



Operational BY-LAW N° 509

CONCERNING TREES

Chapter 1
Definitions

In the present by-law, the words:

- 1.1 **Agricultural lot:**
Means all lots of more than 10 acres (4 ha.) zoned A1 under the zoning by-law within the limits of the Town of Hudson.
- 1.2 **Applicant:**
Means an owner or his/her authorized representative.
- 1.3 **Authority having jurisdiction:**
Means the person or persons authorized by the council resolution for the supervision and application of this by-law.
- 1.4 **Building lot:**
Means a lot or subdivision for which a building permit has been requested or issued.
- 1.5 **Built lot:**
Means a lot already built with a main building therein.
- 1.6 **Cours d'eau:**
Means all cours d'eau, with a regular or intermittent flow. However, excluded from the notion of cours d'eau are ditches.
- 1.7 **Escarpment:**
Means an area with a slope equal to or greater than 20 % and having a height exceeding three (3) meters.
- 1.8 **Forest Engineer:**
Means a member in good standing of the "Ordre professionnel des ingénieurs forestiers du Québec".
- 1.9 **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.
- 1.10 **Nursery:**
Means land on which trees are planted in order to obtain young plants destined to be transplanted.
- 1.11 **Site:**
Means an undeveloped or vacant lot.
- 1.12 **Sanitation cutting:**
Means the removal of dead, sick trees.
- 1.13 **Tree:**
Includes any tree(s), of any species, having a diameter equal to or larger than ten (10) centimetres (with a circumference equal to or greater than 31 cm), at fifteen (15) centimetres from the ground.
- 1.14 **Tree farm:**
Means a forest area of not less than four (4) grouped hectares and for which a forestry development plan has been certified by a forest engineer.



- 1.15 **Drip Line:**
A line encircling a tree corresponding to the furthest extension of the branches of the tree.

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 cutting 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 cutting 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.

Chapter 3
Tree Protection

- 3.1 In all zones, no person may carry out any of the following works:
- 3.1.1 Cutting or damaging the roots of a tree growing within the drip line.
 - 3.1.2 Operating trucks, backhoes, excavators or other heavy equipment over a tree growing inside the drip line.
 - 3.1.3 Backfilling, placing building materials, asphalt or a building or structure on land inside the drip line of the tree.
 - 3.1.4 Tapping, making holes or damaging the trunk of a tree.
 - 3.1.5 Removing bark from a tree.
 - 3.1.6 Depositing liquids or other chemical substances harmful to the health of a tree inside its drip line.
 - 3.1.7 Removing soil from inside the drip line of a tree.
 - 3.1.8 Dynamiting inside the drip line of a tree.
 - 3.1.9 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.
 - 3.1.10 Weakening the roots of a tree growing inside the drip line.

Chapter 4
Works in the escarpments

- 4.1 No tree, bush or shrub may be cut on an escarpment.
- 4.2 No tree may be cut on the strip of land at the top of the escarpment as well as at the base of the escarpment on a length equivalent to 50% of the height of the escarpment or eight (8) meters, the least restrictive applying.
- 4.3 No pruning is permitted on an escarpment.

Chapter 5
Agricultural lot (Zone A1)

- 5.1 It is permitted to cut up to 10 % of the trees located on a lot, per calendar year, without previously having obtained a permit.
- 5.2 With the exception of nurseries and tree farms, if the applicant wants to cut more than 10 % of the trees, per calendar year, he/she must provide a detailed report or a forestry plan prepared by a forest engineer.
- 5.3 No tree may be removed within ten (10) meters of a cours d'eau, except for sanitary cutting.



Chapter 6
Built Lot

A tree may be cut and a permit issued for the following reasons and conditions only:

- 6.1 At least one “tree” per 100 sq. meters must remain.
- 6.2 No tree(s) may be removed within ten (10) meters of a cours d’eau, except for sanitary cutting.

Chapter 7
Site

A tree may be cut and a permit issued for the following reasons and conditions:

- 7.1 If the tree that is to be cut is dead.
- 7.2 If the tree is deemed to be dangerous to the health or the security of people or is seriously diseased. In these cases, the permit request will have to include an attestation of a specialist justifying the reason behind the necessity to cut the tree(s).
- 7.3 If the tree is deemed to be causing damage to public or private property including overhead wires.
- 7.4 If the tree is deemed to be a nuisance. The applicant will have to explain the reason behind the nuisance.
- 7.5 For a clearing project of viable trees, the applicant must provide a detailed report, prepared by a forestry engineer, justifying the clearing with his request for permit.
- 7.6 No tree may be removed within ten (10) meters of a cours d’eau, except for sanitary cutting.

Chapter 8
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 five (5) meter perimeter around the proposed house under the following conditions:

- 8.1 A clearing project must be submitted by the owner of the lot showing all parts of the land where trees must be cut as well as their proposed occupation. The applicant must use the proposed location of construction prepared by a land surveyor in order to justify the clearing.
- 8.2 Every effort is to be made to preserve the noble species such as sugar maple, red oak, bur oak, white pine, red pine, hemlock, white ash, white walnut, beech and well established non native trees that add to the aesthetic aspect of the property.
- 8.3 All preserved trees within five (5) meters of a structure/building must be adequately protected. Construction materials, as well as earth and debris may not be placed within two (2) meters of protected trees. It shall be the responsibility of the person in charge of the construction work to ensure the protection of trees.
- 8.4 No viable tree is to be cut 120 days prior to the start of construction.
- 8.5 No tree may be removed within ten (10) meters of a cours d’eau, except for sanitary cutting.

Chapter 9
Golf Course



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

- 9.1 For a golf course, up to 10 % of the trees on the existing course may be cut per calendar year without a permit. This article shall apply to existing golf courses.
- 9.2 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, if trees are to be cut.
- 9.3 No tree may be removed within ten (10) meters of a cours d'eau, except for sanitary cutting.

Chapter 10 **Pruning and Planting**

No permit is required for tree pruning and planting:

- 10.1 Any draconian (severe, excessive) pruning is prohibited.
- 10.2 The planting of any species of trees that would hinder electrical and/or telephone lines is prohibited.
- 10.3 Tree planting that would cause overhanging branches on neighbouring lots is prohibited.
- 10.4 The planting of poplars (Lombardi), Chinese elms, silver maples, Norwegian maples and weeping willows is forbidden within a distance of twenty (20) meters from any main building, lot boundary line, roadway, septic system, underground pipes (water, etc.) or sidewalks.

Chapter 11 **Penalties**

- 11.1 Any person contravening a provision of this by-law, or tolerating or permitting such a 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 (\$1000) 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 (\$2000) per tree if the offender is a moral person.

For a repeat infraction

A minimum of SIX HUNDRED DOLLARS (\$600) per tree and a maximum of TWO THOUSAND DOLLARS (\$2000) per tree if the offender is a physical person or a minimum of TWELVE HUNDRED DOLLARS (\$1200) per tree or a maximum of FOUR THOUSAND DOLLARS (\$4000) per tree if the offender is a moral person.

12. By-Law No 384 is hereby repealed.
13. The present by-law shall come into force according to the law.