trees on public and/or private property;
 - (b) recommend and encourage
 - (i) the proper pruning, protection and repair of privately owned trees in the municipality,
 - (ii) the planting of trees of suitable species at desirable sites within the Town.
2. The Town shall not remove trees from private property unless the owner has granted written permission or an order requiring the removal of the tree has been issued.
3. The Town authorizes its employees to enter upon land within the municipality to:
 - (a) inspect the trees to determine whether they are in a diseased condition or damaged to the extent that they constitute a hazard to the safety of persons or property.

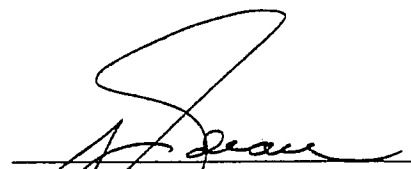
4. The Chief Administrative Officer may authorize the Director of Operational Services to order an owner of land, within thirty (30) days of service of a copy of the order, to remove a tree or limb that is, in the opinion of the Chief Administrative Officer, hazardous to persons or property or so affected by disease or insect infestation as to endanger the life and health of trees in the vicinity.
5. An order to remove a tree or limb shall contain a description of the location of the tree or limb directed to be removed and a copy of the order shall be served upon the owner of the land.
6. Where the owner fails to remove the tree or limb described in the order within thirty (30) days of service of a copy of the order, a person authorized by the Chief Administrative Officer or his designate may enter upon the land upon which the tree or limb is situate, without warrant or other legal process, and remove the tree or limb.
7. The actual cost of removal of the tree or limb pursuant to subsection (6) may be recovered as a debt from the owner of the land upon which it was located and is a first lien on the real property of the owner of the land and may be collected in the same manner as taxes.
8. An owner may appeal an order requiring the removal of a tree or limb to the Supreme Court of Nova Scotia within seven (7) days of service of the order on the owner and the giving of a notice of appeal acts as a stay of proceedings until the appeal has been determined.
9. Upon an appeal pursuant to subsection (8), the Supreme Court of Nova Scotia may confirm, modify or set aside the order.
10. The Town is not liable for failure to remove a diseased or dangerous tree or limb from property, whether publicly or privately owned.
11. A person who defaces, mutilates or cuts a tree upon property of the Town without the written consent of the Town is guilty of an offence, and is guilty of a separate offence for each tree defaced, mutilated or cut.
12. The Town may borrow for a term not exceeding ten (10) years for the cost of a major tree removal program.



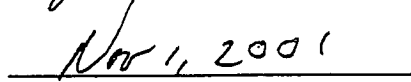
Mayor



Date



Chief Administrative Officer



Date

Town of Wolfville Parks Department

Procedure for Dutch Elm Disease Removals

During the last week in August or first week in September a survey is completed identifying all diseased Elms (DED) in Town.

Sometime before September 15 a removal list of all DED trees on Town property is compiled and sent out to tender. The tender states that all work is to be completed before October 31.

At the same time, a "friendly" letter signed by the Parks Foreman is sent to all private property owners having DED trees on their property requesting the trees be removed before October 31, and to acknowledge receipt of this "friendly" letter by the last business day in September.

The above letter states that the Town's Parks Foreman is available should they require any further information.

The Parks Foreman will make personal contact, i.e. do site visit, with any homeowner who needs more explanation, especially those people who may say "prove to me the tree is diseased".

Printed literature will be available. As well if a diseased lower limb is accessible, it will be peeled back to show the 'streaking' indicative of DED. If further scientific proof is requested a sample will be taken and cultured at Acadia University's microbiology lab. This process takes about 7 days. If a lower limb is not accessible the Parks foreman will explain to the homeowner that in order to obtain a suitable sample a bucket truck will have to be hired, at the homeowners expense, approximately \$150-\$250.

Failing the requested reply by October 31 a removal order, sent registered mail, will be issued by the office of the Director of Operational Services on November 1, ordering compliance within 30 days.

The property owner may appeal this order requiring the removal of a tree or limb to the Supreme Court of Nova Scotia within seven (7) days of service of the order.

Name
Address
Wolfville, Nova Scotia
B0P 1X0

Date, 2001

Dear M. :

Re: American Elm Tree #W10, in back vard

The Town of Wolfville is proud to be preserving the natural beauty that surrounds it, including the magnificent canopy that the elm trees provide. Unfortunately it is necessary every year to cut down and remove the diseased trees. This prolongs the life of healthy elms and removes the safety hazards caused by the trees that are dead or dying.

A thorough survey of all the American elm trees on Town and private lands was carried out on September 1st and 2nd by myself and the Town's arborist.

It has been determined that the above noted tree on your property has Dutch Elm disease. To reduce the spread of the disease to healthy trees, it is necessary for your tree, including all the branches, to be removed and properly disposed of outside of Town limits. The remaining stump must be debarked or removed to the level of the surrounding ground to further reduce any possible habitat for the elm bark beetle which spreads the fungal disease from tree to tree. The costs for such tree removals on private property are the responsibility of the private property owner. The Town's policy is to insist that diseased elm trees be removed under authority provided to the Town in the Municipal Government Act.

The Town has established a deadline of October 31, 2001 for the above work to be completed. Should you require any further information regarding this matter, I am available to assist you, please contact me at 542-3742. For your information, I have included a list of professional companies who specialize in the removal of large urban trees.

Sincerely,

David Slabotsky,
Parks Foreman

P.S. Thank you for acknowledging receipt of this letter by Friday, September 28, 2001 indicating the timeline for your work to be completed.

cc: G. Morrison, Director of Operational Services
J.Roy Brideau, Chief Administrative Officer

REGISTERED MAIL

Name
Address
Wolfville, Nova Scotia
B0P 1X0

Date, 2001

Dear M. :

Second notice re: American Elm Tree #W1

You were advised in a letter from our Parks Foreman, David Slabotsky, dated September 7, 2001, that the above noted tree was determined to have Dutch Elm Disease and that it was to be removed by October 31, 2001. We note at this time that the tree has not been removed as requested.

**This letter will serve as an official order that by no later than 4:30 p.m. on November 30, 2001:
the above noted tree be removed from your property;
all wood and branches from the tree be moved outside of the Town limits;
the remaining tree stump be debarked or removed to the level of the surrounding ground.**

Upon failure to comply with this order, the Town of Wolfville, under the authority of the Municipal Government Act, Paragraph 3, Section 63, subsection 6, may enter your property to remove the tree at your expense. The Town will exercise this right if the tree is not removed as ordered.

If you have any questions or concerns in this matter or require further information we would be very happy to provide our assistance. You may contact me at 542-3232 or Parks Foreman, David Slabotsky, at 542-3742.

Sincerely

Gregg Morrison
Director of Operational Services

cc: J. Roy Brideau, Chief Administrative Officer
David Slabotsky, Parks Foreman.