

TOWN OF ANNAPOLIS ROYAL

POLICY

Title:

Tree Inspection and Removal Powers

Policy No.:

2002-1

Effective Date: August 19, 2002

Supersedes: N/A

Approval By Council Motion No.: 12

Purpose:

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

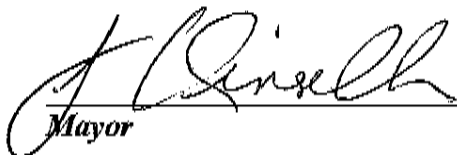
Definitions:

For the purposes of this policy, an authorized or delegated person may be a member of Town staff, the Chair of the Tree Committee, or any other person authorized by the CAO.

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 designated persons 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 or his/her delegate may authorize an order to 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 authorized person, 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. Such removal shall be in accordance with the Town's Tree Removal Policy.
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 Town may enter upon the land upon which the tree or limb is situate, without warrant or other legal process, and
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 a municipality without the written consent of the municipality 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

Aug 20/2002

Date



Chief Administrative Officer

Aug 20/02

Date