

# THE CORPORATION OF THE CITY OF CAMBRIDGE

## BY-LAW 21-068

Being a by-law to amend By-law 71-06, being a by-law to regulate the planning, propagation, preservation and removal of trees on lands owned by the municipality or over or adjacent to highways under the jurisdiction of the municipality

**WHEREAS** pursuant to Section 30 of the Municipal Act, 2001, S.O. 2001, c.25 (the Act), as amended, a highway is owned by the municipality that has jurisdiction over it subject to any right reserved by a person who dedicated the highway or any interest in the land held by any other person;

**AND WHEREAS** pursuant to Section 130 of the Municipal Act, 2001, S.O. 2001, c.25 (the Act), as amended, a municipality may regulate matters not specifically provided for in the Act or any other Act for the purposes related to the health, safety and well-being of the inhabitants of the municipality;

**AND WHEREAS** the Council of the City of Cambridge deems it desirable to regulate the planting, propagation, preservation and removal of trees within the municipality for the safety and well-being of the inhabitants of the community;

**AND WHEREAS** it is deemed necessary to amend By-law 71-06 as outlined in this by-law,

**NOW THEREFORE BE IT RESOLVED THAT** the Corporation of the City of Cambridge enacts as follows:

1. **THAT** Section 1 "Definitions" of By-law 71-06, be amended to add the following:
  - (e) "Nuisance" means negatively impacting existing driveways, walkways, fences, services, or similar infrastructure such that these no longer function as intended and/or cannot be adequately maintained, repaired, or replaced without impacting the health of the tree. It excludes leaf, fruit, seeds, sap, or any other form of natural litter produced by trees.
  - (f) "Hazardous Tree" means a dead or severely damaged tree that may pose a danger to persons or property.

2. **AND THAT** Section 3 of By-law 71-06, be deleted and replaced with the following:
  - (3) The Director of Operations or designate shall supervise the planting and trimming of trees upon any highways under the jurisdiction of the Municipality or on any land owned by the Municipality or upon private property where the branches extend over a highway under the jurisdiction of the Municipality or over any land owned by the Municipality.
3. **AND THAT** Section 4 of By-law 71-06 be deleted and replaced with the following:
  - (4) The Director of Operations or designate may remove decayed, decayed, Nuisance, or Hazardous trees.
4. **AND THAT** this by-law shall come into force and effect on the date of its final passing thereof.

ENACTED AND PASSED this 28<sup>th</sup> day of September, 2021.

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MAYOR

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CLERK