

# Corporation of the Town of Newmarket

## By-law 2023-31

A By-law to Amend Bylaw 2022-10 being a By-law to regulate the Injury or Destruction of Trees on private property within the Town of Newmarket (Private Tree Protection By-law).

**Whereas** without limiting the broad municipal powers, sections 135, 139 to 141, 429, 431 and 444 of the Municipal Act, 2001 provides municipalities with further authority to regulate and prohibit the destruction or injuring of trees and to provide for a system of fines and other enforcement orders; and

**Whereas** Council has determined that it is desirable to enact a by-law to protect trees and to prohibit and regulate the Injury or Destruction of trees and encourage the preservation and planting of trees within the Town of Newmarket.

**Therefore** be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. That section 1.0 Title be amended to the following:

This By-law may be known and cited for all purposes as the “Private Tree Protection By-law 2022-10”, as amended by By-law 2023-10.

2. That section 2.0 Definitions “Director” is amended to the following:

“**Director**” means the Director of Parks and Facility Services or their delegate, as amended from time to time;

3. That section 2.0 Definitions is amended by adding the following definitions:

“**Dead Tree**” shall mean a tree with no living tissue;

“**Dying Tree**” shall mean a tree where seventy (70) percent or more of its crown is dead or a tree infected by a lethal pathogen;

“**Emergency Work**” shall mean trees that have become structurally weakened to the point where there is a high risk for the tree to break or fall immediately. This situation often happens because of inclement weather, high winds or thunderstorms. Such works are to be addressed within a reasonable time after the weather event, normally within 48 hours or at the discretion of the Director.

4. That section 2.0 Definitions is amended by removing the following definition:

“**Dead**” means a **Tree** to be not living, as determined by an **Arborist**;

5. That section 4.3 be amended by adding the following:

5.3.7 The Tree being removed facilitates emergency work.

6. That section 5.4.a be amended to the following:

5.4.a **Private Tree Permit** is issued to remove a tree that is dead, hazardous, or requiring emergency work, as determined by the **Director**;

Enacted this 5<sup>th</sup> day of June, 2023.

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John Taylor, Mayor

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Lisa Lyons, Town Clerk