



PROVINCE OF QUEBEC
TOWN OF KIRKLAND

BY-LAW NO.: 90-58-111

**BY-LAW AMENDING ZONING BY-LAW NO. 90-58
REGARDING TREES AND ZONE 326M**

DRAFT

ADOPTION PROCEDURE

Notice of motion:	December 2, 2024
Adoption – draft:	December 2, 2024
Publication:	December 6, 2024
Public consultation:	December 17, 2024
Adoption:- second draft:	January 13, 2025
Publication:	January 17, 2025
Application request:	
Registration procedure:	
Adoption of by-law:	
Certificate of compliance:	
Publication:	
Coming into force:	

- CONSIDERING that notice of motion of this by-law was given and that adoption of the draft was done at the regular sitting of the municipal Council held on December 2, 2024;
- CONSIDERING that in accordance with section 356 of the *Cities and Towns Act* (CQLR, c. C-19), copies of this draft by-law were made available to the public;
- CONSIDERING that the preamble forms an integral part of this by-law;

THE MUNICIPAL COUNCIL DECREES THE FOLLOWING:

SECTION 1 TREES

The following amendments are made to Zoning By-law No. 90-58 regarding trees:

- a) Zoning By-law No. 90-58 is amended by replacing paragraph a.1) of section 1.7 as follows:
- “a.1) Notwithstanding section 1.7 a), anyone who fells, allows the felling, tolerates, permits, or otherwise causes the loss of a tree in contravention of a provision of this by-law is liable to a fine of a minimum amount of **FIVE HUNDRED DOLLARS** (\$500) plus:
- (1) in the case of felling on an area of less than one hectare, a minimum amount of **FIVE HUNDRED DOLLARS** (\$500) and a maximum of **ONE THOUSAND DOLLARS** (\$1,000) per tree felled illegally, up to a maximum of **FIFTEEN THOUSAND DOLLARS** (\$15,000); or
 - (2) in the case of felling over an area of one hectare or more, a fine of a minimum of **FIFTEEN THOUSAND DOLLARS** (\$15,000) and a maximum of **ONE HUNDRED THOUSAND DOLLARS** (\$100,000) per hectare deforested, in addition to an amount determined in accordance with paragraph (1) for each fraction of a hectare.
- These amounts are doubled in the event of a repeat offence.”
- b) Zoning By-law No. 90-58 is amended by renaming paragraph a.2 of section 1.7, paragraph a.3) and by adding, after paragraph a.1), a new paragraph a.2) as follows:
- “a.2) Notwithstanding section 1.7 a), anyone who damages, allows damage to, tolerates, or permits damage to a tree in any way in contravention of a provision of this by-law is liable to the following fine:
- *for a first infraction*, a minimum of **FIVE HUNDRED DOLLARS** (\$500) and a maximum of **ONE THOUSAND DOLLARS** (\$1,000) in the case of a natural person, or a minimum of **ONE THOUSAND DOLLARS** (\$1,000) and a maximum of **TWO THOUSAND DOLLARS** (\$2,000) in the case of a legal person;
 - *in the case of a repeated infraction*, a minimum of **ONE THOUSAND DOLLARS** (\$1,000) and a maximum of **TWO THOUSAND DOLLARS** (\$2,000) in the case of a natural person, or a minimum of **TWO THOUSAND DOLLARS** (\$2,000) and a maximum of **FOUR THOUSAND DOLLARS** (\$4,000) in the case of a legal person.”
- c) Zoning By-law No. 90-58 is amended by adding, after section 5.1.2, the following section 5.1.3:

“5.1.3 Tree Planting in the Town's Public Right-of-Way

The Town may plant trees in the public right-of-way throughout its entire territory. The number of trees to be planted in front of properties used for commercial, public, industrial, or mixed uses is determined by the Town.

For properties used for residential uses, the Town plants a minimum of one (1) tree per regular lot and two (2) trees per corner lot in the public right-of-way in front of the properties.”

- d) Section 5.6 of Zoning By-law No. 90-58 entitled: “Tree Preservation, Pruning, and Prohibited Species” is amended as follows:

- 1) By replacing the second subparagraph of paragraph a) with the following:

“ For the purposes of this by-law, the arboriculture expert must be an ISA certified arborist or a forestry engineer. In all the aforementioned cases, the Town may, if it deems necessary, request a report from an arboriculture expert.

For the purposes of this paragraph, in addition to its usual meaning, the following are considered a tree removal operation:

- The removal of more than 20% of the living canopy.
- The severing, by uprooting or cutting, of more than 40% of the root system.
- The covering of the root system with a fill of 20 cm or more.
- The burial of the trunk beyond the collar with materials.
- Any other act likely to cause the loss of a tree, including but not limited to the use of toxic or chemical products, making more or less continuous incisions around the trunk in the bark, phloem, or wood, as well as causing lesions, perforations, girdling, or strangling.

- 2) By replacing paragraph b) with the following:

“b) Any tree felled on private property must be replaced with a new tree, unless the Town determines that the specific characteristics of the property do not allow for such a replacement.”

- 3) By replacing paragraph c) with the following:

“c) Throughout the entire territory of the Town, every tree, regardless of its size, must be protected during excavation, construction, or landscaping work that could damage it or is carried out near the tree.

The required protection measures are as follows:

- Install a rigid protection fence with a minimum height of 1.2 m at a distance of 1.2 m from the tree. Chicken wire fences, snow fences, temporary flexible construction fences, or other similar materials are prohibited. No activity can take place within this protection zone.
- Lay ground protection wherever vehicles or machinery circulate, or any material is stored (protective rubber mat or plywood with a minimum thickness of ¾ in.).
- Neatly trim the roots present in the excavation work areas.
- Keep exposed roots moist throughout the duration of the work.
- Protect the branches that are likely to be damaged during the work.”

- 4) By replacing paragraph d) with the following:

“d) It is prohibited to damage a tree in any way throughout the entire territory of the Town. The use of chemicals, trimmers, nails, ropes, or other tools, as well as making incisions, lesions, perforations, girdling, or strangling, is forbidden. Additionally, it is prohibited to create a burial mound around a tree trunk beyond the collar.

- 5) By replacing paragraph e) with the following:

“e) Throughout the entire territory of the Town, it is prohibited to move, prune, trim, or fell a tree or shrub, as well as to cut or uproot flowers or plants that are the property of the Town. This prohibition does not apply to Town employees or authorized contractors of the Town in the performance of their duties, or public utility pruning teams who prune trees for the purpose of maintaining an electric or telephone line.

SECTION 2 ZONE 326M

Section 12.18 of Zoning By-Law No. 90-58 entitled: “Particular Provisions Table : **INDUSTRIAL ZONES**” is amended by adding the following note at the end of the table:

“(45) In zone **326M**, notwithstanding the provisions of article 12.3 c), it is possible for an existing establishment whose main activities are of a medical or pharmaceutical nature to integrate, as an accessory, sub-activities of a medical or pharmaceutical nature focused on the study, diagnosis, and treatment of diseases, involving the use of radioelements, within a maximum area of 2600 m² within a main building.”

SECTION 3 COMING INTO FORCE

The present by-law comes into force according to law.

(Michel Gibson)

Mayor

(Annie Riendeau)

Town Clerk