

THE VILLAGE OF MONTROSE

POLICY TITLE: TREE HAZARD MANAGEMENT POLICY

POLICY # 0670

POLICY STATEMENT:

It is the policy of Council to minimize, within the limits of Council's powers and authority, the risk to public safety from falling trees and branches.

POLICY BACKGROUND:

Trees are a desirable feature in the community landscape. However, trees can constitute a hazard, a risk to public safety, when weakened due to injury, rot, or other condition that may increase the chances of a large branch or the tree trunk breaking off. The question of liability responsibility has on occasion been in doubt when a tree deemed to be a hazard straddles the property line dividing a private lot and a road allowance, or when branches from a tree located on private property extend into the road allowance air space. The question of liability in such circumstances was clarified by a legal opinion written for Council by the Village's solicitor on February 16, 2005.

POLICY GOAL:

It is the goal of this policy to remove all trees or tree branches, on public or private property, assessed by the Village to constitute a hazard to public safety and exposing the Village to a liability risk.

POLICY OBJECTIVES:

1. To have all road allowances and public parks inspected semi-annually in March/April and September/October by the Public Works Foreman for hazardous trees.
2. The Public Works Foreman shall provide Council with an inspection report following each semi-annual hazardous tree inspection.
3. To eliminate the hazard pursuant to this policy when a tree hazard is observed during a semi-annual inspection, or through casual observation at any time.
4. For the purpose of this policy, a "hazard" shall mean a condition of a tree or branch(es) being devoid of leaves and/or bark at time when foliage should be present, giving the appearance that the tree or branch(es) may be dead.
5. In the event of a disagreement between a property owner and the Public Works Foreman concerning the health of a tree located in part on private property, the Public Works Foreman shall obtain a written assessment from a *bona fide* tree service. The Public Works Foreman's final decision shall be based on the assessment provided.
6. When a tree located on private property, with branches deemed to constitute a hazard extending into public space, is observed, the Public Works Foreman shall serve seven days notice to the property owner to remove the reported hazard.

7. When an owner fails to remove a hazard as requested pursuant to this policy, the Public Works Foreman shall proceed to remove the hazard.
8. When a tree partially on private and public property is deemed to constitute a public hazard, the Public Works Foreman shall inform the owner and proceed to remove the hazard.
9. When a tree located wholly on public property is deemed to constitute a hazard, the Public Works Foreman shall proceed to remove the hazard.
10. The Public Works Foreman shall report all full or partial tree removals to Council.

Initially approved at meeting #8 on March 15, 2005

Reviewed and confirmed unchanged at meeting #07-10 on March 15, 2010

Next scheduled to be reviewed on March 21, 2011