
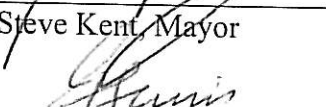


PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by the City of Mount Pearl Act, RSN 1990, Chapter C-16, Section 202 (e), the following regulations have been made by the City Council of the City of Mount Pearl and were approved on the 16th day of October, 2007 A.D.

In accordance with Section 39 Notice of Motion to adopt amendments to the regulations was given at the City's regular Public Council meeting held on the 4th day of September, 2007 A.D.


Steve Kent, Mayor

Gerard Lewis, CAO

TREE REGULATIONS

1. Title

These regulations shall be known and cited as the City of Mount Pearl
"Tree Regulations".

2. This regulation applies to any tree or shrub located in whole or in part on public land.

3. Interpretation

- a) "City" means the City of Mount Pearl referred to in Section 12 of the City of Mount Pearl Act, RSN 1990, Chapter C-16.
- b) "Public Land" means any park, street, sidewalk, and any other land owned, leased or otherwise vested in or controlled by the City of Mount Pearl.
- c) "Private Lands" means any land other than public land.
- d) "Public Tree" means any tree or shrub located in whole or in part upon public land.
- e) "Sidewalk" means that part of any street especially constructed or set aside for pedestrian use.

- f) “*Street*” means the carriageway, the sidewalks and the street right-of-way on any street, road or highway within the City and includes a lane, alley, park, square or public drive.
 - g) “*Department*” means the Department of Parks and Recreation.
 - h) “*Street Line*” means the edge of a street, road, or highway reservation as defined by the Authority having a jurisdiction.
 - i) “*Work*” means activities which include the installation and maintenance of utilities; the construction or repair of roads and sidewalks; the construction, demolition, or replacement of any structure; plus, landscaping, excavation, snow removal and grounds maintenance activities.
 - j) “*Utility*” means any facilities required for the provision of energy, communication and transportation services, and the persons responsible for their provision and maintenance, whether the facilities are publicly or privately owned.
4. No person shall:
- (a) Deposit, place, store, or maintain on public or private property any brick, stone, sand, concrete, soil or other material or equipment which may impede free passage of water, air or nutrients to the roots of any public tree.
 - (b) Allow any gaseous, liquid or solid substance, which is harmful or toxic come into contact with a public tree.
 - (c) Set fire or permit any fire to burn in such proximity that the heat thereof would injure any portion of a public tree.
 - (d) Interfere with fences, boxes or other protective devices placed around any public trees.

5. Permit

No person shall, without having first obtained a permit from the City:

- (a) Plant, remove, prune, disturb, cut above or below ground or alter in any way a public tree. Any tree planted on public land without a permit may be removed without notice or compensation by the City.
- (b) Fasten any sign, bill, notice, wire, rope, rail or other object to, around or through any public tree or any stakes, posts, guards which might support or protect such a tree.

- (c) Excavate any ditches, tunnels, trenches or lay any walkway or driveway within the vicinity of any public tree in a manner likely to cause injury to a public tree.
 - (d) Alter or change soil levels in the vicinity of any public tree in a manner likely to cause injury to a public tree.
- 6. Terms and Conditions

The Council may attach to any permit issued pursuant to this bylaw such terms and conditions as they deem necessary for the protection and preservation of any public tree.
- 7. Obstruction

The owner of any tree overhanging public land that is, extending beyond the street line, shall prune the branches so that there is no obstruction or hazard to vehicular or pedestrian traffic utilizing the street.
- 8. Council Authority

Council may, when considered in the public interest, trim, transplant, remove any trees growing on public land without notice to the owner or occupant of the adjoining land and without compensation thereof.
- 9. Protection of Trees During Work

In addition to any other terms and conditions required by a permit issued by the Council, any person responsible for work near a public tree shall:

 - (a) When conducting on-ground activity, protect the tree before the work begins with a barrier sufficient to ensure the protection of the tree. The barrier shall be maintained in good condition throughout the duration of the work. The barrier shall in no way be attached to the tree. All building materials, soil and other debris should be kept outside the barrier.
 - (b) When conducting under-ground activity, install the service in such a manner to prevent or minimize injury to trees.
 - (c) When conducting above-ground activity requiring alteration to a public tree, limit the alterations to the actual necessities required to ensure the adequate provision of the service.

10. Enforcement

These regulations may be enforced by the Royal Newfoundland Constabulary, Royal Canadian Mounted Police, Municipal Enforcement Officer, Peace Officer or any person appointed by council.

11. Penalties

Every person who is guilty of an offence under these Regulations or who acts in contravention of or fails to comply with any provision thereof, or neglects or refuses to do so,

- a) Shall be liable to penalties as stipulated under regulations made in accordance with Sections 280.1, 280.2, 280.3, and 280.4 of the City of Mount Pearl Act, C-16 and amendments thereto.
- b) Or, shall be liable on summary conviction to a fine in accordance with The City of Mount Pearl Act, Section 438.

12. Coming Into Effect

These Regulations shall come into effect on the 1st day of November, 2007 A.D.

13. Publication

These regulations were published in The Telegram on the 27th day of October, 2007 A.D. and were gazetted on the 26th day of October, 2007 A.D.

14. Copy to Minister

A copy of these regulations was sent to the Minister of Municipal Affairs on the 31st day of October A.D. 2007.

15. Repeal of Previous Regulations and Amendments

All previous City of Mount Pearl Tree Regulations and amendments are repealed.