

WHEREAS Section 63(3) of the Municipal Government Act states:

(3) The Council may, by policy, authorize its employees to enter upon land within the Municipality to:

- a. Treat the trees on the land as approved and recommended by Forestry Canada;
- b. Inspect the trees to determine whether they are in diseased condition or damaged to the extent that they constitute a hazard to the safety of persons or property.

(4) The Council may, by policy, authorize an employee to order an owner of land, within thirty days of service of a copy of the order, to remove a tree or limb that is, in the opinion of the employee, hazardous to persons or property or so affected by disease or insect infestation as to endanger the life and health of trees in the vicinity.

- 1.0** The Town of Yarmouth hereby authorizes the Town Engineer to issue an Order to an owner of any parcel of land in the Town requiring the owner within 30 days of service of the copy of the Order to remove a tree or limb that is, in the opinion of the Town Engineer, hazardous to persons or property, or so effected by disease or insect infestation as to endanger the life and health of trees in the vicinity.
- 2.0** The Order served by the Town Engineer shall contain a description of the location of the tree or limb directed to be removed. A copy of the Order issued by the Town Engineer shall be personally served on the owner of the land, or by mailing a copy of the Order to the owner at the latest address shown on the assessment roll, or by electronic mail or facsimile, if that information has been provided to the Town by the owner. An Order is deemed to have been served on the property owner on the third day after the Order was sent, if the Order is sent by mail at the latest address shown on the assessment roll, or by electronic mail or facsimile.
- 3.0** In the event the owner of a property fails to remove the tree or limb described in an Order within 30 days of service of a copy of the Order, a person authorized by the Town Engineer may enter onto the land upon which the tree or limb is situate, without warrant or other legal process, and remove the tree or limb.
- 4.0** In the event the Town Engineer is required to authorize a person to enter onto the land of a property owner to remove a tree or limb, the actual cost of removal of the tree or limb may be recovered as a debt from the owner of the land upon which the tree or limb is located and is a first lien on the real property of the owner of the land and may be collected in the same manner as taxes.
- 5.0** A property owner may appeal an Order issued by the Town Engineer requiring the removal of a tree or a limb to the Supreme Court of Nova Scotia within seven (7) days of service of the Order

upon the owner. In the event the owner files an appeal with the Supreme Court of Nova Scotia, the Notice of Appeal acts as a stay of proceedings until the appeal has been determined.

- 6.0** Upon an appeal to the Supreme Court of Nova Scotia, the Court may confirm, modify or set aside the Order.

Clerk's Annotation for Official Policy Book

Date of Adoption: September 12th, 2013

I certify that this 'Tree Pruning Policy' was adopted by Council as indicated above.

Town Clerk:

Date: