

# **PROPERTY MAINTENANCE**

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**Article 1  
INTERPRETATION**

**690.1.1 Citation - Tree By-law**

This Chapter may be known and cited as the "Tree By-law." Kitchener. By-law 87-293, 9 November, 1987.

**690.1.2 Department - defined**

"Department" means the Community Services Department of the City of Kitchener. By-law 87-293, 9 November, 1987; By-law 2000-157, 18 September, 2000.

**690.1.3 Tree - defined**

"tree" means any tree, sapling or shrub, now or hereafter growing on property of the City, unless a contrary intention appears.

**Article 2**  
**COMMUNITY SERVICES DEPARTMENT**

**690.2.1 Authority**

The Department is hereby authorized to administer, carry out and enforce the provisions of this Chapter and perform all acts and give all consents hereunder that are not required by law to be given by this Council.

**690.2.2 Planting - care - maintenance**

The Department is hereby authorized and requested to do all acts necessary to provide for the planting, care and maintenance of all trees on City property. Care and maintenance includes, where necessary in the public interest, pruning of trees provided that they are preserved so far as is reasonably possible.

**Article 3**  
**PROHIBITIONS**

**690.3.1 Damage - destruction - injury**

No person shall:

- (a) deface, cut, pollard, injure, cause compaction to or otherwise damage or destroy any tree or part thereof;
- (b) damage, destroy or remove any supporting post, stake or guard attached to or around a tree; or
- (c) cut down, root up or remove any tree or part thereof, whether living or dead.

**690.3.2 Animals - other attachments**

No person shall fasten, tie or attach any animal, fence, wire, bill or notice to any tree or to any post, stake or guard which supports a tree and any such animal or material may be removed therefrom without notice or recompense to the owner thereof.

**Article 4**  
**CONSTRUCTION**

**690.4.1 Injury - causing during work - prohibited**

Any contractor, commission or corporation or any other organization, person or individual, having a contract for paving streets, constructing sidewalks or excavating or doing any work on City property, shall when executing such work or contract take all necessary steps to avoid injuring any tree and in this connection, shall obey any lawful direction given by a responsible officer of the Department.

**690.4.2 Protection - trees on city property**

It shall be the responsibility of the person or persons in charge of any lot on which the construction, alteration or demolition of any building is taking place, to take adequate steps for the protection of any trees on City property within 6.09 metres (20 feet) of any such lot and no such work shall be commenced until such protection has been provided.

**690.4.3 Protection - minimum standards**

The protection required to be provided pursuant to Section 690.4.2 above shall, as a minimum standard, consist of 2.5 centimetres (1 inch) plank extending at least 2.44 metres (8 feet) up the tree's trunk from grade, which is adequately secured and not wired to the tree.

**690.4.4 Building Materials - attachment - prohibited**

No building materials of any kind shall be attached to, leaned against or buried around a tree and no signs shall be attached to a tree.

**690.4.5 Grade - alteration - not to endanger life**

The grade around any tree shall not be raised or lowered so as to endanger its life. Care shall be taken to avoid any damage to the roots or branches of any tree.

**690.4.6 Grade - alteration - exception**

Any alteration of the grade around a tree, which in the opinion of the Department, will be likely to be harmful to the life of a tree, shall not be undertaken without the specific permission of the Department.

**Article 5****PLANTING TREES ON CITY PROPERTY****690.5.1 Permission - required**

No person shall plant any tree on City property without the permission of the Department and any tree planted without permission may be removed without notice or compensation to any person.

**690.5.2 Specifications - to be complied with**

Every tree planted on a boulevard or other City property by a private individual shall be planted in accordance with the specifications of the City as set out in Schedule 'A' to this Chapter and shall be at such distance from the street line as is necessary to keep the underground services on the street free and clear from obstruction. By-law 87-293, 9 November, 1987.

**Article 6**  
**HYDRO ELECTRIC COMMISSION**

**690.6.1 Pruning - permitted**

Nothing in this Chapter prevents Kitchener-Wilmot Inc. and Bell Canada from carrying out any necessary pruning, provided that any tree pruned is preserved so far as is reasonably possible. By-law 87-293, 9 November, 1987; By-law 2001-151, 27 August, 2001.

**Article 7**  
**ENFORCEMENT**

**690.7.1 Fine - for contravention**

Every person who contravenes any provision of this Chapter is guilty of an offence and is liable, upon conviction, to a fine not exceeding Five Thousand Dollars (\$5,000), exclusive of costs, for each offence, recoverable under the *Provincial Offences Act*. By-law 91-192, 13 May, 1991.

**690.7.2 Costs - recoverable - notice**

Any person who damages a tree:

- (a) shall be responsible to the City for the cost of repairing the tree, including the cost of removing such part thereof which is damaged beyond repair; and
- (b) shall report forthwith such damage to the Department and make suitable arrangements for repairing the tree, including removing such part thereof damaged beyond repair, by forestry personnel of the Department. By-law 87-293, 9 November, 1987.

**690.7.3 Costs - of removal - damages**

Any person who cuts down, roots up, removes, destroys or damages beyond repair any tree, shall be responsible to the City for the cost of removing the tree, if it or part thereof remains, plus an amount equal to the value of the tree as established by the appropriate method of appraisal prescribed by the International Society of Horticulture in "Valuation of Landscape Trees, Shrubs and Other Plants," A Guide to the Methods and Procedures for Appraising Amenity Plants, Seventh Edition printed January, 1988. By-law 87-293, 9 November, 1987; By-law 88-92, 24 May, 1988.