

## 5.6 Tree Preservation, Pruning, and Prohibited Species

- a) No trees exceeding 10 centimetres in diameter measured at 1.3 metres from ground level or exceeding 15 centimetres in diameter measured at a maximum of 15 centimetres from ground level shall be felled within the limits of the Town other than for the following reasons:
- The tree is dead or in a state of irreversible blight. In the event that the felled tree was located in the front setback, it shall be replaced with a tree of the same species that complies with this Article. The replacement tree must have a minimum diameter of 5 centimetres measured at 1.3 metres from ground level;
  - The tree shall be located in the siting area or at least 3 metres from the siting area of a structure or a planned retaining wall. However, a tree located between 3 and 5 metres from the siting area may be felled provided that it is replaced. For the purposes of this paragraph, a sign is not considered to be a structure;
  - The tree is located in the siting area of a pool or, in the front yard, in the siting area of an additional parking space or a path giving access to a building, only if no other space is available elsewhere on the property for such arrangements;
  - The tree shall be felled on the basis of a study by an arboriculture expert due to an irreversible situation caused by disease, a structural deficiency affecting its sturdiness or serious damage that it causes to property. Serious damage does not include normal disadvantages caused by the presence of a tree, such as falling twigs, leaves, flowers or fruits, the presence of roots at the surface of the soil, the presence of insects or animals, shade, unpleasant odours, the secretion of sap or honeydew or the release of pollen;
  - The tree shall be felled if there is a risk that it will spread a disease or an invasive alien species and shall be replaced in such case;
  - The tree shall be felled in order to create a 5-metre-wide opening on the bank of a body of water that gives access to said body of water, provided the bank slope is less than 30%.

For the purposes of this paragraph, in addition to the usual meaning, the following is considered to be a tree felling operation:

- The removal of more than 50% of a living branch;
  - The severing, by uprooting or cutting, of more than 40% of the root system;
  - The covering up of the root system by fill of 20 centimetres or more;
  - Any other action resulting in the removal of a tree, such as using a toxic product to kill it or making or allowing others to make relatively permanent incisions around the trunk of a tree in the bark, the phloem or the wood.
- b) In the event of non-compliance with paragraph a), the owner of the property where the felled tree was located shall replace it with another tree of similar diameter not exceeding 10 centimetres and of the same species, except for an invasive species which, in this case, shall be replaced with a species authorized by this By-Law.
- c) Within the limits of the Town, any tree of 10 centimetres in diameter measured at 1.3 metres from ground level or over 15 centimetres in diameter measured at a maximum of 15 centimetres from ground level shall be protected during excavation, construction or development works when these works are likely to damage a tree where they are carried out less than 3 metres from a tree contemplated by this paragraph. The required protective measures are the following:
- attach plank sheathing at least 15 millimetres thick and at least 1.8 metres high to the trunk with metal wire;
  - spread a temporary layer of non-compacting material at least 30 cm deep over a geotextile membrane permeable to air and water covering the ground below the tree out

- to the drip line;
- the roots present in the areas where excavation works are carried out shall be neatly trimmed;
- exposed roots must be kept wet for the entire duration of the works.

Any tree, whatever its size, shall be subject to at least equivalent protective measures if it is located on Town property.

- d) Planting and/or growing of new poplars, willow trees, catalpas, silver maples or any other species of tree whose root growth can damage foundations or underground conduits is prohibited, except in parks and public rights-of-way.
- e) Trimming, pruning and felling of trees or shrubs or cutting or pulling out flowers or plants which are the property of the Town is prohibited everywhere within the Town of Kirkland except by employees of the Town in exercising their functions, and except by pruning teams of public utilities during maintenance work on electric power or telephone lines.
- f) When the Town Engineer deems it to be in the Town's interest, he may order any trees planted along Town streets to be trimmed, pruned or removed.
- g) When a tree on a property prevents normal lighting by street lights or blocks a traffic sign from view, the Town Engineer may advise the property owner or occupant to remove the offending tree or to cut its branches to correct the situation, and the person receiving such notice shall comply within ten (10) days of receiving it.
- h) Any tree located on private property and whose condition poses a danger to public safety constitutes a nuisance. Owners of properties containing a tree constituting a nuisance in this way shall cut, prune or remove the tree within ten (10) days of receiving notice to this effect from the Town Engineer.
- i) Within a buffer strip of 100 metres where it is prohibited to plant invasive species surrounding a natural habitat that is already protected or in the process of being protected, as shown on the "Territories of Ecological Interest" map appended to the Planning Programme, it is prohibited to plant the following species:
  - Garlic mustard or hedge garlic (*Alliaria petiolaris*);
  - Reed canary grass (*Phalaris arundinacea*);
  - Cow parsley (*Anthriscus sylvestris*);
  - Giant hogweed (*Heracleum mantegazzianum*);
  - Flowering rush (*Butomus umbellatus*);
  - Water chestnut (*Trapa natans*);
  - Dog strangling vine or swallow-wort (*Cynanche rossicum*);
  - Black dog-strangling vine or black swallow-wort (*Cynanchum louisaeae*);
  - Ground elder (*Aegopodium podagraria*);
  - Manitoba maple (*Acer negundo*);
  - Norway maple (*Acer platanoides*);
  - Hedge bedstraw (*Galium mollugo*);
  - Reed sweetgrass (*Glyceria maxima*);
  - Frogbit (*Hydrocharis morsus-ranae*);
  - Policeman's helmet (*Impatiens glandulifera*);
  - Water flag (*Iris pseudacorus*);
  - Amur silver-grass (*Miscanthus sacchariflorus*);
  - Chinese silver-grass (*Miscanthus sibiricus*);
  - Eurasian water milfoil (*Myriophyllum spicatum*);
  - Glossy buckthorn (*Rhamnus frangula*);

- Common buckthorn (*Rhamnus cathartica*)
- Siberian elm or Chinese elm (*Ulmus pumila*);
- Common periwinkle (*Vinca minor*);
- White poplar (*Populus alba*);
- Bohemian knotweed (*Fallopia X bohemica*);
- Giant knotweed (*Fallopia sachalinensis*);
- Japanese knotweed (*Fallopia japonica*);
- Black locust (*Robinia pseudoacacia*);
- Great yellowcress or greater yellowcress (*Rorippa amphibia*);
- Common reed grass (*Phragmites australis*);
- Seven-sisters rose (*Rosa multiflora*);
- Japanese rose (*Rosa rugosa*);
- Purple loosestrife (*Lythrum salicaria*).