



EXTRACT of Minutes of the special meeting of the Council of the Town of Hudson held at the Technical Services & Urban Planning Building (64 Cedar), on September 15th, 2009, at which the following by-law was adopted:

BY-LAW N^o 567

CONCERNING TREES

WHEREAS on April 3rd, 2000 the Town of Hudson adopted By-Law No 384 to protect the trees in the town;

WHEREAS on April 4th, 2005 By-Law 384 was amended by By-Law 484 which now requires several other amendments;

Whereas to assist in the application of the by-law, it is considered appropriate to replace By-Law 384 and its amendments and include the new by-law;

WHEREAS Notice of Motion was duly given at the regular Council meeting held June 4th, 2007 meeting;

WHEREAS the requirements of Article 356 of the Cities and Towns Act have been met and that Council declares having read By-Law N^o 567 and relinquishes its reading;

WHEREAS while respecting the rights of individual property owners, the town seeks to regulate the cutting and pruning of trees in order to protect public safety and to maintain the green character that is a valuable characteristic of the town as a whole.

THEREFORE it is **moved** by Councillor David Morton, **seconded** by Councillor Madeleine Hodgson and unanimously resolved that By-Law bearing No 567 be and is hereby adopted and decreed as follows:

Chapter 1
Definitions

For the purposes of this document, the following terms are defined:

Agricultural lot

Means all lots more than 10 acres (4 ha.) zoned A1 under the Zoning By-Law within the limits of Town of Hudson.

Applicant

Means an owner or his authorized representative.

Authority having jurisdiction

Means the person or persons authorized by council resolution for the supervision and application of this by-law.

Building lot

Means a lot for which a building permit has been requested or issued.

Built lot

Means a lot on which a main building is built.



Crown

Aerial part of the tree above the trunk.

Drip Line

The zone at the base of a tree corresponding to the furthest extension of the branches of the tree.

Escarpment

Means an embankment with a slope equal to or greater than 20 % and having a height exceeding three (3) meters.

Felling

Operation which consists in taking down a tree by cutting across its trunk.

Golf Course

Means an existing or new public or private area operated for the purpose of playing golf and includes a par 3 golf course and may, in association with a golf course, include a driving range.

Pruning

Cutting branches of a tree with the purpose of removing no more than 20% of the crown in a single operation during the same year and not any more often than every 3 years. The proportion of branches taken off is evaluated by the authority having jurisdiction.

Sanitation cutting

Means the removal of dead, sick trees.

Watercourse

Means any channel with a regular or intermittent flow of water, with the exception of ditches.

Topping

Diminishing the height of a tree by cutting branches down to the height of stems and/or lateral branches which are not developed enough to become a terminal ramification.

Tree

Woody plant generally with a single trunk that is more or less branched depending on the species, with a trunk diameter of at least 10 cm (4 inches) measured at a height of 15 cm (6 inches) above ground level.

Wooded area of interest

Natural environment that is of significant interest for protection and conservation according to accepted environmental assessment criteria. These environments are listed in the Wetland Audit on the Town of Hudson's territory.

Chapter 2
Permit Application

- 2.1 The present by-law shall apply to all properties situated within the limits of Town of Hudson, with the exception of public works projects and the maintenance of public utilities.
- 2.2 Tree felling is forbidden on any property in the limits of the town without having first obtained a permit, except where otherwise noted.



- 2.3 A permit for the felling of trees can only be granted by the authority having jurisdiction upon presentation of the request by the applicant on the appropriate form. This article shall apply to all sections of this by-law, except where otherwise noted.
- 2.4 A special permit is required for any vegetation work in the escarpment. This permit can be obtained only after filling out the appropriate application form and having an inspection done by the authority having jurisdiction.
- 2.5 When the request for a tree cutting permit is related with a construction project, the applicant must provide the building permit application at the same time as the tree cutting application.

Chapter 3 **Tree Protection**

In all zones of the Town of Hudson's territory, no person may damage a tree by carrying out any of the following works:

- 3.1 Cutting or damaging the roots of a tree growing within the drip line.
- 3.2 Operating trucks, backhoes, excavators or other heavy equipment around a tree inside the drip line.
- 3.3 Backfilling, placing building materials, asphalt or a building or structure on land inside the drip line of the tree.
- 3.4 Tapping, making holes or damaging the trunk of a tree except for maple syrup production.
- 3.5 Removing bark from a tree.
- 3.6 Depositing liquids or other chemical substances harmful to the health of a tree inside its drip line.
- 3.7 Removing soil from inside the drip line of a tree.
- 3.8 Dynamiting inside the drip line of a tree.
- 3.9 Cutting back the top portion of the branches of a tree so as to significantly alter its normal canopy, except if the tree forms part of a hedge.
- 3.10 Make a fire inside the drip line of the tree.

Chapter 4 **Tree Felling Reasons**

- 4.1 An applicant can apply for a tree cutting permit if the tree meets one of the following criteria after being evaluated by the authority having jurisdiction:
- 4.1.1 The tree is dead or dying;
- 4.1.2 The tree is deemed dangerous to public security;
- 4.1.3 The tree is afflicted with an incurable disease or is infested by an insect, cannot be treated and constitutes a risk of contamination to other trees;



- 4.1.4 The tree is or could cause damage to private or public property other than with its leaves or its needles;
- 4.1.5 The tree interferes with the execution of a private construction project, a public works project or a project authorized by the Town;
- 4.1.6 The tree is deemed to be a nuisance. The applicant must explain the reason behind the nuisance and it must be evaluated by the authority having jurisdiction.

Chapter 5 **Pruning and Planting**

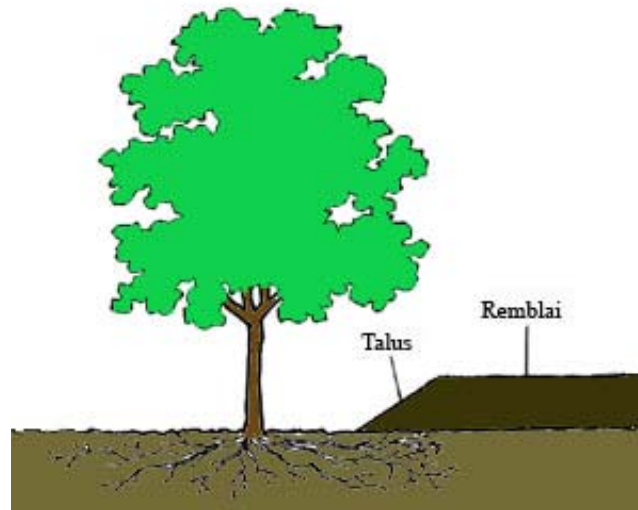
- 5.2 Maintenance work and pruning must not shorten the life span of the tree.
- 5.3 The planting of any species of trees that will pose a risk for overhead wires is prohibited.
- 5.4 Tree planting that would cause overhanging branches on neighbouring lots is prohibited.
- 5.5 The planting of willows, poplars, elms, silver maples and Manitoba maples is prohibited within a distance of ten (10) meters from any main building, septic system, lot line or right of way of the Town.

Chapter 6 **Tree Protection during Construction Works**

- 6.1 During construction work on a property, the following measures must be applied and respected throughout the duration of the work:
 - 6.1.1 The storage of construction materials and debris as well as backfill materials is prohibited inside the drip line of the trees.
 - 6.1.2 At anytime, the circulation of machinery is prohibited inside the drip line of a tree.
- 6.2 If machinery has no choice but to frequently circulate inside the drip line of a tree, it is necessary to put at least 12 inches of mulch on the ground to protect the roots and the mulch must be removed when construction ends.

Chapter 7 **Backfilling Works**

- 7.1 When backfilling is required on a lot, the applicant must take all necessary measures to dig wells around the trees:
 - 7.1.1 The diameter of the well must be equivalent to the drip line of the tree and the work must be carried out on the same day as the backfilling.



Example of backfilling with an embankment

Chapter 8
Water's edge

- 8.1 No tree may be removed within ten (10) meters of a watercourse, except if it is dead.

Chapter 9
Work in the Escarpments

- 9.1 All the following regulations on escarpments are under jurisdiction of the authority appointed by the Town:
- 9.1.1 No tree, bush or shrub may be felled on an escarpment, except if it is dead or is deemed dangerous to public security.
- 9.1.2 No tree may be cut on the strip of land at the top of the escarpment or at the base of the escarpment on a length equivalent to 50% of the height of the escarpment or at least five (5) meters, the least restrictive applying, except if it is dead or is deemed dangerous to public security.
- 9.1.3 When pruning is necessary, a permit will be issued and the authority having jurisdiction will take pictures before and after the work is done and will be present on the day of the intervention to make sure the work is done according to the by-law.
- 9.1.4 No topping of trees is permitted on an escarpment.

Chapter 10
Agricultural Lot (Zone A1)

- 10.1 With the exception of nurseries and tree farms, if the applicant wants to cut more than 10 % of the trees, per calendar year, he must provide a detailed report or a forestry plan prepared by a forest engineer.



- 10.2 Only dead or sick trees deemed dangerous to public security can be felled on a property designated as a wooded area of interest. In the case of a request for a selective cut, the applicant must demonstrate the necessity to cut trees to the authority having jurisdiction.

Chapter 11 **Building Lot**

A permit may be issued to cut any tree situated on the part of the lot where the main building, accessory building, pool, sidewalk or garage entrance is to be located and for a maximum of a five (5) meter perimeter around the proposed main building under the following conditions:

- 11.1 The applicant must submit a proposed site development plan prepared by a land surveyor to demonstrate the felling of trees required for the construction.
- 11.2 The following species of trees must be preserved as much as possible: rock elm (threatened species), pitch pine (threatened species), butternut (vulnerable species), hackberry (vulnerable species), white oak (vulnerable species) and swamp white oak (vulnerable species). Every effort is to be made to preserve species such as American beech, blue beech, bitternut hickory, black ash, black walnut, bur oak, hemlock, ironwood, red ash, red oak, red pine, shagbark hickory, sugar maple, tamarack, white ash, white pine and well established trees that add to the aesthetic aspect of the property.
- 11.3 No tree is to be cut more than 120 days prior to the start of construction.

Chapter 12 **Golf Course**

A golf course may obtain a “general tree cutting permit“ under the following conditions:

- 12.1 For a golf course, up to 10 % of the trees on the existing course may be cut per calendar year. This article shall apply to existing golf courses.
- 12.2 For the construction of a new golf course or redesign of a hole or new holes on an existing golf course, a forestry plan detailing where the golf course or new holes will be established must be provided by the owner or his representative and if trees are to be cut.

Chapter 13 **Penalties**

IF THE BY-LAW IS NOT RESPECTED, THE OWNER AS WELL AS THE CONTRACTOR WILL BE FINED.

Any person contravening a provision of this by-law, or tolerating or permitting such an offence, commits an infraction and is liable, besides the costs, to the following fine:

For a first infraction

A minimum of THREE HUNDRED DOLLARS (\$300) per tree and a maximum of ONE THOUSAND DOLLARS (\$1,000) per tree if the offender is a physical person or a minimum of SIX HUNDRED DOLLARS (\$600) per tree or a maximum of TWO THOUSAND DOLLARS (\$2,000) per tree if the offender is a moral person.

For a repeat infraction



**BY-LAW N^o 567
TREES**

Adopted on 09/09/15 – Published on 09/09/30

A minimum of SIX HUNDRED DOLLARS (\$600) per tree and a maximum of TWO THOUSAND DOLLARS (\$2,000) per tree if the offender is a physical person or a minimum of TWELVE HUNDRED DOLLARS (\$1,200) per tree or a maximum of FOUR THOUSAND DOLLARS (\$4,000) per tree if the offender is a moral person.

13. By-Law No 509 is hereby repealed.
14. This by-law shall come into force according to the law.

BL567

CARRIED

Original signed: *Elizabeth A. Corker, Mayor*

Louise L. Villandré, Director General

Certified Extract

***Louise L. Villandré, o.m.a.
Director General***