

**THE CORPORATION OF THE  
MUNICIPALITY OF WAWA**

**BY-LAW NO.2674-13**

**BEING A BY-LAW** to supervise the planting and trimming of trees in the municipality;

**WHEREAS** the *Municipal Act*, S.O. 2001, Chapter 25, Section 62 (1), provides that a municipality may enter upon land lying along any highways to inspect trees and conduct tests on trees, and 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 and safety of any person using the highway;

**AND WHEREAS** Section 62 (2) of the *Municipal Act, 2001*, provides that 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 lands upon which the tree is located if, in the opinion of the employer or agent, the tree or branch poses an immediate danger to the health and safety of any person using the highway;

**AND WHEREAS** the council of the Corporation of the Municipality of Wawa deems it desirable to establish a tree trimming by-law for the health and safety of the residents of Wawa;

**NOWHEREFORE** the Council of the Corporation of the Municipality of Wawa enacts the following as a By-Law:

1. **THAT** the municipality of Wawa By-Law 774-91 be and is hereby repealed.
2. **THAT** the word "tree" in this by-law shall mean tree, shrub, bush, vine, or other plant growing on public or private property.
3. **THAT** trees or portions of trees, including limbs, branches, roots or any item or article which may be attached hereto which is located or growing on

private or public property and which is deemed by the Director of Infrastructure Services or his/her designate, to be encroaching on or hanging over municipal property, or impedes use of the public assets, or in the opinion of the Director of Infrastructure Services or his/her designate, is deemed a safety hazard to anyone using municipal property will be removed by municipal forces, at the sole discretion and expense of the municipality in order to rectify said encroachment/hazard for the safety of any person. The minimum height allowed to be encroaching on or hanging over municipal property as curbside is four point eight (4.8m or 15.8 feet) or three point zero (3m or 10feet) over a municipal sidewalk.

4. **THAT** prior to any action being taken as set out in article 2 above, the owner of the subject tree which is located on private property will be notified of the hazard and provide seven (7) days to comply with the municipal request to resolve the safety matter. Failure to comply within seven (7) days will indicate that the owner is not prepared to take appropriate action and the Director of Infrastructure Services or his/her designate, will remove or cause to be removed the portion or portions of the tree which encroaches or creates the hazard according to Article 2 above.
5. Should the owner of the tree, after being notified by the Municipality of the problem, wish to appeal the decision of the Director of Infrastructure Services or his/her designate, the individual may set out their appeal in writing to the council and no action will be taken by the Municipality on the subject tree until Council has heard the appeal and rendered a decision.
6. **THAT** this by-law will not cover requests from property owners to have trees removed from private property. The intent of this By-Law is to trim the affected part or parts of a tree deemed to be encroaching on Municipal property or which is deemed to be a safety hazard to the public using municipal property.
7. **THAT** the Mayor and Deputy Clerk be and are hereby authorized to sign this By-Law and to affix the corporate seal thereto.
8. **THAT** this By-Law is enacted upon the third and final reading hereof.

By-Law No. 2674-13

**READ** a first, second and third time and be finally passed this 16<sup>th</sup>, day of April, 2013.

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LINDA NOWICKI, MAYOR

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CATHY CYR, DEPUTY CLERK