

Maintenance of Back Lane Trees

ISSUE

This report is provided in response to a request to report on options for a potential bylaw and suggested operational changes for maintenance of trees and overgrown vegetation in back lanes and on residential and commercial properties. This report includes information related to the scope of a potential bylaw and highlights improvements to the current administrative process to manage tree growth in back lanes, more effectively.

BACKGROUND

The following inquiry was made by Councillor Lorje, at the September 4, 2012, City Council meeting:

“Will the Administration please review the current procedures, authority, funding and staffing with respect to the maintenance of trees that are growing into the back alleys. Bylaw No. 8175, The Property Maintenance Bylaw, 2003, speaks to dead or hazardous trees but there appears to be some disagreement about who bears the responsibility for general tree overgrowth into the city’s alleys.

Saskatoon Light and Power quite properly deals with trees that grow into the power lines but my concern is the more general tree growth that impedes traffic in the alleys.

Therefore, will the Administration please report on what we would need to put in place in order to have property owners themselves trim their trees that encroach upon the alleys.”

In response to the inquiry by Councillor Lorje, an information report [Maintenance of Back Lane Trees](#), outlining current practices and potential options for addressing the maintenance of tree growth in back lanes was considered by the Standing Policy Committee on Planning, Development and Community Services at its meeting held on March 8, 2021; the following was resolved:

“That Administration report on options for a potential bylaw and operational changes for trees in back lanes on residential and commercial properties.”

CURRENT STATUS

Current Regulatory Framework

Currently, there is no City of Saskatoon (City) bylaw which directly addresses responsibility for managing tree and vegetation growth in back lanes.

Current Administrative Approach and Operating Costs

At this time, maintenance of overgrown vegetation is addressed by a number of internal work groups, with no single point of coordination among these groups:

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1. Community Standards Department addresses all general complaints received from internal departments and the public regarding tree growth in back lanes.
2. Saskatoon Light and Power (Light and Power) has a full-time crew that trims and prunes trees in back lanes that interfere with power lines, both in response to customer requests and through a proactive inspection process they carry out.
3. Parks Department addresses maintenance of trees in back lanes only in emergency situations, such as a downed tree or if there is a high-risk safety concern.
4. Roadways, Fleet and Support Department (Roadways) is responsible for maintaining and improving gravelled back lanes. Each spring, crews rate the city's back lanes based on a number of factors, including vegetation and overgrowth, to identify which lanes are to be restored/reconstructed. Prior to completing back lane maintenance work, a designated contractor removes any trees which will affect equipment access, may cause issues for waste collection equipment, or poses potential safety concerns.

DISCUSSION/ANALYSIS

Administration has identified potential bylaw options to regulate the maintenance of back lane tree growth which would result in a more efficient process for addressing back lane tree maintenance issues and facilitate a more centralized administrative process.

Bylaw Options

A potential bylaw would outline the responsibilities of homeowners to remove nuisance trees, shrubs or vegetation encroaching into back lanes from private property, either from overhanging branches or suckering trees, as well as those which are fully situated within a back lane as a result of being planted by a property owner or self-seeding from a tree on private property. Where homeowners do not comply with requests to remove nuisance trees, shrubs or vegetation, a bylaw could include provisions for the City to arrange to have work done and the property owner charged a fee to cover the costs.

Benefits of addressing back lane nuisance vegetation include the following:

- 1) Ensures equipment access to back lanes is not impeded and avoids potential equipment damage;
- 2) Avoids automobile safety hazards and pedestrian-related hazards from minimized visibility.
- 3) Prevents damage to back lanes and ensures lanes dry quickly after storm events;
- 4) Reduced City costs in addressing such issues; and
- 5) Facilitates a more centralized administrative process.

Situations will arise in which homeowners cannot reasonably be expected to remove nuisance trees due to safety concerns such as where tree growth is located in close proximity to power lines. This type of work would continue to be addressed by Light and Power. Additionally, the City may need to take responsibility for nuisance trees which have grown to a size where removal may create a public safety hazard and/or requires

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specialized equipment to remove. Such situations could be identified by a designated City inspector in the course of carrying out inspections. Administration anticipates these situations would become less frequent over time if a bylaw were to be implemented and homeowners became aware of their responsibilities to address tree growth at an earlier stage.

The development and implementation of a bylaw has been identified as a means to better address back lane maintenance. Two potential bylaw approaches, in terms of the level of responsibility placed on the homeowner, have been identified.

Option A – Homeowners Responsible to Maintain Vegetation and Trees up to 5 metres in Height

Based on a review of best practices in other municipalities, a proposed bylaw could require homeowners to address all shrubs or vegetation and nuisance trees up to a height of 5 metres or less.

If a bylaw was implemented to specify the responsibility of homeowners to prevent tree and vegetation growth from encroaching on back lanes, it is reasonable to conclude there will also be a reduction in tree maintenance work required of Roadways. Annually, Roadways spends approximately \$600,000 on arborist services for back lane tree maintenance. It is estimated approximately 80% of tree growth in back lanes could be addressed by homeowners. This estimate is based on consideration of potential standards identified through a review of best practices and an analysis of select lanes rated as "poor" due to excessive tree and vegetation growth impacting the use of the alley. The remaining tree growth would continue to be addressed by a City-contracted arborist, or Light and Power, where necessary. Based on a reduction of 80% in arborist services, Administration projects that over time, approximately \$480,000 could be saved annually by implementing a bylaw. Additional staffing of a 0.5 Full Time Equivalent (FTE), at a cost of \$44,000, would be required to administer and enforce the bylaw.

It is noted that Bylaw No. 8463, Sidewalk Clearing Bylaw, 2005 requires homeowners to maintain City rights-of-way, which involves the removal of snow and ice from City sidewalks. However, in this case, the removal of a tree has the potential to require considerable effort from the homeowner and it is anticipated a large number of property owners would require a contractor to undertake this work. A phased in approach for bylaw implementation could be undertaken to minimize the impact on homeowners, with the City continuing to address larger forms of tree growth to help acclimate homeowners to the proposed bylaw requirements.

Option B – Homeowners Responsible to Maintain Tall Grass, Weeds and Shrubs

A second option for a proposed bylaw could limit property owner responsibility to minor forms of vegetation growth such as tall grass, weeds and shrubs, while larger trees remain the responsibility of the City. This option would still require additional effort for homeowners as they may face enforcement measures if they do not address bylaw contraventions. City cost savings with this approach are anticipated to be minor, however this approach would provide Administration with clearly outlined enforcement

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measures to address situations of non-compliance. Administration of such a bylaw, with a more limited scope of responsibility for property owners, is not anticipated to require additional staffing resources as the potential scope is comparable to situations currently being addressed by bylaw inspector staff through a public education approach.

Either of these bylaw options would provide opportunity to address other considerations related to the maintenance of back lanes including the following:

- A proposed bylaw could provide formal provisions and standards for intentional plantings within back lanes, such as back lane gardening. Minimal standards are anticipated, focused on ensuring safety considerations, such as sightlines are maintained, ensuring appropriate and ongoing maintenance of the garden area. Inclusion of this item within the bylaw would also help provide residents with more certainty on allowances and expectations for back lane gardening.
- The development of a back lane tree maintenance bylaw would facilitate a more centralized administrative process in addressing items of this nature, although other groups including Light and Power and Roadways would continue to be involved if safety concerns are present or where work has been deemed excessive for a homeowner to carry out.
- The development of a bylaw would require an engagement plan, consultation with stakeholders and the public, as well as staff time to develop the bylaw. In consideration of current work plans, it is estimated this could be completed for implementation by spring 2023 at the earliest. Furthermore, some funding would be required to undertake community engagement in developing the bylaw, as well as communications related to implementation of a new bylaw to ensure the public is aware of the shift in responsibility for homeowners to remove trees and/or vegetation growth in back lanes.

FINANCIAL IMPLICATIONS

Estimates of financial or resourcing impacts have been outlined above.

ENVIRONMENTAL IMPLICATIONS

The removal of back lane trees can have climate change implications. As appropriate, trees may be trimmed, rather than completely removed, if this would be sufficient to address the need for clear passageway, or to address safety concerns. Methods to track data related to back lane tree removals will be explored to evaluate potential implications to the Green Infrastructure Strategy.

OTHER IMPLICATIONS

There are no other privacy, legal, or social implications identified at this time.

NEXT STEPS

Administration will report back to the Standing Policy Committee on Planning, Development and Community Services on any components identified for further review.

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REPORT APPROVAL

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