

ITEM 12
MANAGER'S REPORT NO. 64
COUNCIL MEETING Oct. 12/76

Re: TREES

Following is a report from the Municipal Treasurer regarding a proposal, to repeal By-Law No. 1376.

RECOMMENDATION:

1. THAT Burnaby Boulevards By-Law 1932, By-Law No. 1376 be repealed.
2. THAT a copy of this report item be forwarded to the Parks and Recreation Commission.

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TO: MUNICIPAL MANAGER

6 October 1976

FROM: MUNICIPAL TREASURER

File: I52-2

RE: TREES

Attached is a copy of By-law No. 1376, being Burnaby Boulevards By-law 1932, enacted 2 May 1932.

This By-law makes provision for the planting of trees on boulevards at the expense of abutting owners, and for the maintenance and protection of trees generally throughout the Municipality.

Effective with the 1977 program, Council has approved that the planting of trees form part of local improvement street works where possible. Elsewhere, trees will form part of road construction projects and it is possible that Council may approve tree plantings elsewhere in the community as circumstances indicate.

By-law No. 1376 is in conflict with these policies and should be repealed. The Parks and Recreation Administrator currently is giving some thought to regulations concerning the planting and care of trees on public boulevards and will be coming forward with recommendations in the near future.

RECOMMENDATION

1. THAT Burnaby Boulevards By-law 1932, By-law No. 1376 be repealed.

Barbara M. ...
MUNICIPAL TREASURER

BM:ep
Attach.

THE CORPORATION OF THE DISTRICT OF BURNABY

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BY-LAW NO. 1376

A BY-LAW for regulating the construction of Boulevards and for planting shade trees along roads and streets in the Municipality of Burnaby and for making provision for maintaining the same in proper order and condition by means of special annual rates and for preventing and prohibiting trespass upon or injury to the same.

WHEREAS under the provisions of Sub-section 218 of Section 54 of the Municipal Act the Council may pass By-law for planting shade trees along roads and streets, and for protecting the same, and Whereas under the provisions of Sub-section 219 of Section 54 of the Municipal Act the Council may pass By-laws for regulating the construction of boulevards by the owners of the land fronting thereon, and for making provision for maintaining the same in proper order and condition by means of special annual rates for the estimated or actual cost of such maintenance, and for preventing and prohibiting trespass upon or injury to the same.

The Municipal Council of The Corporation of the District of Burnaby ENACTS as follows:

1. For the purpose of providing annually the required sum to defray the cost of maintenance and upkeep of boulevards now existing, or which may hereafter be established within the Municipality of Burnaby, there shall be levied and collected in the year 1933 and in each subsequent year upon the real property or portions of real property opposite or fronting on the said boulevards, an annual rate of five cents per foot frontage of the real property or portions of real property upon the street boulevarded.

2. The annual rate so assessed shall be added to and levied and collected in each year with the general taxes under the name of "Boulevard Taxes", and shall be payable on the days directed by By-law for payment of general Taxes in each year.

3. An account shall be opened and kept by the Collector entitled "Boulevard Maintenance Account", and all Taxes collected under authority of this By-law shall be carried to such account,

and payments on account of boulevard maintenance and upkeep shall be paid thereout.

4. The Council may upon receipt of a petition signed by one-half the owners representing one-half or more of the frontage on any street, road, or highway in the Municipality, which is or may hereafter be graded, proceed to construct a boulevard or boulevards on such street, road, or highway, and plant trees thereon or otherwise improve the same provided that nothing in this Section contained shall be deemed to in any way restrict or limit the powers of the Council to construct or improve boulevards should they deem it advisable to do so without first receiving a petition therefor.

5. Property owners may upon receiving a permit from the Council construct boulevards on the street, road, or highway on which their lands front.

6. All trees shall be planted at a minimum distance of Eight (8) feet from the property line and shall be planted from thirty-five (35) to forty-five (45) feet apart from each other, and at the intersections of streets, no tree shall be planted at a lesser distance than twenty-five (25) feet from the near boundary line of the intersecting street.

7. No trees shall be set out and planted, until a permit in writing therefor has first been obtained from the Municipal Engineer, or, in the event of the boulevards being placed under the control of the Board of Park Commissioners, from the said Board of Park Commissioners, and the said permit shall specify the variety or varieties of trees to be planted, the distance from the property line at which such trees may be planted and also the distance apart from each other at which such trees may be planted.

8. No trees shall be planted along any road or street in the Municipality, except those of the variety or kind specified in Schedule "A" attached to and forming part of this By-law.

9. It shall be unlawful for any person to ride or drive any animal or vehicle upon or across any boulevard in the Municipality

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except as provided for in "Street Traffic Regulation By-law 1912."

10. It shall be unlawful for any person unless duly authorized by the Council to take up, cut down, mutilate, or in any manner injure or destroy any tree, shrubbery, or plant in any boulevard.

11. It shall be unlawful for any person to tie or fasten any horse or other animal to any tree in any boulevard, or to any post or box placed near or about such tree for the protection thereof.

12. Any person guilty of an infraction of any of the provisions of this By-law shall upon conviction before the police magistrate or any Justice of the Peace having jurisdiction within the Municipality be liable to a fine not exceeding ONE HUNDRED DOLLARS (\$100.00) and costs, and in default of payment to imprisonment for not more than three months.

13. The "Burnaby Boulevards By-law 1912" is hereby repealed.

This By-law may be cited as the "BURNABY BOULEVARDS BY-LAW 1932".

DONE AND PASSED IN OPEN COUNCIL this Twenty-first (21st) day of March, A. D. 1932.

RECONSIDERED AND FINALLY PASSED this Second (2nd) day of May, 1932.

Signed: W. A. Pritchard

REEVE

Signed: Arthur G. Moore

CLERK

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THE CORPORATION OF THE DISTRICT OF BURNABY

SCHEDULE "A"

- | | |
|-----------------------|---------------------------|
| (1) Flowering Dogwood | (Cornus Nuttalli) |
| (2) Flowering Plum | (Prunis Pissardi) |
| (3) Hawthorne | (Crataegus vars) |
| (4) Golden Chain | (Laburnum dami) |
| (5) Red Oak | (Quercus rubra) |
| (6) American Elm | (Ulmus americana) |
| (7) White Birch | (Betula alba) |
| (8) Sugar Maple | (Acer Saccharum) |
| (9) Norway Maple | (Acer plantanoides) |
| (10) Tulip tree | (Liriodenform tulipifera) |
| (11) Linden | (Tilia platyphyllos) |
| (12) Cutleaf Birch | (Betula laconista) |