

PROVINCE OF QUEBEC
CITY OF BEACONSFIELD



BY-LAW 720-101

**BY-LAW MODIFYING ZONING BY-LAW 720 IN ORDER TO PRESCRIBE
STANDARDS AIMED AT LIMITING AND CONTROLLING THE PROPAGATION
OF THE EMERALD ASH BORER ON THE TERRITORY OF
THE CITY OF BEACONSFIELD**

Adopted at the regular Council meeting
held on October 20, 2014



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At the regular meeting of the Council of the City of Beaconsfield, held in the Council Chamber at City Hall, 303 Beaconsfield Boulevard, Beaconsfield, Quebec, on Monday, October 20, 2014, at 8 p.m.

WERE PRESENT: His Honour the Mayor Georges Bouelle, Councillors David Pelletier, Karen Messier, Wade Staddon, Pierre Demers, Roger Moss and Peggy Alexopoulos

WHEREAS a notice of motion of the presentation of this by-law was given at a regular Council meeting held on Monday, July 14, 2014;

WHEREAS a Draft By-law 720-101 entitled "By-law modifying Zoning By-law 720 in order to prescribe standards aiming at limiting and controlling the propagation of the emerald ash borer on the territory of the City of Beaconsfield" was adopted by resolution at the regular Council meeting held on Monday, July 14, 2014;

WHEREAS a public consultation meeting regarding this by-law was held by Council on Monday, September 22, 2014, at 7:30 p.m.;

WHEREAS this by-law applies to the felling of trees in an urban environment and in private forests, in particular to ensure that the forest cover is protected, and to favour its sustainable development and to prevent the spread of the emerald ash borer (*Agilus planipennis*);

WHEREAS the emerald ash borer was first found in Canada in 2002;

WHEREAS since its outbreak, this ravaging insect has killed 80 million ash trees in North America;

WHEREAS Beaconsfield's urban forest helps to enhance the landscape and to provide a greener living environment;

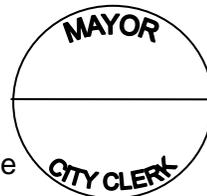
WHEREAS the emerald ash borer continues to spread on the island of Montreal;

WHEREAS the infestation could reduce the canopy by 7% over a period of 10 years;

WHEREAS a strategy to slow down the spread of the infestation of the emerald ash borer must be enacted;

WHEREAS the massive and rapid loss of ash trees in Beaconsfield would mean:

- A significant decline in quality of life for residents;
- Damage to the aesthetics of neighborhoods;
- A decrease in the canopy and a de facto increase of heat islands;
- Decreased air quality;
- Decreased rainwater retention capability;



WHEREAS this by-law applies to ash trees in the *Fraxinus* genus, alive or dead, capable of hosting or transporting an emerald ash borer (*Agrilus planipennis*), at any stage of its development, or of serving as support;

CONSIDERING sections 19, 59, 62 and 85 of the *Municipal Powers Act* (C.Q.L.R., c. C-47.1);

CONSIDERING section 113 para. 2 (12.1) of *An Act respecting Land Use Planning and Development* (C.Q.L.R., c. A-19.1);

On a motion from Councillor W. Staddon, seconded by Councillor P. Demers and UNANIMOUSLY RESOLVED:

The Municipal Council of the City of Beaconsfield enacts the following:

SECTION 1: Preamble

The preamble forms an integral part of this by-law.

SECTION 2: Zoning By-law 720 is modified by adding the following section 5.16.9 after section 5.16.8:

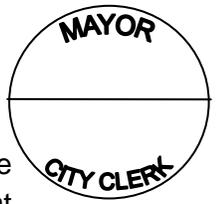
“5.16.9 Exceptional measures concerning ash trees

No ash tree may be trimmed, pruned or felled during the designated period between March 15 and October 1, with the exception of a dangerous tree, or a tree located in a construction area for a new residence or the enlargement of an existing residence only.

Notwithstanding the preceding, and section 3.2.1 of the By-law concerning permits and certificates and subject to the application of this section, an ash tree with a trunk diameter of less than 15 centimetres measured at 1.5 metres above the ground may be felled without a certificate of authorization.

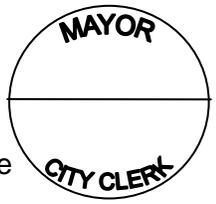
Subject to the application of section 5.16.4, any request to fell an ash tree must meet the following conditions:

- a) The inspector shall point out any ash tree infested with the emerald ash borer and identify the tree by means of the visible logo “A”.
- b) To allow identification of the infestation, the owner of an ash tree must put at the disposal of the inspector, on the site of the tree felling, at least 2 sections of branches with a minimum length of 75 cm, a diameter of between 5 cm and 7 cm, located in the upper part of the crown and on the side of the tree exposed to the southwest. The inspector shall proceed with the debarking of the branches put at his disposal, and of any other branch which he deems necessary to determine the presence of an infestation.
- c) Any ash tree located within a radius of 100 metres of an ash tree infested with the emerald ash borer is automatically placed under quarantine, within a circular zone with the infested tree as the central point.



- d) The City will send, to each owner or occupant of a lot within the quarantine zone, as soon as possible, a notice to the effect that any ash tree located on their lot is subject to this by-law.
- e) Any ash tree located within the quarantine zone must be felled, or treated with a product approved or authorized by a Canadian governmental agency and applied in accordance with the manufacturer's guidelines within 60 days of the issuance of the quarantine notice by the City.
 - i. In the case of a felling, should the notice be issued during a period when felling is prohibited, the 60-day deadline may be extended until October 30 of the year in progress. The owner of the tree must disclose the name, address and telephone number of the contractor who will carry out the felling.
 - ii. In the case of a treatment with an approved or authorized product by a Canadian governmental agency, the owner shall provide the City with a proof of treatment of the ash trees placed in quarantine. This proof of treatment must be provided to the City within 15 days following the treatment. If a treatment must be repeated, proof of treatment must be provided to the City within 15 days following the second treatment.
- f) It is forbidden to transport ash wood within the boundaries of the City between March 15 and October 1 of each year. This paragraph shall not apply to woodchips shredded to a size not exceeding 2.5 cm² on at least 2 surfaces.
- g) It is forbidden to plant, grow or cultivate an ash tree from a seed, a seedling or any other method. Anyone who owns, manages or tends a lot located within a quarantine zone is also prohibited from allowing an ash tree to grow on that lot, whether that tree grows from a seed, a seedling or a sapling, without following the procedures set out above.
- h) In the case of a property with one or several ash trees, the owner may fell a maximum of 2 ash trees per year. In the case of a property with several ash trees, the felling of up to one-fifth of the ash trees on the property will be authorized per year. The provisions in terms of issuing certificates apply and each felled tree must be replaced.
- i) Any felled tree (infested or not) must be replaced by a tree other than an ash. The replacement tree must be at least 2 metres in height. This provision does not apply to trees with a diameter of less than 15 cm measured at a height of 1.5 metres above the ground.
- j) Disposal of the following materials will not be accepted by the City during the period when felling is prohibited:
 - i. Firewood;
 - ii. Trees;
 - iii. Nursery materials;
 - iv. Saw logs;
 - v. Wood packaging, pallets and dunnage;
 - vi. Wood, bark or wood residue resulting from shredding operations of all species of trees."

SECTION 3: Section 5.16.3 of Zoning By-law 720 is modified by adding the following paragraph before the first paragraph:



“Under no circumstances may an ash tree be planted within the boundaries of the City.”

SECTION 4: Zoning By-law 720 is modified by adding section 5.16.10 after section 5.16.9:

“5.16.10 Exceptional measures concerning private forests

a) Management of private forests

Notwithstanding section 5.16.9, a certificate of authorization is required in advance for anyone wishing to carry out one or other of the following work tasks in a private forest area of 1 or more hectares (this certificate of authorization must be in effect while the work is carried out):

- Clearing of a wooded area of 0.5 hectare or more per year and per unit of assessment on the assessment roll;
- Clearing of a wooded area of less than 0.5 hectare per year, that would result, over the years, in being more than or equal to 30% of the wooded area of the unit of assessment, per 10-year period.

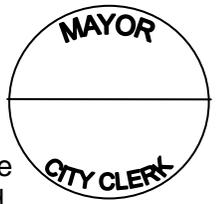
An application for a certificate of authorization must be accompanied by a silviculture prescription in the case of the clearing of a wooded area of 0.5 hectare or more per year and per unit of assessment.

The felling of a maximum of 30% of the tree volume, distributed uniformly across the area, per 10-year period, is authorized per unit of assessment.

The silviculture prescription and the certificate of authorization remain in effect for a period of 24 months following the date of their signature and issuance. Beyond this deadline, the applicant must obtain a new prescription and a new certificate of authorization. The City may, at its discretion, have the silviculture prescription analyzed by a forest engineer to ensure that the planned interventions will protect and favour the sustainability of the private forest.

For the purposes of this by-law, the expression “silviculture prescription” refers to a document signed by the applicant and a forest engineer, member of the *Ordre des ingénieurs forestiers du Québec*, concerning the pertinence and the validity of the proposed silviculture activity to be carried out within 24 months of the application for a certificate of authorization and including the following information:

- i. Plan that includes the following information (identified on an aerial photograph) showing the location of the unit of assessment, the sectors to be cleared and the aspects protected by measures pursuant to this by-law:
 - Boundary of the unit of assessment
 - Boundaries of the areas to be cleared
 - Survey of water courses
 - Survey of riverbanks
 - Survey of drinking water intakes
- ii. Information describing silviculture activities to be carried out in the sector to be cleared:
 - Description of the forest stands (name, density, height, age, origin, volume or ground surface per tree species, surface area, regeneration, etc.);



- Description of the intervention with justification (percentage of sampling per species of tree, harvesting method, replanting, mitigation measures, etc.).

b) Management of the emerald ash borer in private forests

The owner or occupant of a lot that contains a private forest area of 1 hectare or more, located within the boundaries of the City must, within the 120 days following the coming into force of this by-law, submit to the City a silviculture prescription showing, in addition to the information listed previously, the description of the proposed intervention for felling or treating ash trees infested with the emerald ash borer and for limiting its spread.

The silviculture management plan must include a strategy for the treatment or felling of ash trees and a strategy for replacing them. The replacement will have to include indigenous species adapted to the site, in such a way as to ensure natural re-growth on the site. The plan must also include provisions aimed at preventing the invasion of exotic species.

The interventions listed in the silviculture prescription must be carried out in accordance with a timetable planned for the prescription and approved by the City. Once the timetable is approved, the City will issue a certificate of authorization valid for a period of 60 months. This timetable must not exceed the period of validity of the certificate.”

SECTION 5: Zoning By-law 720 is modified by adding sections 2.6.1, 2.6.2 and 2.6.3 after section 2.6:

“2.6.1 FINE FOR PRUNING OR TRIMMING AN ASH TREE

Anyone who trims or prunes an ash tree, or allows the trimming or pruning of an ash tree in contravention of the provisions of this by-law, is liable to a minimum fine of seven hundred and fifty dollars (\$750), plus applicable costs. For a repeat offence, the fine is doubled.

2.6.2 FINE FOR REFUSING TO FELL OR TREAT AN ASH TREE

Anyone who refuses to fell or treat an ash tree in accordance with subsection 5.16.9 e) of this by-law or who ignores an order, issued by the official designated in this by-law, to cease tree felling work, is liable to a minimum fine of seven hundred and fifty dollars (\$750), plus applicable costs. For a repeat offence, the fine is doubled.

2.6.3 FINE FOR CONTRAVENING A SILVICULTURE PREVISION

Anyone contravening subsection 5.16.10 a) is committing an offence and is liable to the fines listed in section 233.1 of *An Act respecting Land Use Planning and Development* (C.Q.L.R., c. A-19.1) (“ALUPD”).

The reference to section 233.1 ALUPD in the preceding paragraph constitutes a reference to this provision as well as to any amendment made to this section subsequent to the adoption of this by-law, and to any other provision associated with this Act or any other act that amends, replaces or repeals the ALUPD.

Anyone contravening subsection 5.16.10 b) is committing an offence and is liable to a minimum fine of seven hundred and fifty dollars (\$750), plus applicable costs. For a repeat offence, the fine is doubled.

Should the offence continue, it constitutes a separate offence day by day, and the offender is liable to said fine for each and every day the offence continues.”



SECTION 6: This by-law shall come into force according to law.

MAYOR

CITY CLERK