

OFFICE CONSOLIDATION

BYLAW NUMBER 23M2002

**BEING A BYLAW OF THE CITY OF CALGARY
TO PROTECT PUBLIC TREES**

(Amended by 38M2003, 7M2016, 72M2021, 45M2023)

WHEREAS it is desirable to protect, preserve and retain trees in public spaces owned or controlled by the City of Calgary;

AND WHEREAS Calgary’s Urban Forest provides many environmental, health, and economic benefits to the community including:

Improvement of air quality by removal of gaseous pollutants and dust particulates;

Absorption of carbon dioxide;

Climate moderation and energy conservation;

Storm water retention;

Wildlife habitat;

Aesthetics; and

General improvement of quality of life;

AND WHEREAS public trees share limited space with services such as utilities and transportation infrastructure, the repair and replacement of which causes loss of valuable trees;

AND WHEREAS the *Municipal Government Act*, R.S.A. 2000, c. M-26 provides that Council may pass bylaws for regulating people, activities and things in public places or places that are open to the public;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

1. This Bylaw may be referred to as the “Tree Protection Bylaw”.

DEFINITIONS

2. In this Bylaw:

(a) “*Boulevard*” means:

- (i) The strip of land between the curb and the sidewalk and between the sidewalk and the property line, or

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- (ii) Where there is no sidewalk, the strip of land between the curb and the property line, or
- (iii) Where there is no curb, the strip of land between the near edge of the road and the property line;
- (b) "*Chief Administrative Officer*" means the Chief Administrative Officer of The City of Calgary or the employee of The City of Calgary who has been delegated the authority to exercise the powers, duties, and functions of the Chief Administrative Officer under this Bylaw;
(72M2021, 2022 January 01)
(45M2023, 2023 October 17)
- (c) "*City*" means the City of Calgary or, where the context requires, the area comprised within the boundaries of the City as it may exist from time to time while this Bylaw is in force;
- (d) "*City Lands*" means property owned, controlled or maintained by the City including parks, greenspaces, walkways, medians, Boulevards and road rights-of-way;
- (e) "*Emergency Personnel*" includes fire rescue personnel, emergency medical providers, law enforcement officers, local, provincial and federal authorities; and workers engaged in emergency repair to a Public Utility;
- (f) DELETED BY 72M2021, 2022 JANUARY 01;
- (g) DELETED BY 72M2021, 2022 JANUARY 01;
- (h) "*Director, Parks and Open Spaces*" means the *Chief Administrative Officer*;
(7M2016, 2016 February 18)
(72M2021, 2022 January 01)
(45M2023, 2023 October 17)
- (h.1) "*Director, Mobility*" means the *Chief Administrative Officer*;
(72M2021, 2022 January 01)
(45M2023, 2023 October 17)
- (i) "*Move*" means uprooting and transferring a tree from one location to another;
- (i.1) "*Officer*" means a Bylaw Enforcement Officer appointed under the Bylaw Enforcement Officers Appointment Bylaw 60M86, or an officer appointed under the *Peace Officer Act*, S.A. 2006, c. P-3.5 or under the *Police Act*, R.S.A. 2000, c. P-17;
(72M2021, 2022 January 01)
- (j) "*Pruning*" includes the cutting of tree branches, twigs or roots;
- (k) "*Public Tree*" includes any tree which has any part of its trunk located on City Lands;

(l) “*Public Utility*” means a system or works used to provide one or more of the following for public consumption, benefit, convenience or use:

- (i) water or steam;
- (ii) sewage disposal;
- (iii) public transportation operated by or on behalf of the City;
- (iv) irrigation;
- (v) drainage;
- (vi) fuel;
- (vii) electric power;
- (viii) heating and cooling;
- (ix) roads, sidewalks, or pathways;
- (x) waste management; and
- (xi) telecommunications and cable television;

and includes the thing that is provided for public consumption, benefit, convenience or use;

(m) “*Regulation*” includes City Bylaws;

(n) “*Tree*” means any perennial woody plant that normally has one or few upright stems and is maintained as a tree and includes plants designated as trees by the *Director, Parks and Open Spaces*; and

(7M2016, 2016 February 18)
(72M2021, 2022 January 01)

(o) “*Tree Protection Barrier*” means a fence or other protective cordon surrounding a tree to restrict access.

3. (a) No person shall plant trees or shrubbery on City Lands or cause trees or shrubbery to be planted on City Lands without prior written authorization from the *Director, Parks and Open Spaces*, and in the case of walkways, medians, boulevards, and road rights of way, without additional prior written authorization from the *Director, Mobility*.

(b) Written authorization to plant trees or shrubbery on City Lands from the *Director, Parks and Open Spaces* does not relieve a person from obtaining any other approvals which may be required under any other Regulation.

(38M2003, 2003 October 06)
(7M2016, 2016 February 18)
(72M2021, 2022 January 01)

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4. No person shall remove, Move, cut, or Prune a Public Tree or cause a Public Tree to be removed, Moved, cut or Pruned without prior written authorization from the *Director, Parks and Open Spaces*.
(7M2016, 2016 February 18)
(72M2021, 2022 January 01)
5. No person shall remove the bark of any Public Tree or cause the bark of a Public Tree to be removed without the prior written authorization from the *Director, Parks and Open Spaces*.
(7M2016, 2016 February 18)
(72M2021, 2022 January 01)
6. No person shall use or caused to be used an object of any kind to penetrate the bark of a Public Tree without prior written authorization from the *Director, Parks and Open Spaces*.
(7M2016, 2016 February 18)
(72M2021, 2022 January 01)
7. Notwithstanding section 4:
- (1) In accordance with Regulations governing Public Utilities, a Public Utility may perform such Pruning as necessary to comply with safety Regulations and to maintain safe operation of their facilities provided that:
- a) at least three business days prior to commencing any Pruning, the Public Utility provides the *Director, Parks and Open Spaces* written notice of its intention to Prune;
 - b) the Pruning is carried out in accordance with accepted arboricultural standards and practices; and
 - c) the Public Utility follows any specific directions of the *Director, Parks and Open Spaces* as to how the work shall be carried out.
(7M2016, 2016 February 18)
(72M2021, 2022 January 01)
- (2) The *Director, Parks and Open Spaces* may order the Public Utility to stop any Pruning performed by a Public Utility if appropriate arboricultural practices are not being followed.
(7M2016, 2016 February 18)
(72M2021, 2022 January 01)
8. Where removal or Pruning of a Public Tree is determined to be necessary by Emergency Personnel responding to an emergency, such tree or part of it may be cut or removed without first obtaining written authorization to do so.
9. Emergency Personnel shall notify the *Director, Parks and Open Spaces* of the emergency and work done on the Public Tree as soon as possible but no later than three days after the removal or pruning of the tree.
(7M2016, 2016 February 18)
(72M2021, 2022 January 01)

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10. No person shall remove or caused to be removed any part of a Tree Protection Barrier or enter into or cause another person to enter into the area enclosed by a Tree Protection Barrier.
11. No person shall, by any means, attach a sign or poster to any Public Tree.
12. Notwithstanding section 9, a person may attach a notice to a Public Tree where required or allowed to do so by written direction of the *Director, Parks and Open Spaces*.
(7M2016, 2016 February 18)
(72M2021, 2022 January 01)
13. On a prosecution or other proceeding pursuant to section 9, any person who may benefit from a sign or poster attached to a Public Tree will be deemed to have attached the sign or poster to the Public Tree unless that person brings forward evidence to the contrary.
14. No Person shall attach electrical cord to a Public Tree.
15. No person shall use a Public Tree to secure any object.
16. Without restricting the generality of section 15, no person shall secure newspaper vending boxes, bicycle racks, dog chains, clothes lines, guy wires, swings, or tree house to a Public Tree.
17. No person shall put any thing in the branches of a Public Tree or cause anything to be put in the branches of a Public Tree.
18. Notwithstanding section 17, a person may place strings of lights in a Public Tree during the months of October, November, December, January and February so long as doing so does not offend any Regulation respecting the location of electrical cords or create safety hazard.
19. No person shall place, apply or spray or cause to be placed, applied or sprayed any substance other than water on or near any Public Tree without the prior written authorization of the *Director, Parks and Open Spaces*.
(7M2016, 2016 February 18)
(72M2021, 2022 January 01)
20. Where an *Officer* believes a person has contravened any provision of this Bylaw, he may:
 - (a) in accordance with the *Municipal Government Act*, R.S.A. 2000, c. M-26 issue to the person an order to remedy the infraction;
 - (b) issue to the person, a violation ticket in accordance with the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-24; or
 - (c) do both (a) and (b).

(72M2021, 2022 January 01)
21. Where an *Officer* observes a contravention of this Bylaw with respect to a Public Tree, he may in accordance with the *Municipal Government Act*, R.S.A. 2000, c. M-26, issue

to the owner of the property adjacent to the Public Tree an Order to remedy the contravention.

(72M2021, 2022 January 01)

22. (1) If the person to whom an order has been issued pursuant to section 20 or section 21 fails to comply with the order within the time specified in the order:
- (a) That person commits an offence under this section and an *Officer* may issue a violation ticket pursuant to the Provincial Offences Procedures Act, R.S.A. 2000, c. P-24; and
 - (b) The City may take whatever steps are necessary to remedy the breach of the Bylaw and the cost of doing so becomes a debt owing to the City by the person to whom the order was issued in accordance with the Municipal Government Act, R.S.A. 2000, c. M-26.
- (72M2021, 2022 January 01)
- (2) Any items removed pursuant to this section, if deemed of value, will be removed to a place of safe keeping and will:
- (a) be assessed a daily fee for storage costs and as may be determined from time to time by the *Director, Parks and Open Spaces*; and
 - (b) if unclaimed within 90 days, be sold at public auction.
- (7M2016, 2016 February 18)
(72M2021, 2022 January 01)
23. Any person who contravenes a provision of this bylaw is guilty of an offence and is liable:
- (a) for a first offence to a fine of not less than \$75.00; and
 - (b) for a second offence of the same provision within a twenty-four month period to a fine of not less than \$300.00.
24. The specified penalty for a first offence, is the amount shown in Schedule “A” in respect of that offence.
25. All violations of this Bylaw which are of a continuing nature shall constitute a separate offence for each day the offence continues.
26. Nothing in this Bylaw relieves a person from complying with any federal or provincial law or regulation, other bylaw or any requirements of any lawful permit, order, consent or other direction.
27. Where this Bylaw refers to another Act, Regulation or agency, it includes reference to any Act, Regulation or agency that may be substituted therefore.
28. Every provision of this Bylaw is independent of all other provisions, if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

29. Sections 19.1, 19.2 and 19.3 of the Parks Bylaw, being Bylaw Number 36/76 of the City of Calgary are hereby repealed.
30. This Bylaw comes into force on the date it is passed.

READ A FIRST TIME THIS 27TH DAY OF MAY, 2002.

READ A SECOND TIME, AS AMENDED, THIS 27TH DAY OF MAY, 2002.

READ A THIRD TIME, AS AMENDED, THIS 27TH DAY OF MAY, 2002.

(Sgd.) D. Bronconnier
MAYOR

(Sgd.) B. Clifford
ACTING CITY CLERK

SCHEDULE "A"

SPECIFIED PENALTIES

SECTION		SPECIFIED PENALTY
3	Planting tree without authorization	\$300.00
4	Removing, pruning or trimming a public tree without a permit	\$500.00
5	Remove bark of Public Tree	\$300.00
6	Penetrate bark of Public Tree	\$300.00
10	Remove or Enter Tree Protection Barrier	\$300.00
11	Attach sign to a Public Tree	\$100.00
14	Attach electrical cords to a Public Tree	\$100.00
15, 16	Securing object to a Public Tree	\$100.00
17	Put things in or on Public Trees	\$100.00
19	Apply or spray harmful substance to a Public Tree	\$300.00
22	Fail to comply with Enforcement Order	\$1,000.00