

**The Corporation of the Town of Gananoque**  
**Bylaw Number 2006-03**

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**BEING A BY-LAW TO REGULATE THE DESTRUCTION OR INJURING OF TREES  
IN THE TOWN OF GANANOQUE**

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**WHEREAS** Section 135(1) of the *Municipal Act*, R.S.O. 2001, c. 25, as amended, permits the enactment of a By-law by the Council of the Town of Gananoque to prohibit and regulate the destruction or injuring of trees;

**AND WHEREAS** the Council of the Town of Gananoque has approved, in principle, the establishment of a Heritage Tree Program for the Town of Gananoque;

**AND WHEREAS** the Gananoque Forestry Advisory Committee has prepared a Heritage Tree Selection and Management Process that is recommended by the Town of Gananoque Urban Forest Committee;

**AND WHEREAS** Council may require that a Permit be obtained to cut/prune or destroy trees and may impose conditions on a Permit, including conditions relating to the manner in which destruction occurs and the qualification of persons authorized to cut/prune or destroy trees;

**AND WHEREAS** Council has determined that it is desirable to enact such a By-law for the purposes of:

- (a) Raising awareness of trees valued locally for historic or unique reasons;
- (b) Avoiding unnecessary damage or loss of historic trees on both public and private lands due to development and/or infrastructure improvement;
- (c) Establishing the Town of Gananoque as a progressive town with a sense of history, environmental conscience, and a strong natural ethic.
- (d) Assisting in the maintenance and natural beauty of the town, as manifested in the many large and stately trees found on the public streets and in private yards.

**NOW THEREFORE** the Council of the Corporation of the Town of Gananoque hereby enacts as follows:

1. The selection of potential Heritage Trees will be by the Town of Gananoque Urban Forest Committee using criteria prepared by the Gananoque Forestry Advisory Committee. Each tree will be identified by number, species and reason for selection.
2. Each potential Heritage Tree will be presented to the Council of the Town of Gananoque for consideration and approval. Once approved, a small identification plaque may be attached or placed adjacent to the Heritage Tree. The location of the Heritage Tree may be identified in an Honour Roll of Heritage Trees and in public documents.
3. A Heritage Tree may be nominated on either public or private property. In the case of a tree on private property, there will be a Letter of Agreement with the property owner, which will acknowledge the right of access to the tree with the owner's specific permission, of any individual, for the purpose of inspection or maintenance. The private tree owner will agree to refrain from removal or significant alteration of the tree without notifying the Town of Gananoque Urban Forest Committee a minimum of two weeks before any work is scheduled. The recognition of a Heritage Tree on private property does not obligate the owner to maintain the tree.
4. Once a tree is recognized as a Heritage Tree, the Town of Gananoque agrees to maintain it in a safe and pleasing condition. For a public tree, this includes all maintenance treatment, including removal if approved by the Town of Gananoque Urban Forest Committee. For a private tree, this means periodic minor trimming or maintenance treatment, but does not include major branch removal or tree removal.
5. When an area adjacent to a Heritage Tree is proposed for development, requires major

infrastructure construction, or other potentially damaging interference to the tree, the Town of Gananoque Urban Forestry Committee will be consulted. Mitigating action may be recommended to reduce damaging stress to which the tree maybe subjected. In the case of a dispute over treatment on private land, the land owner will have the final say. On public land, it will be the Director of Public Works, Recreation and Culture.

6. In the event that a Heritage Tree located on private property is intentionally damaged or removed by the property owner, the property owner will be required by the Town of Gananoque to replace the Heritage Tree, at the expense of the owner, with a tree of the same species of no less than 10 cm diameter measured at the height of 1.2 M.

**READ A FIRST TIME THIS 17<sup>th</sup> DAY OF JANUARY, 2006.**

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Mayor

\_\_\_\_\_  
Clerk

**READ A SECOND AND THIRD TIME AND FINALLY PASSED THIS 7<sup>th</sup> DAY OF February, 2006.**

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Mayor

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Clerk