

**TOWN OF MIDDLETON
CODE B - PUBLIC WORKS**

Subject: Tree Maintenance

Number: 3.1

Coverage: Staff & Public

Approved by: Council & CAO

Effective Date : December 4, 1995

**Revision Date: December 6, 1999
September 5, 2006**

Rationale

The following policy establishes the authority of the Town Engineer concerning the maintenance of trees on town land and on private property.

Policy Statement

- 1) Council delegates the following authority respecting trees as set out in the MGA to the Town Engineer:
 - a) To treat trees as approved and recommended by Forestry Canada;
 - b) To recommend and encourage:
 - i) proper pruning, protection and repair of privately owned trees in the municipality;
 - ii) planting of trees of suitable species at desirable sites within the municipality.
 - c) To inspect trees to determine whether they are in a diseased condition or damaged to the extent that they constitute a hazard to the safety of persons or property;
 - d) To order an owner of land, within thirty days of service, with a copy of the order to remove a tree or limb that is, in the opinion of the Engineer, hazardous to persons or property or so affected by disease or insect infestation as to endanger the life or health of trees in the vicinity;
- 2) Where a property owner fails to remove a tree or limb described in the order within thirty (30) days of service of a copy of the order, persons authorized by the Engineer may enter upon the land on which the tree or limb is situated without warrant or order other legal process and remove the tree or limb.
- 3) The cost of removal of a tree or limb pursuant to an order of the Engineer may be recovered as a debt from the owner of the land upon which it was located and is a first lien on the real property of the owner of the land and may be collected in the same manner as taxes.
- 4) An owner may appeal an order requiring the removal of a tree or limb to the Supreme Court of Nova Scotia within seven (7) days of service of the order on the owner and the giving of a notice of appeal acts as a stay of proceedings until the appeal has been determined.
- 5) The Town is not liable for failure to remove a diseased or dangerous tree or limb from property, whether publicly or privately owned.

Previous Policies

The previous policy 8/3 "Tree maintenance policy" passed by Council on December 6, 1999 is hereby amended.

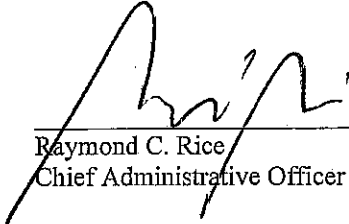
References

Municipal Government Act. 1998, c. 18, s. 63 - *Municipal powers respecting trees*

Certification

THIS IS TO CERTIFY that this policy was duly passed by a majority vote of the whole Council at a duly called Council meeting held on the 5th day of September, 2006.

GIVEN under the hand of the CAO and under the seal of the Town of Middleton this 5th day of March, 2007



Raymond C. Rice
Chief Administrative Officer