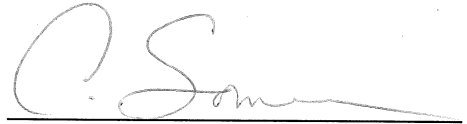


PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by Section 414(2)(mm) of the Municipalities Act, Chapter M-24, S.N. 1999, the Town Council of Carbonear has made the following Regulations.



MAYOR



CLERK

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1. These regulations may be cited as the Town of Carbonear Tree Regulations.
 2. This regulation applies to any tree or shrub located in whole or in part on public land.
 3. Interpretation: In these regulations, unless the context otherwise requires:
 - (a) "Act" means the Municipalities Act;
 - (b) "Council" means the Town Council of Carbonear;
 - (c) "municipality" means the Town of Carbonear;
 - (d) "public land" means any park, street, sidewalk, and any other land owned, leased or otherwise vested in or controlled by the Town of Carbonear.
 - (e) "private land" means any land other than public land.
 - (f) "public tree" means any tree or shrub located in whole or in part upon public land.
 - (g) "sidewalk" means that part of any street especially constructed or set aside for pedestrian use.
 - (h) "street" means a street, road, highway or the street right of way or other way designed for the passage of vehicles and pedestrians.

- (i) "street line" means the edge of a street reservation as defined by the authority having jurisdiction.
 - (j) "work" means activities which include the installation and maintenance of utilities; the construction or repair
4. No person shall:
- (a) deposit, place, store, or maintain on public or private property any brick, stone, sand, concrete, soil or other material or equipment which may impede free passage of water, air or nutrients to the roots of any public tree.
 - (b) allow any gaseous, liquid or solid substance which is harmful or toxic come into contact with a public tree.
 - (c) set fire or permit any fire to burn in such proximity that the heat thereof would injure any portion of a public tree.
 - (d) interfere with fences, boxes or protective devices placed around any public trees.
5. No person shall, without having first obtained a permit from Council:
- (a) Plant, remove, prune, disturb, cut above or below ground or alter in any way a public tree. Any tree planted on public land without a permit may be removed without notice or compensation by Council.
 - (b) Fasten any sign, bill, notice, wire, rope, rail or other object to, around or through any public tree or any stakes, posts, guards which might support or protect such tree.
 - (c) Excavate any ditches, tunnels, trenches or lay any walkway or driveway within the vicinity of any public tree in a manner likely to cause injury to a public tree.
 - (d) Alter or change soil levels in the vicinity of any public tree in a manner likely to cause injury to a public tree.
6. Anyone who wishes to trim, prune, remove or otherwise alter a tree shall submit an application to the Town of Carbonear detailing the location of the tree and the reason for removal.
7. The Council may attach to any permit issued pursuant to this Regulation such terms and conditions as they deem necessary for the protection and preservation

of any public tree or the urban forest in general, the minimum of which shall be the provision of another tree for the tree removed.

8. If a permit is granted, the applicant shall bear all costs associated with the work and all conditions stated in the permit.
9. If the work for which a permit is issued entails the felling of any tree or portion thereof, which as a result of such felling may be expected to fall upon public lands and/or private property, and if such felling is to be performed by a person other than the property owner, the property owner shall agree to indemnify and hold the Town of Carbonear harmless of any and all damages resulting from such work conducted.
10. Nothing herein shall be construed so as to prevent a person from watering or fertilizing any tree located on public land provided nothing is done to harm the tree.
11. The owner of any tree overhanging public land that is, extending beyond the street line, deemed to be an obstruction or hazard by the Town of Carbonear, shall prune the branches so that there is no obstruction or hazard to vehicular or pedestrian traffic utilizing the street.
12. Council may, when considered in the public interest, trim, transplant, remove any trees growing on public land without notice to the owner or occupant of the adjoining land and without compensation.
13. In addition to any other terms and conditions required by a permit issued by the Council, any person responsible for work near a public tree shall:
 - (a) When conducting on-ground activity, protect the tree before the work begins with a barrier sufficient to ensure the protection of the tree. The barrier shall be maintained in good condition throughout the duration of the work. The barrier shall in no way be attached to the tree. All building materials, soil and other debris should be kept outside the barrier.
 - (b) When conducting under-ground activity, install the service in such a manner to prevent or minimize injury to trees.
 - (c) When conducting above-ground activity requiring alteration to a public tree, limit the alterations to the actual necessities required to ensure the adequate provision of the service.
14. Any person who violates any of the provisions of the Tree Regulation, shall be liable for summary conviction of a fine of no more than \$1,000.00. Any person who violates a provision of this regulation, which leads to or is the cause of

damage or destruction of a tree, is liable for the said tree as deemed by the Council.

15. These regulations were amended and adopted by resolution of Council at a meeting held on the 17th day of March, 2009 and shall come into effect on the 18th day of March, 2009.
16. All previous Tree Regulations for the municipality are hereby repealed.