

City Dept's
will be included

* internal
1500.00 removal \$500.00 replacement
for emergency woote

CITY OF SASKATOON COUNCIL POLICY

NUMBER
C09-011

POLICY TITLE <i>Trees on City Property</i>	ADOPTED BY: <i>City Council</i>	EFFECTIVE DATE <i>April 10, 1989</i>
		UPDATED TO <i>May 5, 2008</i>
ORIGIN/AUTHORITY <i>Planning and Development Committee Reports 13-1989 and 44-1989; and Planning and Operations Committee Report No. 8-2008</i>	CITY FILE NO. <i>CK. 4139-4</i>	PAGE NUMBER <i>1 of 7</i>

1. PURPOSE

To affirm that trees on City Property are "living" assets owned by the City of Saskatoon and maintained as a legacy for the citizens of the City of Saskatoon.

To protect, preserve and perpetuate the health, beauty and safety of the City of Saskatoon's urban forest for the enjoyment of its citizens, past, present and future.

To ensure that all trees on City Property are adequately protected from unnecessary destruction, loss and damage.

To establish a protocol for responding to requests for tree maintenance or removal of trees that were not planted on City Property and whose main stem is less than 50% on City Property.

2. DEFINITIONS

2.1 City Property -- means all land owned, controlled or maintained by the City including parks, boulevards, buffer strips, medians, streets, rights-of-way and natural stands.

2.2 Boulevard -- means that portion of a right-of-way that extends from the edge of the street to the property line of the adjacent property, not including the sidewalk.

2.3 Buffer Strip -- means City Property set aside for the purpose of providing an aesthetic barrier to act as a buffer between adjacent land uses and prevent through sites.

2.4 Median -- means that part of the roadway which divides the lanes of traffic moving in opposite directions, commonly called the centre boulevard, and includes traffic islands, lay-bys and traffic circles.

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- 2.5 Natural Stand - means areas on City Property where trees are in their natural state, and includes riverbanks and bluffs.

- 2.6 Pruning – means the removal of specific branches for the purpose of preserving the health and appearance of a tree and for public safety.

- 2.7 Tree or tree – means both trees on City Property that have 50% or more of the main stem on a Boulevard, and includes all parts of the tree, including the roots.

- 2.8 International Society of Arboriculture – means the worldwide professional organization dedicated to fostering a greater awareness of trees and promoting research, technology, and the professional practice of arboriculture.

- 2.9 Agencies – means the Meewasin Valley Authority, and public and private utilities.

- 2.10 Compensation Formula – means the value to be utilized in establishing equitable compensation for damage and/or loss of Trees, and will be based on the current edition of the “*Guide for Establishing Values of Trees and other Plants*” as adopted by the International Society of Arboriculture.

- 2.11 Additional Costs – means all labour, vehicles, equipment, and materials of the City associated with the removal, relocation, pruning and other tree maintenance activities.

- 2.12 Deferred Tree Replacement Account – means an account established to hold funds collected as compensation for tree loss or damage and that will be utilized for the replacement and/or additional tree planting or maintenance in subsequent years.

- 2.13 dbh – means “Diameter at breast height”, the accepted arboriculture method of measuring the diameter of a tree.

- 2.14 Straddling Tree – means a tree that is partly on City Property but whose main stem is more than 50% on private property. For the purposes of determining the property line, the City may rely on a surveyor or its own records. With respect to measuring a main stem, the measurement is to be taken at ground level, just above the trunk flare from the midpoint of the tree, perpendicular to the curb. For multi-stem trees, ownership is determined by where the majority of the stems lie, using the same technique. Burls or other growth and/or anomalies are not included in the measurement.

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3. IMPLEMENTATION OF THE POLICY

POLICY STATEMENT

All trees situated on City Property will be protected under the provisions of this Policy.

The planting, care and maintenance of trees on City Property will be in accordance with the standards and practices established by the City.

In the case of Straddling Trees, upon receipt of a request for maintenance of a tree that is touching or straddling City Property, the owner will be advised that the tree is privately owned and that the City is prepared to maintain the tree in accordance with City standards and practices provided the owner consents, in writing, to such maintenance and agrees to be bound by the terms of this Policy.

IMPLEMENTATION PROCESS AND PROCEDURE

- 3.1 Planting - residents may, subject to City approval, plant trees on City Property.
- 3.2 Recognition of Donations - the City will not allow signage in recognition of the donor of trees planted on City Property except in the case of signage for veterans' memorials.
- 3.3 Maintenance and Removal

The City will observe the following priorities when responding to requests from residents, contractors and agencies for the maintenance or removal of trees on City Property:

- Public hazard;
- Interference with overhead utility lines;
- Disease; and
- General tree care.

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Trees on City Property may not be removed, pruned, or destroyed in any way, without explicit written consent from the City of Saskatoon, and subject to the following:

- a) Trees will not be pruned, trimmed or removed merely for the purpose of opening up views from private property.
- b) Except for traffic signs or signals or street signs, trees obstructing commercial signs, billboards, or other forms of advertising, will not be pruned, trimmed or removed merely for the purpose of making the commercial sign more visible to the public.
- c) Trees will not be removed for the purpose of relocating driveways or structures unless:
 - i) the tree can be successfully relocated; or
 - ii) the tree can be replaced by one of similar quality; and
 - iii) the replacement or removal costs will be paid by the owner making the request, and such costs will be based on the Compensation Formula and any Additional Costs.
- d) Requests to remove or replace trees for reasons other than those cited above will be dealt with on their own merit; however, in general:
 - i) trees that are healthy and sound, and over 15cm (6") dbh will not be removed;
 - ii) trees that are healthy and sound, and less than 15 cm (6") dbh can be relocated, subject to the Additional Costs; and
 - iii) trees that are not healthy and sound, may be pruned and monitored for health, or removed.

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3.4 Protection

The City will expect residents, contractors and Agencies working near or carrying on any operation near a tree on City Property to take reasonable precautions to prevent damage to such trees.

- a) The City will seek to hold liable residents, contractors, Agencies and motor vehicle owners or drivers for any loss of or damage to tree(s) on City Property occurring as a consequence of work, operations, deliberate acts, motor vehicle accidents or negligence, and such loss claimed will be an amount based on the Compensation Formula and any Additional Costs.
- b) Residents, contractors and Agencies will be required to adhere to the City's Tree Protection Guidelines for Construction Sites, attached to this Policy as Schedule "C".
- c) In the case of an application for demolition, construction, development or building move with respect to property where there are or are likely to be trees on City Property impacted, the applicant will be required, as a condition of any such permit, to acknowledge in writing that the applicant agrees that the appropriate measure for damages to trees on City Property will be based on the Compensation Formula, and further will be obliged to deliver to the City a deposit equal to the total estimated value of the tree(s) on City Property on or near the site, based on the Compensation Formula, plus an amount equal to twenty percent (20%) of the same, and this deposit will be retained as a damage holdback by the Infrastructure Services Department. In the alternative to delivery of the deposit, the applicant may provide evidence of insurance to the City naming the City as an additional insured on a comprehensive general liability insurance policy applicable to the work that is to be performed. In the event that trees on City Property are either damaged or destroyed as a result of the work performed, the City will either retain an amount of the deposit or make a claim under the insurance policy equal to the amount of the damages sustained based on the Compensation Formula.

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3.5 Straddling Trees

- a) The City will follow the implementation process and procedure set out above, and treat such trees in the same manner as trees on City Property.
- b) In addition, in the case of Straddling Trees the following provisions will apply:
 - i) The owner requesting that the City prune or maintain a Straddling Tree will be advised in writing that the tree is privately owned and that the City is prepared to maintain the tree in accordance with the City's standards and practices provided the owner signs a consent to tree maintenance form, a copy of which is attached to this Policy as Schedule "A";
 - ii) Pruning or maintenance of a Straddling Tree will be scheduled at the City's convenience as part of routine activities in the subject area; and
 - iii) If the Straddling Tree is dead, hazardous or no longer viable to maintain, the City will undertake to remove the tree in accordance with its tree removal schedule for the area.
- c) The value of the tree will be calculated as per Section 4.1 of this policy.

3.6 Building Moves

All building moves will be required to follow the procedures as outlined in the "Building Move Information and Guidelines" contained in The Building Bylaw, Bylaw No. 7306.

- a) The building mover (contractor) is responsible for all damages to City trees, associated with the move, and all associated costs.
- b) Each applicant for a building move permit will be required to issue a deposit or bond for the total amount of the estimated tree's value plus twenty percent (20%) for damage holdback, issued to the Infrastructure Services Department.

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4. EQUITABLE COMPENSATION FORMULA AND TREE VALUATION

4.1 The value to be used in establishing compensation for damage to or loss of a tree on City Property will be based on the then current "Guide for Establishing Values of Trees and Other Plants" adopted by the International Society of Arboriculture. In the case of damage that is repairable, the damage will be appraised and the reduced tree value and/or cost of the repair will be used to determine the Compensation Formula, a copy of which is attached to this Policy as Schedule "B".

5. DEFERRED TREE REPLACEMENT ACCOUNT

5.1 The City will establish a fund to retain any monies received for compensation with respect to trees on City Property and the fund will be utilized for the purposes of tree replacement or enhancement of the urban forest.

6. RESPONSIBILITIES

6.1 Infrastructure Services Department

- a) Establish technical standards and practices pertaining to the planting, care and maintenance of trees on City Property.
- b) Administer the provisions of this Policy.

6.2 City Council

- a) Consider and, where appropriate, approve amendments to this Policy.