



THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2018-005

A by-law to amend by-law 2015-075, the Licensing By-law, to provide for the licensing and regulation of Arborist Consulting, Arboriculture and Landscaping/Tree Companies

COUNCIL ENACTS AS FOLLOWS:

1. By-law 2015-075 is hereby amended by adding the following to the Businesses Requiring a Licence in Section 1 of Schedule 1:
Arborist Consulting Company
Arboriculture Company
Landscaping/Tree Company
Tree Company
2. By-law 2015-075 is hereby amended by adding the following definitions to Section 2 of Schedule 1:

“Arborist” means a person who has graduated from an accredited college or university with a diploma or degree in Urban Forestry, Arboriculture or equivalent and satisfies at least one of the following requirements:

- a) is certified by the Ministry of Advanced Education and Skills Development for the International Society of Arboriculture;
- b) is currently accepted as a consulting arborist with the American Society of Consulting Arborists; or
- c) is a Registered Professional Forester (RPF) as defined in the *Professional Foresters Act*, 2000, S.O. 2000, c. 18;

For the purposes of this by-law, an Arborist is able to assess health and structure of trees and conduct other tree maintenance work, except work that requires climbing (working aloft), rigging, and using a chainsaw;

“Arboriculture Company” means a company with knowledge in all aspects of arboriculture and has staff holding valid certifications in the following areas:

- a) Arborist
- b) Certified Tree Worker

c) Certified Chainsaw Operator

For the purposes of this by-law, an Arboriculture Company is able to assess health and structure of tree and conduct tree maintenance work;

“Arborist Consulting Company” means a company with the knowledge to assess the health and structure of trees, provide a tree risk assessment, valuation or recommendation and has staff holding valid certification as an arborist but does not include work that requires climbing (working aloft), rigging and using a chainsaw;

“Certified Tree Worker Climber Specialist” means a person holding the credentials of an ISA Certified Tree Worker Climber Specialist or equivalent;

“Certified Chainsaw Operator” means a person holding a chainsaw operator certificate based on the competency standards set by the Ministry of Advanced Education and Skills Development;

“Landscaping/Tree Company” means a company that undertakes or is engaged in the business of managing lawns/yards including but not limited to; installing sprinkler systems, building retaining walls, constructing patios, digging, irrigation and drainage channels, paving or sealing paved driveway surfaces, installing stone, brick or concrete landscapes, planting shrubs, laying sod/grass, erecting fences, seasonal mowing/seeding/thatching/aeration/fertilization/raking and snow ploughing/snow removal/anti-icing application and that operates as a Tree Company;

“Tree Company” means a company capable of removing trees, pruning, root pruning, fertilizing, planting, stumping, transplanting, a tree but not able to assess the health of a tree. A Tree Company must have staff holding valid certifications in the following areas;

- a) Certified Tree Worker
- b) Certified Chainsaw Operator
- c) And will require a Utility Arborist when working in proximity to energized electrical equipment, structures and conductors

“Utility Arborist” means a person trained and knowledgeable to undertake any work required to prune or clear vegetation in proximity to energized electrical equipment, structures and conductors; including the pruning, falling or removal of trees which could come into contact with energized power lines and who is an ISA Certified Arborist Utility Specialist or holds a certificate based on the competency standards set by the Ministry of Advanced Education and Skills Development;

“Proximity” means a distance of 3 metres from 750 volts to 150 000 volts, 4.5 metres up to 250 000 volts, and 6 metres for more than 250 000 volts;

3. By-law 2015-075 is hereby amended by deleting Landscaping/Property Maintenance Contractor definition and replacing it with the following definition in Section 2 of Schedule 1;

“Landscaping/Property Maintenance Contractor” means a company that undertakes or is engaged in the business of managing lawns/yards including but not limited to, installing sprinkler systems, building retaining walls, constructing patios, digging irrigation and drainage channels, paving or sealing paved driveway surfaces, installing stone, brick or concrete landscapes, planting shrubs, laying sod/grass, erecting fences, seasonal mowing/seeding/aeration/fertilization/raking, and snow ploughing/snow removal/anti-icing application but does not include the pruning, cutting or removal of trees;

4. By-law 2015-075 is hereby amended by adding the following Schedule 18, section 1:

(t) not permit the emission of dust or airborne particulate matter to substantially reduce the enjoyment of another property.

5. By-law 2015-075 is hereby amended by adding Appendix 1 attached hereto to the table outlining licence application/renewal requirements in Section 3.
6. By-law 2015-075 is hereby amended by adding a new Schedule 37 attached hereto as Appendix 2.

PASSED this 29th day of January, 2018

MAYOR

CLERK

Appendix 1

Licence Application/Renewal Requirements

The table below outlines licence application/renewal requirements, in addition to those listed in any other Schedule.

	<div>Arborist Consulting Company</div> <div>Arboricultural Company</div> <div>Tree Company</div> <div>Landscaping Tree Company</div>			
Renewal Dates	30-Apr	30-Apr	30-Apr	30-Apr
Schedule Number	36	36	36	36
REQUIREMENTS				
Applicants Information	✓	✓	✓	✓
Business Address	✓	✓	✓	✓
Insurance Certificate	✓	✓	✓	✓
Fee	✓	✓	✓	✓
Article of Incorporation	▲	▲	▲	▲
Business Partner Information	▲	▲	▲	▲
Zoning Compliance				
Criminal Reference Check	✓	✓	✓	✓
Health Department Approval				
Fire Inspection				
Employee List	✓	✓	✓	✓
HTA Safety Check				
Vehicle Insurance				
Vehicle Ownership				
Proof of Qualifications	✓	✓	✓	✓
Letter from TSSA				
HVAC Inspection				
Emergency Safety Plan				
Written Declaration				
Description of Business				
Propane Inspection				
Animal Control Inspection				
Declaration of Animal Offences				
<div>✓ Denotes requirement for all applications</div> <div>▲ Denotes only required for initial application</div>				

Appendix 2

SCHEDULE 37: ARBORIST CONSULTING COMPANY/ARBORCULTURE COMPANY/TREE COMPANY and LANDSCAPING/TREE COMPANY

1. In addition to the requirements prescribed in Schedule 1 to this By-law, a completed application for an Arborist Consulting Company or Arboriculture Company licence or for renewal of said licences shall be accompanied by:
 - (a) Errors and Omissions Insurance in the amount of two million dollars (\$2,000,000). The Town of Oakville and address must appear on the certificate as a "Certificate Holder" in order to provide the Town at least thirty (30) days notice in writing prior to cancellation, expiration or change of policy.
2. Every Licensee shall:
 - (a) have printed or otherwise displayed on both sides of all vehicles owned, leased or used on a regular basis in the course of business, in figures no less than 4 inches in height, the arborist consulting company, arboriculture company, tree company or landscaping/tree company name;
 - (b) have printed or otherwise impressed on all business stationery, forms, invoices, statements and advertising materials, the arborist consulting company, arboriculture company, tree company or landscaping/tree company's name, business address and telephone number;
 - (c) provide a written contract which shall be signed by the Licensee before commencing any work, such contract to contain:
 - i. the name and address of the Licensee and the person for whom the work is being done;
 - ii. the address where the work is to be done;
 - iii. a description of the work to be completed and associated costs;
 - iv. warranties or guaranties, if any; and
 - v. the estimated date of completion;
 - (d) give a copy of the contract referred to in subsection 2(c) of this Schedule to the person for whom the work is being done;
 - (e) where required, obtain all necessary permits prior to the commencement of any work, and, procure all requisite inspections from the Town;
 - (f) post any notifications required by the Town's Tree By-law;
 - (g) permit only persons duly qualified to perform the duties of an Arborist,

- Certified Tree Worker Climber Specialist and Certified Chainsaw Operator;
- (h) permit only persons duly qualified as a Utility Arborist to work in proximity to energized electrical equipment, structures and conductors;
 - (i) ensure utility locates are conducted prior to any digging or excavation;
 - (j) not permit the injury or destruction of a Town tree or other tree which is protected by Town by-laws or subject to tree protection measures as a condition of a Town permit;
 - (k) not permit the operation of any equipment between the hours of 7:00 p.m. and 7:00 a.m. of the following day that is likely to disturb those inhabiting neighbouring properties without first obtaining a Noise Exemption permit, other than emergency work required to address an immediate safety concern;
 - (l) ensure that their vehicles do not obstruct the municipal right of way;
 - (m) ensure that all debris, mud, garbage or stone tracked onto a municipal right of way is removed at the end of each day;
 - (n) maintain all equipment in a safe condition and in good working order;
 - (o) ensure that they do not create any public safety concerns;
 - (p) not undertake any activity that negatively impacts the use and function of a municipal right of way;
 - (q) ensure properties function properly with respect to drainage;
 - (r) ensure that they do not create any flooding/ponding on neighbouring property or a municipal right of way;
 - (s) ensure that they do not create any public safety concerns, including impacts on existing pool enclosures on abutting properties;
 - (t) not deposit snow or ice in such a manner as to obstruct access to any fire hydrant;
 - (u) not deposit snow or ice so as to interfere with the safe passage of vehicles or pedestrians;
 - (v) not permit the emission of dust or airborne particulate matter to substantially reduce the enjoyment of another property; and
 - (w) replace any damaged sod, ground cover, pavement, property of the Town within 48 hours of the completion of the arborist, arboriculture company or tree company work.