

PROVINCE OF QUEBEC  
CITY OF DORVAL

ADMINISTRATIVE CODIFICATION

BY-LAW RCM-55-2015

**BY-LAW CONCERNING THE FIGHT AGAINST THE PROPAGATION OF THE  
EMERALD ASH BORER ON THE TERRITORY OF DORVAL**

Notice of Motion	December 15, 2014
Adoption	February 16, 2015
Entry into force	February 26, 2015
Amended by RCM-55-1-2022	May 16, 2022

Regular meeting of the Council of the City of Dorval held at the Sarto-Desnoyers Community Centre, 1335 Chemin du Bord-du-Lac – Lakeshore, Dorval, Quebec, Monday, May 16, 2022, and chaired by Mayor Marc Doret.

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WHEREAS the emerald ash borer was first found in Canada in 2002, resulting in the loss of 80 million ash trees in North America;

WHEREAS the emerald ash borer has continued to spread in Quebec and a strategy must be maintained to slow its progression; (amended by RCM-55.1-2022 art. 1)

WHEREAS the massive loss of ash trees affects the forest capital, quality of life for residents, aesthetics of neighborhoods, air quality, storm water retention, in addition to promoting increased heat islands;

Considering sections 4, 19 and 85 of the *Municipal Powers Act* (C.Q.L.R., chapter C-47.1)

Considering section 113 of *An Act respecting Land Use Planning and Development* (C.Q.L.R., chapter A-19.1)

Considering sections 369 and 411 of the *Cities and Towns Act* (C.Q.L.R., chapter C-19)

Council decrees and orders by this by-Law the following:

**CHAPTER I  
PRELIMINARY PROVISIONS**

1. The purpose of this by-law is to fight the spread of the emerald ash borer on DORVAL territory through measures to counter the spread of infestations. These measures concern felling of ash trees and management of ash wood. (amended by RCM-55.1-2022 art. 2)
2. In this by-law, the following words mean:
  - a) "competent authority": Coordinator in environment and Arboriculture Inspector of the PUBLIC WORKS SERVICE of the City of Dorval and any

other person mandated by the City of Dorval to ensure the application of this by-law; (amended by RCM-55.1-2022 art. 3 subs. 1)

- b) "ash residues": pieces of ash such as branches or logs, excluding woodchips, that do not exceed 2.5 cm on at least two of their sides, resulting from the chipping operation;
- c) (repealed by RCM-55.1-2022 art. 3 subs. 2)

## **CHAPTER II PLANTING**

- 3. It is prohibited to plant an ash tree for as long as this species is subject to the restrictions and guidelines under the by-law on the Protection of Plants DORS/95/212.

## **CHAPTER III FELLING** (amended by RCM-55.1-2022 art. 4)

### **SECTION I FELLING OF ASH TREES**

- 4. The owner of any ash tree that is dead or dying, of which 30% of the branches are dead, shall fell his ash tree or have it felled within 6 months of obtaining a certificate of authorization for the felling of a tree (amended by RCM-55.1-2022 art. 5)
- 5. No person may fell an ash tree without having previously obtained a certificate of authorization for the felling of a tree.

Notwithstanding the preceding, a certificate of authorization is not required when the trunk of ash tree to be felled has a diameter of less than 10 cm measured 1.3 m above the ground.

(amended by RCM-55.1-2022 art. 6)

- 6. A certificate of authorization for the felling of an ash tree is issued in one of the following situations: (amended by RCM-55.1-2022 art. 7)
  - a) the ash is dead;
  - b) the ash is affected by an irreversible disease or an insect pest that is impossible to control;
  - c) the ash is hazardous to the safety of persons or is likely to cause serious damage to property, according to the report of an arborist certified by the International Arboriculture Society of Quebec or a forest engineer specialized in urban forestry;
  - d) the ash prevents the execution of a construction project authorized under the applicable planning regulations, except in the case of some form or other of advertising sign.

- 7. Felled ash trees must necessarily be replaced by another tree that meets the requirements stipulated in the City zoning by-law. (amended by RCM-55.1-2022 art. 8 subs. 2)

SECTION II  
PRUNING OF ASH TREES (repealed by RCM-55.1-2022 art. 9)

8. (repealed)

**CHAPTER IV**  
**COMPULSORY TREATMENT OF ASH TREES** (repealed by RCM-55.1-2022 art. 10)

9. (repealed)

**CHAPTER V**  
**ASH WASTE MANAGEMENT**

10. Any person who fells or prunes an ash tree must dispose of ash wood residues as follows:

- 1) branches or parts of the trunk with a diameter not exceeding 20 cm must be immediately shredded on site into wood chips of less than 2.5 cm on at least two sides;
- 2) branches or parts of the trunk with a diameter exceeding 20 cm must be treated in accordance with directive D-03-08 issued by the Canadian food Inspection Agency (CFIA) entitled: Phytosanitary requirements to prevent the introduction into and spread within Canada of the emerald ash borer. (amended by RCM-55.1-2022 art. 11)

11 (repealed by RCM-55.1-2022 art. 12)

12. (repealed by RCM-55.1-2022 art. 12)

**CHAPTER VI**  
**FINAL PROVISIONS**

SECTION I  
INSPECTION POWERS

13. Any person responsible for the application of this by-Law within the City of Dorval or working for a company duly mandated by the City to apply the present by-law may come onto private property to inspect an ash tree or ash wood found on this property, to verify information or to determine the application of this by-Law and to conduct sampling of ash branches. (amended by RCM-55.1-2022 art. 13)

SECTION II  
DEFAULT BY OWNER

14. The competent authority may, by means of a notice, require the property owner to comply with Articles 4 or 10 of this by-law and advise him to cut down an ash tree or to manage ash waste in a manner consistent with this by-law. (amended by RCM-55.1-2022 art. 14)

In case of failure of the owner to comply with these articles, the competent authority may proceed with the felling of the ash trees in question or the management of the ash wood, at the owner's expense. These expenses constitute a prior claim on the immovable on which the competent authority has carried out this work, in the same way and with the same rank as claims described in paragraph 5 of article 2651 of the Quebec Civil Code and are secured by a legal hypothec on the immovable.

SECTION III  
OFFENCES AND PENALTIES

15. Any person who hinders in any way, implementing interventions described in Articles 13 and 14 of this by-law, is in violation. (amended by RCM-55.1-2022 art. 15)
16. Any person who contravenes this regulation commits an offense and is liable:
- a) in the case of a natural person, to a fine of \$500 to \$1,000;
  - b) in the case of a legal person, to a fine of \$1,000 to \$2,000.

APPROVED \_\_\_\_\_ MAYOR

APPROVED \_\_\_\_\_ CITY CLERK