

The Corporation of the City of Hamilton

BY-LAW NO. 96-205

To Amend

By-law No. 86-77

**TO REGULATE USAGE OF HEDGES, SHRUBS  
AND PLANT MATERIAL ON ROAD ALLOWANCES**

**WHEREAS** Subsection 308(3) of the Municipal Act, R.S.O. 1990, c. M.45, as amended, authorizes the council of every municipality to pass by-laws for placing or permitting any person under such conditions as may be agreed upon to place, construct, install, maintain, and use objects in, on, under or over highways under its jurisdiction, to permit any person to make, maintain and use areas under and openings in the highways, for prescribing the terms and conditions upon which the same are to be placed, constructed, installed, maintained or used and for making such annual or other charge for the privilege conferred by the by-law as it considers reasonable;

**AND WHEREAS** Subsection 314(1) of the Municipal Act, R.S.O. 1990, c. M.45 as amended authorizes the councils of all municipalities to pass by-laws for prohibiting or regulating the obstructing, encumbering, injuring or fouling of highways or bridges;

**AND WHEREAS** the Council of The Corporation of the City of Hamilton passed By-law No. 9329 on the 9th day of May, 1961, being the Streets By-law, to regulate, among other things, the planting of trees and shrubs along the boulevards and road allowances in the City of Hamilton;

**AND WHEREAS** By-law No. 86-77 was enacted on the 25th day of February, 1986 to consolidate the Streets By-law No. 9329;

**AND WHEREAS** By-law No. 88-244 was passed on the 5th day of October, 1988 to amend By-law No. 86-77 on the planting of trees and shrubs on boulevards and the road allowance;

**AND WHEREAS** By-law No. 88-244 was repealed by By-law No. 92-155;

**AND WHEREAS** City Council, on July 9, 1996, in adopting Section 12 of the 10th Report of the Transport and Environment Committee authorized this By-law;

**NOW THEREFORE** the Council of The Corporation of the City of Hamilton enacts as follows:

1. (1) Paragraph (d) of Section 1 of By-law No. 86-77 is amended by deleting paragraph (d) and substituting in lieu,
  - (d) "Director of Public Works" shall mean the "Commissioner of Public Works and Traffic".
- (2) Paragraph (e) of Section 1 of By-law No. 86-77 is further amended by deleting paragraph (e) and substituting in lieu,
  - (e) "Traffic Commissioner" shall mean the "Commissioner of Public Works and Traffic".

2. By-law No. 86-77 is amended by the addition of the following Section:

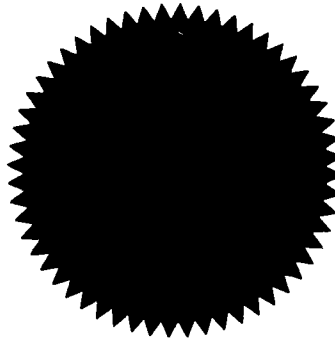
OWNERS OF LAND MAY PLANT HEDGES AND SHRUBS

- 5. (1) Hedges, shrubs and other plant material may be permitted on the boulevard of the highway provided that any such hedge, shrub or other plant material situated within the highway
  - (i) shall not create an obstruction to traffic using the highway;
  - (ii) shall be maintained by the owner of the land abutting the highway at not higher than 76 cm or 30 inches in height;
  - (iii) shall not overhang the sidewalk, shoulder or roadway;
  - (iv) shall maintain a minimum clearance of 0.6 metres or 2 feet from a fire hydrant, and
  - (v) shall not obstruct the view of a fire hydrant from the road.
- (2) Where an owner of land abutting a highway has planted a tree on the boulevard of a highway, the tree shall be pruned to the trunk for the first 2.4 metres or 8 feet by the Department of Public Works and Traffic.

PASSED this 10th day of December, 1996.



CITY CLERK



MAYOR