

**THE CITY OF EDMONTON
BYLAW 18825
PUBLIC TREE BYLAW**

Edmonton City Council enacts:

PART I - PURPOSE, DEFINITIONS AND INTERPRETATION

- | | | |
|--------------------|---|--|
| PURPOSE | 1 | The purpose of this bylaw is to preserve and protect trees in public spaces owned by the City of Edmonton. |
| DEFINITIONS | 2 | <p>(1) Unless otherwise specified, words used in this bylaw have the same meaning as defined in the <i>Municipal Government Act</i>, RSA 2000, c M-26.</p> <p>(2) In this bylaw:</p> <ul style="list-style-type: none">(a) “boulevard” means that part of a highway that:<ul style="list-style-type: none">(i) is not a roadway; and(ii) is that part of a sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians;(b) “boulevard and open space trees” means all City trees except trees in a natural stand;(c) “City” means The City of Edmonton;(d) “City Manager” means the City’s chief administrative officer or delegate;(e) “City trees” means all trees and shrubs located on City-owned land including, but not limited to, titled City land, parkland, road right of way, and urban services zones;(f) “highway” has the same meaning as in the <i>Traffic Safety</i> |

Act;

- (g) **“improved trail”** has the same meaning as in the *Parkland Bylaw*;
- (h) **“municipal tag”** has the same meaning as in the *Enforcement Bylaw*;
- (i) **“natural area”** means an area largely dominated by native vegetation relatively undisturbed by human activity including, but not limited to, grasslands, forests, wetlands, peatlands or riparian areas (along rivers or streams). Groomed parks, sports fields and schoolyards are not considered natural areas;
- (j) **“natural stand”** means all City trees that are part of a natural area or naturalized site;
- (k) **“naturalized site”** means an area that is undergoing transformation from a highly-maintained land to a more natural state;
- (l) **“parkland”** has the same meaning as in the *Parkland Bylaw*;
- (m) **“pruning”** means removing branches or roots from a City tree;
- (n) **“roadway”** means that part of a highway intended for use by vehicular traffic;
- (o) **“tree preservation plan”** means a plan, prepared or signed off by an International Society of Arboriculture certified arborist, landscape architect, professional biologist or other discipline approved by the City, to conserve and protect City trees from damage, impacts or loss. This plan contains critical details about site conditions, work, and recommendations and actions that will take place onsite prior to, during and after the project takes place;
- (p) **“tree protection plan”** means a plan indicating all City trees within a defined area that must be protected for the duration of the project. This plan addresses details

including, but not limited to, minimum protection distance required around such trees, installation of physical protection measures for trees and their root zones, access points, property lines and expected timelines;

(q) “**violation ticket**” has the same meaning as in the *Provincial Offences Procedure Act*; and

(r) “**work**” means construction, demolition, excavation or laydown activities or vehicular access (other than on roadways, driveways, improved trails).

RULES FOR INTERPRETATION

3 The marginal notes and headings in this bylaw are for ease of reference only.

PART II - TREE PERMIT

TREE PERMIT

- 4 (1) No person shall conduct any work within 5 metres of the trunk of any boulevard and open space tree or within 10 metres of any boundary of a natural stand unless the person:
- (a) has obtained a permit; and
 - (b) is conducting work in accordance with an approved tree preservation plan and/or tree protection plan; or
 - (c) has otherwise obtained consent from the City Manager in writing.
- (2) A development permit pursuant to the City of Edmonton *Zoning Bylaw* is neither a permit nor consent for the purposes of subsection 4(1).

PERMIT APPLICATION REQUIREMENTS

- 5 (1) A person applying for a permit must provide all of the following to the City Manager:
- (a) a tree preservation plan or tree protection plan acceptable to the City;
 - (b) a completed application form;

(c) the fees established by the City Manager; and

(d) any other information reasonably required by the City Manager to process the application.

POWERS

(2) The City Manager may refuse to issue, suspend or cancel any permit issued pursuant to this bylaw, and may impose terms and conditions on any permit for any of the following reasons:

(a) the application for the permit is incomplete;

(b) the applicable permitting fees have not been paid in full;

(c) the tree preservation or protection plan is not acceptable to the City Manager;

(d) the applicant has failed to conduct work in accordance with an approved tree preservation or protection plan;

(e) the applicant or any of its officers, employees, agents or affiliates:

(i) furnishes false information or misrepresents any facts or circumstances to the City Manager;

(ii) has, in the opinion of the City Manager based upon reasonable grounds, contravened this bylaw whether or not the contravention has been prosecuted;

(iii) fails to pay a fine imposed by a court for a contravention of this bylaw; or

(f) In the opinion of the City Manager based on reasonable grounds it is in the public interest to do so.

(3) The City Manager will provide an applicant whose application for a permit has been refused or whose permit has been cancelled or suspended by the City with written reasons for the refusal, cancellation or suspension at the time that the applicant is advised of the refusal, cancellation or suspension.

PART III - REGULATION OF ACTIVITIES

AUTHORIZATION	6	This Part does not apply to a person authorized by the City Manager to carry out these activities.
PLANTING	7	No person shall plant, cause or permit to be planted any tree, shrub or other plant on City land.
DAMAGE TO CITY TREES	8	No person shall: (a) move, remove, cut or damage any City tree; (b) prune, repair or perform any other work on any City tree; or (c) post or attach any object to a City tree without approval from the City Manager.

PART IV - ENFORCEMENT

OFFENCE	9	A person who contravenes this bylaw is guilty of an offence.
CONTINUING OFFENCE	10	In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each such day.
VICARIOUS LIABILITY	11	For the purposes of this bylaw, an act or omission by an employee or agent of a person is deemed also to be an act or omission of the person if the act or omission occurred in the course of the employee's employment with the person, or in the course of the agent's exercising the powers or performing the duties on behalf of the person under their agency relationship.
CORPORATIONS AND PARTNERSHIPS	12	When a corporation commits an offence under this bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the

offence.

FINES

- 13 (1) A person found guilty of an offence under this bylaw is liable to a fine of:
- (a) not less than \$1,000.00 for an offence under section 4; and
 - (b) not less than \$250.00 for any other offence under this bylaw.
- (2) If a person is guilty of a subsequent offence, the fine amounts established in this section are doubled.

MUNICIPAL TAG

- 14 If a municipal tag is issued in respect of an offence the municipal tag must specify the fine amount established by this bylaw for the offence.

PAYMENT IN LIEU OF PROSECUTION

- 15 A person who commits an offence may, if a municipal tag is issued in respect of the offence, pay the fine amount established by this bylaw for the offence and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.

VIOLATION TICKET

- 16 If a violation ticket is issued in respect of an offence, the violation ticket may:
- (a) specify the fine amount established by this bylaw for the offence; or
 - (b) require a person to appear in court without the alternative of making a voluntary payment.

VOLUNTARY PAYMENT

- 17 A person who commits an offence may:
- (a) if a violation ticket is issued in respect of the offence; and
 - (b) if the violation ticket specifies the fine amount established by this bylaw for the offence;
- make a voluntary payment equal to the specified fine.

PART V - GENERAL

CITY MANAGER	18	<p>Without restricting any other power, duty or function granted by this bylaw the City Manager may:</p> <ul style="list-style-type: none">(a) carry out any inspections to determine compliance with this bylaw;(b) take any steps or carry out any actions required to enforce this bylaw;(c) take any steps or carry out any actions required to remedy a contravention of this bylaw;(d) establish forms for the purposes of this bylaw;(e) issue permits with such terms and conditions as are deemed appropriate;(f) establish the criteria to be met for a permit pursuant to this bylaw;(g) modify or waive any requirement for issuance of a permit pursuant to this bylaw, including reducing or waiving the applicable fee and/or waiving the requirement for a permit; and(h) delegate any powers, duties or functions under this bylaw to an employee of the City.
PERMITS	19	<p>A person to whom a permit has been issued pursuant to this bylaw, and any person carrying out an activity otherwise regulated, restricted or prohibited by this bylaw pursuant to such permit, shall comply with any terms or conditions forming part of the permit.</p>
PROOF OF PERMIT	20	<p>The onus of proving a permit has been issued in relation to any activity otherwise regulated, restricted or prohibited by this bylaw is on the person alleging the existence of such a permit on a balance of probabilities.</p>
PROOF OF EXEMPTION	21	<p>The onus of proving that a person is exempt from a requirement of this bylaw is the person alleging the exemption on a balance of probabilities.</p>

**CERTIFIED COPY
OF RECORDS**

22

A copy of a record of the City, certified by the City Manager as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

**COMING INTO
FORCE**

23

This bylaw comes into force on May 1, 2022.

Read a first time this 30th day of August, A.D. 2021;

Read a second time this 30th day of August, A.D. 2021;

Read a third time this 30th day of August, A.D. 2021;

SIGNED AND PASSED this 30th day of August, A.D. 2021.

THE CITY OF EDMONTON



MAYOR

CITY CLERK