



City of St. John's Corporate and Operational Policy

Policy: 09-09-01 Public Nuisance or Hazardous Trees

Status:

Issued By: Public Works and Parks

Revision No:

Revision Date:

**Date of Original Council
Approval:**

Rescind Date:

Index: 09 Community Service

Section: 09 Public Safety

Title: 01 Public Nuisance or Hazardous Trees

Purpose

To outline what steps the City may undertake when tree(s) become a hazard or nuisance to the public.

Policy Statement

HAZARDOUS TREES

1. Public Property - Immediate Danger

If a tree is judged by the Municipal Arborist, a superior, or his delegate to be causing an immediate hazard to the general public or property, the tree is to be cordoned off and immediate steps taken to rectify the condition. These steps may include the removal of parts or all of the tree. The work is to be completed by the most appropriately skilled personnel available. Public notification is not required.

2. Private Property - Immediate Danger

Similar situation, although a reasonable effort is made to contact the property owner or occupant. Public notification is not required, although if this office has been unsuccessful in contacting the property owner, or occupant, a written explanation is sent to the address listed in the municipal assessment role. The

letter explains the condition of the tree prior to treatment, the work completed, the rationale, and the expected follow-up, if any.

POTENTIALLY HAZARDOUS, SEVERELY DECLINING, DEAD, SEVERELY INSECT OR DISEASE INFECTED, ETC.

1. City Owned Tree

A copy of Tree Removal Notice, identifying the type of work to be done, the rationale and the expected work date is given to all residences within 300 metres of the affected tree(s). The residents then have seven (7) days to respond to the notice. If there are no written objections outstanding at the conclusion of the response period, the arboriculture crew will perform the necessary work.

2. Privately Owned/Public Tree

All trees that overhang public property are defined as public trees and therefore fall under the control of the St. John's Tree Regulations.

Section 28 states:

"If a public tree has interfered or may interfere with any work, or where by reason of damage, disease, insects, etc., it has endangered or may endanger any person or property, the Department may, in accordance with specification and after seven (7) days notice to owners of the property and land in the vicinity, do anything to prevent, eliminate, remove or repair the interference or danger, provided that in carrying out such work all reasonable efforts shall be made to preserve the tree".

The responsibility for tree maintenance and removal however, is the property owner's. Should a potential problem be brought to the attention of the Parks Services Division, then the tree will be inspected and the owner notified, both verbally (if possible) and by the issuance of a Public Nuisance Letter.

Depending on the severity of the problem, the deadline for compliance may range from ten (10) to thirty (30) days. The recipient usually has seven (7) to ten (10) days to respond to the request.

Following the expiry of the compliance deadline, an inspection is done on the site to determine if the work has been completed.

If not, attempts are made once again to contact the property owner and discuss the situation. If contact is made, then another deadline is set. The situation is monitored to ensure compliance. Should this office be unable to contact the property owner, then a Final Notice will be sent by registered mail. This notice will also designate a compliance date and Council's options in the event of non-compliance.

Should all efforts fail to achieve the desired result, then a recommendation is to be forwarded to the Manager of Parks Services to request Council to authorize the required work, on a cost recovery basis.

HEALTHY TREES

1. City Owned Tree

Depending on the location, the removal of a public tree for any justifiable reason, i.e. road realignment, new construction, etc. may require notification ranging from residents in the immediate vicinity, to the holding of a public meeting.

2. Privately Owned/Public Trees

Once a property owner requests to remove a healthy tree overhanging public property, the reason for the request is evaluated by the Municipal Arborist and a decision made. If approval in principal is given, notification is delivered to residents within 300 metres of the applicant's property. The notice indicates the work to be completed, the rationale, and the right of the neighbours to respond. If no objection remains after the seven (7) day response period, a permit may be issued, subject to compliance of permit conditions.

Application

Responsibilities

Municipal Arborist.

Definitions

References/Appendix

Monitoring and Contravention

Approvals

Never formally approved by Council.

Review Period

Available to Public

- ☐ Yes
- ☐ No

