



BY-LAW NO. 875-119 | FINAL

By-law no. 875-119 amending Zoning By-law no. 875, as already amended, in order to update provisions related to the felling and processing of ash trees.

Regular meeting of the Municipal Council of the Town of Baie-D'Urfé, held according to the law at the Town Hall, ordinary place of meetings, on Tuesday, March 14, 2017, at 7:30 p.m.

WERE PRESENT:

Mayor: Maria Tutino

Councillors: Michel Beauchamp
Charles Colomb
Peter Fletcher
Brian Manning
Lynda Phelps
Janet Ryan

ALSO PRESENT: Jacques DesOrmeaux, Director General
Michael-T. Nguyen, Town Clerk

WHEREAS the City of Montreal allows for the disposal of ash tree residue from September 15th to April 15th;

WHEREAS there is no risk of spreading the Emerald Ash Borer during this period;

WHEREAS the Town of Baie-D'Urfé had previously restricted the period during which untreated ash tree residue may be transported to treatment sites or wood processing companies from October 2nd to March 14th;

WHEREAS the Town of Baie-D'Urfé would like to extend this period so that it corresponds with the dates used by the City of Montreal;

WHEREAS other provisions relating to the processing of ash trees needed to be updated;

WHEREAS notice of motion for the presentation of this by-law was given at a regular meeting of Council held on February 14, 2017;

WHEREAS draft by-law no. 875-119 was adopted at a regular meeting of Council held on February 14th, 2017;

WHEREAS draft by-law no. 875-119 was submitted to a public consultation held on March 14th, 2017; and

WHEREAS Council declares having read by-law no. 875-119 and hereby dispenses with the reading of said by-law;

THEREFORE, it is moved by Councillor Charles Colomb, seconded by Councillor Janet Ryan and UNANIMOUSLY RESOLVED:

THAT by-law no. 875-119 be, and is hereby adopted; and

THAT it be enacted and decreed as follows:

SECTION 1 Section 5.5.5.4 of Section 5.5.5 - *Felling of ash trees* - is modified to read as follows:

No ash tree may be cut down during the period from **April 16th to September 14th, inclusively**, of each year, unless:

- 1° the ash tree presents a threat to public security;
- 2° the ash tree might cause serious damage to property;
- 3° the ash tree is preventing the realization of a construction project authorized by applicable Town Planning regulation, excluding an advertising sign.

SECTION 2 Section 5.5.6.1 of Section 5.5.6 - *Pruning of ash trees* - is modified to read as follows:

No ash tree may be pruned during the period from **April 16th to September 14th, inclusively**, of each year, unless

- 1° the ash tree presents a threat to public security;

- 2° the ash tree might cause serious damage to property;
- 3° the ash tree is preventing the realization of a construction project authorized by applicable Town Planning regulation, excluding an advertising sign.

SECTION 3

Section 5.5.7 – *Management of ash tree residue* - is modified to read as follows:

5.5.7 *Management of ash tree residue*

5.5.7.1 All residues resulting from the felling of ash trees are the sole responsibility of the property owner. The disposal of these residues must be carried out according to the Town's instructions, including:

- 1° Branches measuring less than 20 cm in diameter (circumference of 62.8 cm) must be chipped on location by the contractor carrying out the work. The residues resulting from the chipping process must not exceed 2.5 cm in size on at least two (2) sides;
- 2° Branches or pieces of trunk measuring 20 cm or more in diameter (circumference of 62.8 cm) must be:

a) **From September 15th to April 15th inclusively :**

- I. brought to a treatment site approved for this purpose by the municipality within the fifteen (15) days following the felling or pruning work; or
- II. brought to a wood processing company or preserved on location in order to be processed with an approved process which completely destroy the emerald ash borer or the parts of the wood where the insect can dwell within the fifteen (15) days following the felling or pruning work.

b) **From April 16th to September 14th, inclusively :**

- I. treated on location in order to be treated with an approved process, as defined in the present by-law, or preserved **until September 15th** in order to then be transported, within the following fifteen (15) days, in a way and to a location authorized by paragraphs 2a) I) and 2 a) II). The invoice from the business which treated the wood with an approved process as defined in the present by-law must be kept and presented, upon request, to the competent authority.

5.5.7.2 It is not permitted, **from September 15th to April 15th inclusively**, to store for more than 15 days, ash tree residue which has not been treated with an approved process, as defined in the present by-law, without the written permission of a designated municipal employee.

5.5.7.3 It is not permitted, **from April 16th to September 14th, inclusively**, to transport ash tree residue which has not been treated with an approved process, as defined in the present by-law, without the written permission of a designated municipal employee.

SECTION 4

Section 5.5.8.2 of Section 5.5.8 - *Treatment of ash trees* - is modified as follows:

Replace: A citizen making use of a product approved or registered by an agency of the Government of Canada and applied according to the manufacturer's instructions for the purpose of combatting the emerald ash borer must **provide a copy of the receipt relating to the treatment to the municipality within thirty (30) days following the treatment.**

With: A citizen making use of a product approved or registered by an agency of the Government of Canada and applied according to the manufacturer's

instructions for the purpose of combatting the emerald ash borer must **keep a copy of the receipt relating to the treatment, and present it, upon request, to the competent authority.**

Co The second paragraph of paragraph a) of Section 1.5 – VIOLATION, PENALTIES AND OTHER RECOURSES – is modified to read as follows:

In the case of the felling of any species of tree on the territory of the Town without the prior issuance of a valid certificate of authorization, as well as in the case of pruning or trimming of ash trees during **the period of April 16th to September 14th inclusively**, anyone contravening a provision of this by-law, or tolerating or permitting such a contravention, commits an infraction and is liable to a fine of a minimum of six hundred dollars (\$600) or a maximum of twelve hundred dollars (\$1200).

Notice of motion:	February 14, 2017
Adoption of first draft:	February 14, 2017
Public consultation meeting:	March 14, 2017
Adoption of by-law:	March 14, 2017
Coming into force:	March 22, 2017

TRUE CERTIFIED COPY

Mayor

Town Clerk