



LESEDI LOCAL MUNICIPALITY BYLAWS FOR THE PLANTING, PRUNING, REMOVAL AND TREATMENT OF STREET TREES

[Date of commencement:]

To provide for the planting, pruning, removal and treatment of street trees within the municipal area of the municipality and to provide for matters incidental thereto.

BE IT ENACTED by the Council of the Lesedi Local Municipality, as follows: LLM bylaws for the planting, pruning, removal and treatment of street trees

1. DEFINITIONS

In these Bylaws, unless the context otherwise indicates –

“**department**” means the department of Community Services of the Lesedi Local Municipality;

“**executive Manager**” means Executive Manager of Community Services nominees;

“**Municipality**” means the Lesedi Local Municipality or any other Committee or official acting in terms of delegated authority approved in terms of sections 59 65 of the Local Government: Municipal Systems Act, Act 32 of 2000, and exercising any functions or duties vested in the Council in relation to these Bylaws;

“**removal of street trees**” means removal of the above ground level portion of a tree including the grinding away of the roots up to 30 cm below ground level. The complete root system will not be removed but may be poisoned if necessary to prevent further regrowth of the tree;

“**street trees**” means any tree or shrub, which has been planted on property, which is the property of the Lesedi Local Municipality.

2. INTRODUCTION

The purpose of these Bylaws is to

- 2.1 Regulate the protection, planting removal and long term management of trees in the Metro.
- 2.2 Encourage the proper protection and maintenance of all existing trees.

3 TREES PLANTING

- 3.1 The Department Community Services will plant up sidewalks with street trees in accordance with its tree planting programme determined by the Lesedi Local Municipality from time to time.
- 3.2 Individual and replacement tree planting may be carried out upon written application from residents to the Executive Manager.
- 3.3 Residents requesting individual tree planting must undertake to water the tree until it becomes established (normally two seasons).
- 3.4 Trees planted on sidewalks are to allow unobstructed pedestrian and cyclist movement on the sidewalks and should not interfere and/or obstruct the sight to road signs, traffic signals, streetlights, etc. for motorists, pedestrians, cyclists, etc. In considering these trees to be planted the ultimate fully grown potential of the tree needs to be considered. This would apply for the tree planting program of the Municipality as well as to trees to be planted by residents in terms of clause 3.2 above.
- 3.5 New trees will not be planted if they interfere with existing services, i.e. electricity, street lights, water, sewerage, etc;
- 3.6 No tree planting will be undertaken by the Lesedi Local Municipality within 10 metres of an intersection or 5 metres of an existing driveway or electricity lamp pole. Trees will not normally be planted on sidewalks less than 3 metres wide. Notwithstanding the mentioned distances, no tree planting will be undertaken if sight distances for motorists on public roads, motorists entering or exiting private properties, pedestrians, cyclists, etc. are adversely affected.
- 3.7 Planting distances between trees will depend on the species selected and existing services.
- 3.8 Choice of tree species is at the discretion of the Executive Director and will be restricted to varieties known to be suited to the local conditions and that will enhance the aesthetics of the Municipality. Trees with large root systems will not be planted close to the roadway where they may later cause damage to the road construction.
- 3.9 It shall be prohibited to plant any tree that is a noxious weed or by the nature of its root system, form, fruit, etc., is deemed to be undesirable. The Department will remove such undesirable trees.
- 3.10 No private tree planting is permitted without prior consent of the Executive Manager

4. WATERING OF TREES

A watering and fertilisation programme shall be applied to all newly planted trees at the discretion of the Executive Manager and/or his/her authorised representative.

5. PEST CONTROL

Pest control shall be implemented at the discretion of the Executive Manager and/or his/her authorised representative.

6. REMOVAL AND PRUNING OF ESTABLISHED TREES

- 6.1 Dead trees, tree roots, tree stumps or trees of the Municipality that in the opinion of the Executive Manager and/or his/her authorised representative, present a danger to the public, shall be pruned or removed.
- 6.2 If the trees mentioned in 6.1 are situated on the sidewalks or outside the boundary of a private property, the cost shall be borne by the Municipality.
- 6.3 Trees planted on a sidewalk by a member of the public shall become the property of the Municipality and will therefore be maintained by the Municipality.
- 6.4 At the discretion of the Executive Manager and/or his/her authorised representative, trees on sidewalks damaged by a member of the public shall be removed or pruned and the transgressor may be prosecuted.
- 6.5 Any request for the removal/pruning of a tree on a sidewalk shall only be considered if the request is submitted in writing and addressed to the Executive Manager and/or his/her authorised representative. The Municipality shall determine the cost of removing the trees from time to time and this shall be recovered from the owner if it is not in the interest of the Municipality to remove the said tree. Trees shall only be removed as stipulated in item 6.13.
- 6.6 On application by the public, a community consultation process determined by the Executive Manager and/or his/her authorised representative will take place prior to the removal of a tree.
- 6.7 Branches from trees on private properties overhanging the sidewalk or into overhead power lines may be pruned back to the boundary at the cost of the Municipality
- 6.8 At the discretion of the Executive Manager and/or his/her authorised representative, trees growing on sidewalk may be pruned or treated at any time.

- 6.9 No tree may be pruned or removed from the Municipal property within the Municipality except by the department or a contractor appointed by the Municipality.
- 6.10 The cost of the removal of invader trees or declared noxious weeds on Municipality property, shall be borne by the Municipality in terms of Act 43 of 1983.
- 6.11 Trees on Municipal property that cause damage to private property, or to Municipal property such as kerbs, sewers, etc., shall be removed or treated/pruned at the discretion of the Executive Manager and/or his/her authorised representative.
- 6.12 Municipality Parks may not remove or prune any tree growing on private property except for reasons outlined in Clause 6.7;
- 6.13 Trees on Municipal property will only be removed by Metro Parks under the following conditions:
- 6.13.1 Dead or dying;
 - 6.13.2 diseased beyond recovery;
 - 6.13.3 causes a traffic hazard that pruning would not alleviate the problem;
 - 6.13.4 causes an electrical hazard, or causes non compliance with the relevant sections of the Occupational Health and Safety Act;
 - 6.13.5 causes damage to water or sewer pipes;
 - 6.13.6 necessary to accommodate Municipal Services provided no alternative route is available;
 - 6.13.7 a proclaimed noxious weed or invader plant. (Regulation 15 of Conservation of the Agricultural Resources Act 43 of 1983.)”;
 - 6.13.8 trees may only be removed from a side walk to provide vehicle access to a property if the application is supported by the Executive : Manager Development and Planning and the approved tariff for removing such a tree is paid in advance;
 - 6.13.9 developers shall provide a detailed site plan of any new development showing the location of all street trees adjacent to the property which shall be approved by the Executive Manager: Community Services prior to the development proceeding;
 - 6.13.10 existing trees, whose roots have developed extensively such that its roots causes structural damage to the road layers may at the request of the Roads, infrastructure Services be removed and replaced at the cost of the Municipality.
 - 6.13.11a dangerous tree where the danger cannot be alleviated by pruning or other horticultural work;
- 6.14 Trees on Municipal property will be removed by Municipality in the event that
- 6.14.1 The existing trees causes a traffic hazard that pruning would not alleviate;

- 6.14.2 The existing trees obstruct or interfere with sight distance to road signs, traffic signals, street lights for motorist, pedestrians, cyclists, etc. that pruning would not alleviate;
- 6.14.3 The existing trees obstruct or interfere with the safe movement of pedestrians and cyclist within the road reserve, sidewalk, etc;
- 6.14.4 Trees will be removed by Municipality exercising its own discretion or as instructed/requested by the Department infrastructure services (based upon proper motivation).
- 6.15 If in the opinion of the Executive Manager: Development and Planning, a tree on private property is considered to be dangerous because the type of tree is unsuitable in the urban environment or it is very old or diseased, or the nature of the soil in which it is rooted is unsatisfactory for the height and weight or the tree is causing damage to municipal services, the Executive Manager may recommend to the Municipal Manager that the owner or occupants of the property on which the tree is located be issued a notice in terms of the Local Government Ordinance, 17 of 1939, as amended to have the tree removed.
- 6.16 Damage to property whether private or public shall be for the account of the person removing a tree whether permission has been granted by the Municipality to remove such a tree or not.

7. REPLACEMENT VALUE OF TREES

- 7.1 No trees planted on property owned by the Municipality may be pruned or removed other than by the Department without written consent of the Executive Manager;
- 7.2 Wherever trees and other plants on property under the jurisdiction of the Municipality have to be replaced as a result of damage caused by any means whatsoever, the replacement value of the tree will be determined using the System of Tree Evaluation as approved by Council.

8. GENERAL

- 8.1 All requests and/or complaints shall be considered only if addressed in writing to the Executive Manager: Community Services, who will copy such to the relevant Ward Councillor for information.”
- 8.2 Any request for the removal of a tree that is not in the interests of the Municipality shall only be considered if the applicant is prepared to pay for the value of the tree as determined using the System of Evaluation of Trees;
- 8.3 Complaints shall be dealt in order of receipt or as determined by the Executive Manager;
- 8.4 Anyone accidentally removing or damaging a tree or trees shall be charged for the replacement value of the tree in accordance with the tariff for the removal

of street trees for the Municipality, as determined using the System of Evaluation of Trees;

- 8.5 In cases where trees are wilfully damaged or supports removed, trespassers shall be fined in accordance with the tariff for the removal of street trees for the Municipality, determined by using the System of Evaluation of Trees;
- 8.6 Trees shall not be removed simply because they drop leaves, drop flowers, fruit, seedpods, seeds, ooze gum or because of any other similar complaint but the Department may prune such trees to alleviate the problem.
- 8.7 In cases where a tree from a private property falls onto Municipality property and creates an obstruction or an emergency situation, the obstruction will be cleared by the department
- 8.8 Private trees damaged or blown over during storms will only be cut to clear roads and pavements and the removal of the debris will remain the responsibility of the resident
- 8.9 The Municipality shall pay a reward as determined by the Metro from time to time, for information leading to the conviction of persons who damaged or destroyed trees

9 PENALTIES

Contravention of the ByLaws constitutes an offence and is punishable by a fine. Anyone accidentally or wilfully removing a tree/s on Municipality property will be charged the value of the tree/s as determined using the System of Evaluation of Trees as approved in the Municipal tariffs for the Removal of Trees. Any other contravention of the ByLaws is punishable by a fine of up to R 2 000 (Two thousand Rand) or a maximum sentence of 6 (six months) imprisonment or both and may be imposed upon sentencing for each and every of