

**BYLAW 2019-10**

**Office Consolidation Current as of March 6, 2024**

**A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO  
PROTECT TREES**

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The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

**1. TITLE**

1.1. This bylaw shall be known as the “Tree Protection Bylaw”

**2. INTERPRETATION**

2.1. In this bylaw:

- a.01) “Fruit Bearing Vegetation” means fruit bearing vegetation as defined in Community Standards Bylaw 2022-16 as amended.
- a) “Prune” means to cut or trim the branches, twigs, or roots of a Tree;
- b) “Peace Officer” means
  - i) a person appointed as a bylaw enforcement officer pursuant to the Municipal Government Act, as amended;
  - ii) a person appointed as a Peace Officer pursuant to the Peace Officer Act, as amended; or
  - iii) a police officer;
- c) “Public Place” means any land owned or leased by the municipality that the public is ordinarily entitled or permitted to use;
- d) “Substance” means any pesticide, herbicide, insecticides, petroleum products, or other hazardous chemicals;
- e) “Town Tree” means any Tree which has any part of its trunk located on a Public Place;
- f) “Tree” means a woody perennial plant having one or more stems with at least one stem having a diameter of 50 mm (2 inches) at breast height (1.4 m or 4.5 feet above the uphill side of the Tree) and does not include Fruit Bearing Vegetation;
- g) “Tree Protection Barrier” means a temporary fence installed to restrict pedestrian, equipment and vehicle access;

- h) “Tree Protection Plan Agreement” means an agreement between the Town and a person to protect Trees;
- i) “Violation Tag” means a municipal tag or similar document issued by a Peace Officer in relation to an offence under this bylaw;
- j) “Violation Ticket” means a ticket issued pursuant to the Provincial Offences Procedures Act, as amended, and the regulations thereunder;
- k) “Written Permission” means the explicit approval of the chief administrative officer through a written permit or agreement;

2024-09

- 2.2. Where this bylaw references a Town staff position, department or committee, the reference is deemed to be to the current name that the staff position, department or committee is known by.
- 2.3. This bylaw does not apply to work carried out by emergency personnel, the Town or its contractors, volunteers, or employees, acting within the scope of their agency, contract, or employment as the case may be.

### **3. PLANTING TREES**

- 3.1. No person shall plant a Tree within a Public Place without Written Permission.
- 3.2. Written Permission to plant a Tree within a Public Place does not relieve a person from obtaining any other approvals which may be required.

### **4. INTERFERING WITH TREES**

- 4.1. No person shall Prune a Town Tree without Written Permission, even in cases where the Town Tree has roots or branches encroaching onto private property.
- 4.2. No person shall attach an object, including lights, to a Town Tree without Written Permission.
- 4.3. Notwithstanding section 4.2, a person is permitted to attach slacklines to a Town Tree without Written Permission provided the following criteria are met:
  - a) the Tree(s) has a diameter of at least 30 cm (12 inches); and
  - b) protection, such as large pieces of felt, carpet, or a different material purchased through slackline organizations has been placed at any point the slackline touches the Tree and meets the following criteria:
    - i) Protection has a height of 20 cm (8 inches) or greater;
    - ii) Protection has a thickness of 4 mm (0.16 inches) or greater after compression; and
    - iii) Protection does not absorb water.

- 4.4. No person shall place, apply, inject or spray any Substance to a Town Tree.
- 4.5. No person shall damage a Town Tree.
- 4.6. No person shall remove or cause to be removed any part of a Tree Protection Barrier or enter into the area enclosed by a Tree Protection Barrier.
- 4.7. The permit holder of a Tree Protection Plan Agreement is responsible for any Tree damage caused to a Tree within a Tree Protection Barrier

**5. MOVING OR REMOVING TREES**

- 5.1. No person shall move or remove a Town Tree without Written Permission.
- 5.2. Notwithstanding section 5.1, a person may remove Fruit Bearing Vegetation without Written Permission but must notify the chief administrative officer of the removal.

2024-09

**6. FEES**

- 6.1. The chief administrative officer is authorized to establish fees associated with Written Permission.

**7. ENFORCEMENT AND PENALTIES**

- 7.1. Any person who contravenes a provision of this bylaw is guilty of an offence and upon conviction shall be liable for a minimum penalty in accordance with Schedule A of this bylaw, and not exceeding \$10,000.00.
- 7.2. Any person who contravenes a provision of this bylaw for which a penalty is not set out in Schedule A of this bylaw is liable to a minimum penalty of \$250.00.
- 7.3. Notwithstanding Section 6.1;
  - a) Any person who commits a second offence for the contravention of the same provision of this bylaw, the minimum specified penalty in respect of the second contravention is double the amount of the first minimum specified penalty.
  - b) Any person who commits a third or subsequent offence for the contravention of the same provision of this bylaw, the minimum specified penalty in respect of the third contravention is triple the amount of the first minimum specified penalty.
- 7.4. A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person, who a Peace Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- 7.5. A Violation Tag may be issued to such person:
  - a) either personally; or
  - b) by mailing a copy to such person at their last known address.

- 7.6. The person to whom a Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the Violation Tag.
- 7.7. If the penalty specified on a Violation Tag has not been paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*, as amended.
- 7.8. Notwithstanding section 6.5 of this bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*, as amended, to any person who a Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.
- 7.9. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw.
- 7.10. If, in the opinion of the chief administrative officer, a contravention of this bylaw requires immediate action, the Town may perform any work necessary to address the contravention of this bylaw without prior notice and all costs incurred by the Town will be payable by the person who has contravened this bylaw.
- 7.11. The imposition of a fine either by issuance of a Violation Tag or by summary conviction in court shall not relieve any person so fined from any liability to pay to the Town any expenses arising from any damage caused by that person to Town property, including any costs incurred in having work performed by the Town where authorized by this bylaw.

## **8. ENACTMENT/TRANSITION**

- 8.1. If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 8.2. Schedule A forms part of this bylaw.
- 8.3. This bylaw comes into force on the date it is passed.

FIRST READING: April 2, 2019

SECOND READING: April 2, 2019

THIRD READING: April 2, 2019

**OFFICE CONSOLIDATION**

This document is a consolidation of a bylaw with one or more amending bylaws. Anyone making use of this consolidation is reminded that it has no legislative sanction. Amendments have been included for convenience of reference only. The approved bylaws should be consulted for all purposes of interpreting and applying the law.

Bylaws included in this consolidation:

- 2019-10 Tree Protection Bylaw
- 2024-09 Tree Protection Amending Bylaw – Fruit Tree Exemption

**Schedule A – Penalties**

<b>Section</b>	<b>Offence</b>	<b>Minimum Penalty</b>
3.1	Planting a Tree on public land.	\$250 per Tree
4.1	Pruning a Town Tree.	\$250
4.2	Attach an object to a Town Tree.	\$250
4.4	Place, apply, inject or spray a Substance on or to a Town Tree.	\$250
4.5	Damage a Town Tree.	\$1,000 per Tree
4.6	Removal or enter a Tree Protection Barrier.	\$250 per Tree Protection Barrier
5.1	Removal or moving of a Town Tree.	\$1,000 per Tree