

A By-law to Establish a Tree Committee  
for the Town of Mahone Bay

BE IT RESOLVED by the Town Council of the Town of Mahone Bay that the following By-law be enacted and that the Clerk forward two copies of it duly certified and sealed to the Minister of Municipal Affairs with a request for his approval hereof.

TREE COMMITTEE BY-LAW

1. In this By-law:

"Committee" means the Tree Committee of the Town of Mahone Bay established under this By-law.

"Council" means the Town Council of the Town of Mahone Bay.

2. The Council hereby establishes a Tree Committee.

3. The Committee shall be composed of seven (7) members, the Mayor and six (6) Councillors.

4. Appointments to the Committee shall be made annually, in the month of January.

5. Members of the Committee shall serve without remuneration.

6. The powers and duties of the Committee shall be as set out in Sections 173B - 173F inclusive of the Towns Act which are attached hereto as "Appendix A" and which form part of this By-law.

I, Kyle R. Hiltz, Town Clerk & Treasurer, for the Town of Mahone Bay, do hereby certify that the foregoing is a true copy of By-law passed at a duly called meeting of Town Council of the Town of Mahone Bay duly convened and held on the 8<sup>th</sup> day of October A.D., 1985.

Given Under The Hand of the Clerk and the Corporate Seal of the Town this 11<sup>th</sup> day of October, A.D., 1985.

DEPARTMENT OF MUNICIPAL AFFAIRS
Recommended for approval of the Minister
<i>[Signature]</i> Departmental Solicitor
APPROVED this 23 <sup>th</sup> day of October 1985
<i>[Signature]</i> Minister of Municipal Affairs

*[Signature]*  
.....  
Kyle R. Hiltz, Town Clerk & Treasurer

"APPENDIX A"

173B

The duties of the Tree Committee shall be:

- (a) to formulate plans of street tree planting;
- (b) to ensure that trees on lands owned by the town are properly pruned, protected and repaired when deemed necessary and to recommend and encourage the proper pruning, protection and repair of privately owned trees in the town;
- (c) to recommend and encourage the planting of trees of suitable species at desirable sites within the town.

173C

(1) The powers of the Tree Committee shall include the power:

- (a) to enter upon any lands within the town for the purposes of spraying the trees thereon with insecticides and fungicides as approved and recommended by the Forestry Service of Canada;
- (b) to enter upon any lands within the town for the purpose of inspecting the trees thereon to determine whether the same are in a diseased condition or damaged to such an extent that they constitute a hazard to the safety of persons or property;
- (c) where a tree or limb on lands of the town is, in the opinion of the Committee, 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, to remove the tree or limb;
- (d) where a tree or limb thereof on private lands within the town is, in the opinion of the Committee, 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, to order the owner of such lands to remove the tree or limb within thirty days of service upon him of a copy of the order.

(2) An order under clause (d) of subsection (1) of this Section shall be signed by the Chairman and Secretary of the Committee and shall contain a description of the location of the tree or limb thereof which the committee directs to be removed.

(3) A copy of such order shall be served personally upon the owner of such lands or may be served by mailing the same by registered mail postage prepaid to such owner at his last known place of residence or business.

(4) In the event of failure by the person so served with notice, to remove the tree or limb described in the notice within thirty days after service, any person authorized by the Committee may enter upon the land upon which the tree or limb is situate, without writ, warrant or other legal process and remove the tree or limb; and the actual cost of so doing may be recovered as a debt from the person, so served, by action brought by the Clerk in the name of the town with the approval of the council in any court of competent jurisdiction within six months after the cost is incurred.

(5) After notice has been served under subsection (3) of this Section any person who fails to comply with the terms of the notice shall be liable on summary conviction to the penalty prescribed by the Summary Proceeding Act.

(6) A person who has sustained damage as a result of the spray applied under clause (a) of subsection 91) of this Section may recover damages against the town.

173D (1) The owner of any tree or limb thereof who is dissatisfied with an order of the Committee ordering the removal of tree or limb, may within thirty days from the date of such order appeal therefrom to the County Court.

(2) Upon the appeal the Court may confirm, modify or set aside the order of the Committee.

(3) The giving of a notice of appeal shall act as a stay of proceedings until the appeal has been determined.

173E (1) The council may appoint such officials and employees as it may consider expedient for the efficient operation of the Committee, and provide for the remuneration of such officials and employees.

(2) The Committee shall at such times as may be required by council submit to council a written report of its operations.

(3) The Committee shall annually submit to council an estimate of its expenditures for the ensuing year and the said estimates or so much thereof as are approved by council shall be paid out of the general revenues of the town.

(4) The Committee shall not expend in any year a larger sum than that contained in its estimates as approved by council without having first obtained special permission of council.

173F (1) Any person who defaces, mutilates or cuts any tree on town property without having first obtained the written consent of the mayor, or of the Chairman of the Tree Committee if one has been established, is guilty of an offence and shall be liable on summary conviction to the penalty prescribed by the Summary Proceeding Act.

(2) Any such person is guilty of a separate offence for each tree so defaced, mutilated or cut.