



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 9, 2019
SUBJECT/REPORT NO:	Amend Business Licensing By-law 07-170 to Include a New Licence Category for Tree Cutting Services as Schedule 14 (PED19008(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Luis Ferreira (905) 546-2424 Ext. 3087 Dawn Johnson (905) 546-2424 Ext.5809
SUBMITTED BY: SIGNATURE:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department

RECOMMENDATION(S)

- (a) That Report PED19008(a) respecting amending the Business Licensing By-law No. 07-170 to include Tree Cutting Services as a schedule be received;
- (b) That the draft By-law, attached as Appendix "A" to Report PED19008(a) which amends Business Licensing By-law No. 07-170 to include Tree Cutting Services as a schedule be enacted by Council;
- (c) That a new licensing fee of \$270 for Tree Cutting Services be approved, and that the User Fees and Charges By-law be amended accordingly.

EXECUTIVE SUMMARY

Responding to a motion introduced by Council and acting to address emerging issues as outlined in the feasibility Report PED19008, staff is proposing to amend the Licensing By-law 07-170 to license all Tree Cutting Services that engage in the removal of trees within the City of Hamilton.

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This Report proposes a by-law to amend the Business Licensing By-law No. 07-170 to add Tree Cutting Services as a licensed business, as Schedule 14. The development of the Tree Cutting Services Schedule is founded on the City's regulatory purpose of public safety and consumer protection. The proposed amending By-law introduces Tree Cutting Services and addresses some minor housekeeping items to the General Provisions.

Staff is also seeking approval for a \$270 licensing fee for 2019 and amend the Fees and Charges By-law to reflect this new licensing category going forward.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: To obtain a licence each Tree Cutting Service will be required to pay \$270 for the 2019 licensing year, which is based on full cost recovery. Thereafter, annual fees will be as outlined in the City's User Fees and Charges By-Law. Based on market analysis, there are approximately 30 Tree Cutting Services, which will generate approximate annual revenue of \$8,100.

Staffing: The impact of the work is equivalent to 0.08 FTE and will be absorbed within the existing complement.

Legal: Pursuant to Subsection 10(2) of the *Municipal Act, 2001* the City has the legal authority to pass by-laws respecting business licensing.

Subsection 391(1) of the *Municipal Act, 2001* authorizes the City to impose fees and charges on persons for services or activities provided or done by or on behalf of it.

Schedule 14 of the Business Licensing By-law 07-170 will contain regulations for Tree Cutting Services.

HISTORICAL BACKGROUND

At its meeting of March 29, 2017, Council approved Item 7.7 being a motion directing staff to bring a report back to the Planning Committee which investigates the feasibility of implementing a By-law that will ensure that any commercial company that is contracted to remove trees within the City of Hamilton has a City Business Licence.

At its meeting of May 8, 2019, Council approved Item 10 of Planning Committee Report 19-007 directing staff to draft a new licensing schedule (Tree Cutting Service) within the

Business Licensing By-law 07-170 and bring back to the Planning Committee in a form satisfactory to the City Solicitor for enactment.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Legal Services and Industry Stakeholders were consulted in the preparation of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

Hamilton is fortunate to hold significant tracts of forest and natural areas within its boundary. Combine these areas with Hamilton's tree-lined streets, parks and trees on private property constitutes an 'urban forest'.

The urban forest is part of Hamilton's charm and used for recreation, fitness, solitude, and connecting to nature. Urban forests and woodlands in rural areas are valued for shade, privacy, air quality improvements and noise buffering.

The City of Hamilton has played a role in the protection of urban and rural forests through education and the implementation of green space enhancement, assessment and protection initiatives. The City promotes healthy forests and protects trees from harm through the enforcement of the following By-laws:

- By-law No. 15-125, being a by-law to Regulate Trees on or Affecting Public Property;
- By-law No. 14-212, being a by-law to Promote the Conservation and Sustainable Use of Woodlands on Private Property within the Urban Boundary of the City of Hamilton;
- By-law No. 2000-118, being a by-law to Prohibit the Injury or Destruction of Specified Classes of Trees on Public and Private Property in the Town of Ancaster;
- By-law No. 4513-99, being a by-law to Prohibit or Regulate the Injury or Destruction of Trees in Areas of the Town of Dundas; and,
- By-law No. 4401-96, being a by-law to Prohibit or Regulate the Injury or Destruction of Trees in Areas of the City of Stoney Creek.

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The passing of the above by-laws demonstrates the City's commitment to protecting our forests. Many amendments throughout the years have kept them current and relevant. The last amending By-law was passed in Council on May 24, 2017 for By-laws 2000-118, 4401-96 and 4513-99.

However, several events have come to the attention of staff where landowners have hired Tree Cutting Services to remove large numbers of trees (woodlands) on private property prior to proper site approval or in contrary to the City's Tree Protection By-laws.

Other municipalities have also experienced similar situations and have implemented a licensing category to ensure these businesses understand municipal by-laws, carry adequate insurance and employ skilled workers while addressing public safety, consumer protection and nuisance issues.

A review of municipal best practices, identified several municipalities who license Tree Cutting/Removal Services: Barrie, Burnaby BC, Calgary AB, Edmonton AB, New Westminster BC and Oakville. Following Council's direction, staff recommends adding a new Licensing Category to By-law 07-170, as Schedule 14 (Tree Cutting Service). Schedule 14 will enhance the City's commitment to promoting and protecting trees and forests while ensuring consumer protection, health and safety.

Introducing the requirement of a licence will provide enforcement staff the ability to properly vet these companies. Requiring comprehensive insurance coverage, corporate documents and/or sole proprietor information and adherence to industry best practices. It would also require licenced Tree Cutting Services to provide contracts which identify work to be performed and for whom, cost of the work and completion date. Staff anticipates that having authority to obtain this information will assist with the enforcement of the City's Tree Protection By-laws.

The proposed draft Schedule 14 requires licensed tree cutting services to comply with the City's tree by-laws, and to ensure a permit is obtained (if required) or ensure that cutting is done in accordance with an approved tree protection plan, which may be prepared by an arborist among other professionals.

On October 30, 2018, Licensing staff hosted an Industry Stakeholders meeting where seven individuals, representing six different tree cutting companies attended. They supported licensing and the proposed licensing fee but added that without proper enforcement of unlicensed companies, there would be no benefit.

Minor Administrative and Technical Amendments

The proposed By-law also contains minor administrative amendments as identified in Appendix "A".

Conclusion

The City, as the regulator, is solely charged with establishing regulations that meet the public's reasonable expectation of consumer protection and public safety. The objective of Schedule 14 is to create a category that is user friendly and easy to follow for those who need to comply, and easy to enforce.

The proposed Tree Cutting Services Schedule also responds to the City's need to address emerging issues by licensing all Tree Cutting Services who engage in the removal of trees in the City of Hamilton. This will provide an opportunity for the Licensing Section to regulate as part of the licensing application/renewal process and enforce where there are contraventions of the By-law.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A": Amending By-law to Business Licensing By-law 07-170

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