



Township of Dawn-Euphemia

POLICY FOR CUTTING TREES ON PRIVATE PROPERTY

Policy Statement

To provide a consistent and effective approach to dealing with dead or decaying trees on private lands which could pose a liability to the Municipality if they were to land on Public Roadways.

Purpose/Background Information

This Policy provides Staff information and direction for making decisions, reducing the potential for liability, and providing equal treatment of all property owners.

Legislative Authority

This Policy is written in compliance with the Municipal Act, 2001 S.O. 2001 c.25 S.62

Entry on land, tree trimming

62 (1) *A municipality may, at any reasonable time, enter upon land lying along any of its highways,*
(a) to inspect trees and conduct tests on trees; and
(b) 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.

Immediate danger

(2) An employee or agent of the municipality may remove a decayed, damaged or dangerous tree or branch of a tree immediately and without notice to the owner of the land upon which the tree is located if, in the opinion of the employee or agent, the tree or branch poses an immediate danger to the health or safety of any person using the highway.

Application

- 1) Trees which can potentially cause a liability by falling onto municipally-owned and public roadways may be cut down or trimmed as per S.62 of the Municipal Act 2001. These trees will be dealt with, in conjunction with the landowner(s), upon a signed acceptance of this Policy.
- 2) Trees will be cut by either the Public Works Department Employees, or by hired Professional Services as deemed appropriate by the Public Works Superintendent, or his designate.
- 3) If in agreeance to have the trees cut with the landowner, all trees will be cut into lengths not longer than 3 metres and all brush left for disposal by the landowner, at no cost from the Municipality.
- 4) If the landowner is not in agreeance to have the problem tree(s) taken care of, the Municipality will summon Lambton County Building Services to inspect the situation. If deemed to be a liability, an order for remediation will be issued to the property owner, who will then bear all costs associated to care for the problem as stipulated by the County .

Section # 4 shall be the approach taken in the event that two or more property owners disagree as to the treatment for trees that are decaying, need pruning or are dead, affecting their properties, even when the Municipality would not be liable from them falling on Municipal lands.

Landowners: _____

Public Works Superintendent (or designate): _____