

CHAPTER 13. TREES AND VEGETATION.

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Deleted: ARTICLE 1. TREES IN PUBLIC HIGHWAYS.

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§13-16. Tree protection during construction

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Sec. 13-1. Purpose

Deleted: ARTICLE 1. TREES IN PUBLIC HIGHWAYS.

- a) To promote and protect the public health, safety and general welfare of the residents by providing for the regulation of the planting, maintenance, protection and the removal of trees, shrubs and other vegetation within the Town of Greenwich.
- b) To recognize and appreciate that trees produce oxygen, capture carbon dioxide from the atmosphere, provide air purification, prevent soil erosion, control flooding, assist in water purification, contribute to the quality of life by providing cooling shade, provide habitat for wildlife, reduce noise levels, and aesthetically enhance the landscape.
- c) To preserve and protect trees and their canopies as an important environmental and cultural resource that enhances the Town's natural character and heritage
- d) To protect the people in the Town of Greenwich from personal injury and property damage caused by the improper planting, maintenance, protection or removal of trees and shrubs located within the Town of Greenwich. To protect property values by maintaining a healthy and vigorous community forest.

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Sec. 13-2. Definitions

- a) Tree Warden (aka Town Forester): The Greenwich Tree Warden shall be the Superintendent of the Parks & Trees Division of the Department of Parks & Recreation, and shall have all the powers, duties and authority provided by Connecticut Public Shade Tree as may be amended and Town of Greenwich Tree Ordinance. The term Tree Warden may also refer to any appointed Deputy Tree Warden working for or reporting to the Tree Warden.
- b) Deputy Tree Warden (aka Assistant Town Forester): The Greenwich Deputy Tree Warden shall be appointed by the Tree Warden. The Deputy Tree Warden may be the Tree Operations Manager of the Parks and Trees Division and/or any other suitable person the Tree Warden deems reasonable and appropriate.
- c) Urban / Community Forest: The natural and dynamic resource of all Town-owned trees upon street right-of-ways, parks, school campuses, open space properties, and grounds of Town facilities taken collectively comprise the Town's Urban / Community Forest.
- d) Town-owned Property: Any and all property owned by the Town of Greenwich.

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- e) Hazard Tree, Hazardous Tree: in relation to a tree or tree part, shall mean defective, diseased or dead, and posing an unreasonable risk of failure or fracture with the potential to cause injury to people or damage to property.
- f) Property Owner: The owner of record or contract purchaser of any parcel of land.
- g) Tree: A woody plant, usually with one main trunk, reaching a height of at least fifteen feet when mature.
- h) Shrub: A woody plant, branched from the base, generally less than fifteen feet in height when mature.
- i) Vegetation: all other plants and vines not defined as trees or shrubs
- i) Arboricultural Specifications and Standards of Practice (hereinafter, "Arboricultural Specifications and Policy Manual"). A manual prepared by the Tree Warden pursuant to the ordinance containing regulations and standards for the planting, maintenance, removal and the protection of trees, shrubs and other plants upon Town-owned property ← --- Formatted: Bullets and Numbering
- j) Person: Any person, firm or corporation including any public utility. ← --- Formatted: Bullets and Numbering
- k) Urban / Community Forestry Plan: The long range management plan and resulting annual work plans prepared by the Tree Warden from data collected by the Urban /Community Forestry Inventory. ← --- Formatted: Bullets and Numbering
- l) Public Nuisance: Any tree, shrub or other vegetation "which is hazardous or injurious to the public health, safety and welfare or which causes substantial depreciation in the value of real property in the neighborhood" (as defined in Town of Greenwich Nuisance Ordinance). ← --- Formatted: Bullets and Numbering
- m) Forest Management: Management: to maintain and enhance long-term health of forest ecosystems, while providing economic, social and cultural opportunities for the benefit of present and future generations

Sec. 13-3 Urban / Community Forestry Management Plan

- a) The Tree Warden shall prepare, in coordination with the Conservation Commission, a long-range, comprehensive strategic plan for the administration and management of a community forestry program. ← --- Formatted: Bullets and Numbering
- b) The Tree Warden shall prepare and implement The Urban Forestry Management Plan based on a detailed tree inventory on Town-owned property. The management plan will identify and prioritize site-specific tree planting, maintenance and removal

activities within a multi-year time frame.

Sec. 13-4 Tree Warden as Liaison to other municipal departments:

a) The Tree Warden shall serve as liaison to the Board of Selectmen, Land Use Department, Planning, Conservation Commission, Inland Wetlands Agency, Architectural Review Committee, and the Department of Public Works on all matters relating to individual trees and forest resources, and may provide technical assistance as appropriate.

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b) Any Town department shall notify the Tree Warden of any applications for new curb, gutter, sidewalks or driveway installations, utility installations or other improvements which might require the removal of or cause injury to any Town-owned tree.

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Sec 13-5 Public Utilities:

a) Any public utility maintaining any overhead wires or underground pipes or conduits shall obtain permission from the Tree Warden before performing any maintenance work on the wires, pipes, or conduits which would cause injury to street trees. The public utility shall in no way injure, deface, prune, or scar any street tree until their plans and procedures have been approved by the Tree Warden.

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b) When maintaining street trees, a public utility must observe good arboricultural practices, as specified by the Pruning Standards located in the current version of the Greenwich Arboricultural Specifications and Policy Manual.

Sec. 13-6. Trees on Town-owned property; permit; grant.

(a) No person shall plant any tree, or shrub within the limits of any town-owned property without having first obtained a permit to do so from the Tree Warden. Written application for such permission shall be made to the Tree Warden setting forth the size, species, type and location of each tree, or shrub, for which such permission is requested.

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(b) **The Tree Warden shall consider the effect of planting the specified trees, or shrubs upon the general welfare of the community and upon the present and future use, safety, maintenance, development and improvement of town-owned property for all lawful purposes.**

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Subject to the direction and control of the Director of Parks and Recreation, the Tree Warden shall grant or deny the applications upon the basis of such considerations. (Ords. & Reg., §7-2, 8/17/48.)

Sec. 13-6. Trees on Town-owned property; permit; grant.

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(a) No person shall plant any tree or shrub within the limits of any town-owned property without having first obtained a permit to do so from the Tree Warden. Written application for such permission shall be made to the Tree Warden setting forth the size, species, type and location of each tree or shrub, for which such permission is requested.

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(b) The Tree Warden shall consider the effect of planting the specified trees or shrubs upon the general welfare of the community and upon the present and future use, safety, maintenance, development and improvement of town-owned property for all lawful purposes.

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Subject to the direction and control of the Director of Parks and Recreation, the Tree Warden shall grant or deny the applications upon the basis of such considerations. (Ords. & Reg., §7-2, 8/17/48.)

Sec. 13-7. Trees; property of town.

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Any tree or shrub planted within the limits of town-owned property shall become the property of the town. (Ords. & Reg., §7-2, 8/17/48.)

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Sec. 13-8. Penalty for planting without permit.

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If any person plants any tree or shrub without obtaining the required permit, he shall be fined not more than twenty-five dollars (\$25.) and shall remove the same at his expense within a period of thirty (30) days. (Ords. & Reg., §7-3, 8/17/48.)

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Sec. 13-9. Effect of Article.

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Nothing in this Article and no permit granted pursuant to this Article shall be deemed to prejudice any rights which the town may now or hereafter have with respect to trees and shrubs planted within the limits of town-owned property. (Ords. & Reg., §7-4, 8/17/48.)

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(10/15/1990.)

Sec. 13-10. Prohibition

Deleted: ARTICLE 2. TREE WARDEN REGULATIONS.¶

- Deleted: Sec. 13-5. Definitions.¶
- ¶ As used in this Article:¶
- Person is any person, firm or corporation including any public utility.¶

Except as otherwise provided herein, no person shall cut, trim, prune, remove, injure or interfere with any tree, shrub or cultivated plant, including the branches, trunk root system or crown thereof, in whole or in part, within the limits of any public road, park or public grounds in the Town of Greenwich without a permit from the Tree Warden.

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(10/15/1990.)

Sec. 13-11. Permits.

Permits are issued in conformity with the General Statutes. Application for permits must be made on application forms provided for such purpose by the Tree Warden. Permits expire thirty (30) days after the date of issue unless otherwise noted thereon by the Tree Warden.

(10/15/1990.)

Sec. 13-12. Work.

All work performed on such trees, shrubs or cultivated plants shall be done in strict accordance with the permit and under the direction of the Tree Warden.

Sec. 13-13. Emergencies

Work which, in the opinion of the Tree Warden, is of an emergency nature, such as failure of gas, water or electric utility lines, may be performed as orally prescribed by the Tree Warden at the expense of the person requesting same.

(10/15/1990.)

Sec. 13-14. No exemption.

Nothing herein contained shall be deemed to exempt any person from the application of any other applicable statute, ordinance, regulation or rule.

(10/15/1990.)

Sec. 13-15 Interference with planting, maintenance, and removal

No person, firm or corporation shall interfere with the Tree Warden or persons acting under his authority while engaged in planting, mulching, pruning, removing or maintaining any tree, shrub or plant on Town-owned property.

Sec. 13-16 Tree Protection During Construction Activities

All trees on public property that are designated for preservation shall be protected in accordance with the Tree Protection Specifications section of the Arboricultural Specifications and Policy Manual.

Sec. 13-17 Hazardous Tree Management

- a. Public Property: The Parks and Trees Division shall evaluate the dead, diseased or structurally damaged tree as to the degree of hazard. This evaluation may be**

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¶ (a) Any person violating any provision of these regulations shall be fined not more than ninety dollars (\$90).¶

¶ (b) Any person who unlawfully or willfully removes, prunes, injures or defaces any tree or shrub within the limits of a public way or public grounds without proper authority shall be fined not more than one hundred dollars (100.) for each separate offense and shall be liable civilly for damages [Connecticut General Statutes, Section 23-65(b)].¶

¶ (c) For any tree or shrubbery unlawfully cut, destroyed or carried away, the Tree Warden may seek recovery of three (3) times the value of the tree or shrubbery pursuant to Connecticut General Statutes, Section 52-560.¶

¶ (d) Any person who affixes to a telegraph, telephone, electric light or power pole, tree, shrub, rock or other natural object in any public way or grounds a playbill, picture, notice, advertisement or other similar thing or cuts, paints or marks any tree, shrub, rock or other natural object or uses climbing spurs for the purpose of climbing any tree within the limit of any public highway or grounds shall be fined not more than fifty dollars (\$50.) for each offense. Each affixing, cutting, painting, marking or climbing shall be considered a separate offense [Connecticut General Statutes, Section 23-65(a)].¶

¶ (e) The fixing of any playbill, picture, notice, advertisement or other similar thing concerning the business or affairs of any person, firm or corporation to a tree, shrub, rock or other natural object within the limits of any public way or grounds by an agent or employee of such person shall be deemed to be the act of such person, and such person, or any member of such firm or any officer of such corporation, as the case may be, shall be subject to the penalty therein provided, unless such act is shown to have been done without his knowledge or consent [Connecticut General Statutes, Section 23-65(d)].¶

¶ (f) The affixing of each individual playbill, picture, notice, advertiser (... [1])

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made by using the standards as set out in the Arboricultural Specifications and Policy Manual. Dead, diseased or structurally damaged public trees that pose a safety or health risk to the public or to other trees shall be removed by the Department of Parks & Recreation, Parks and Trees Division in a timely manner.

Private Property: Any tree or part of tree that poses an unreasonable risk to the public right-of-way or public property and is determined to pose imminent threat to the public health, safety or welfare by the Tree Warden shall be determined to be a ‘public nuisance’ and is to be abated by the Town in accordance with the Town of Greenwich Nuisance Ordinance as stated in Chapter 6C of the Town of Greenwich Municipal Code.

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Sec. 13-10. Penalties

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(b) Any person who unlawfully or willfully removes, prunes, injures or defaces any tree or shrub within the limits of a public way or public grounds without proper authority shall be fined not more than one hundred dollars (100.) for each separate offense and shall be liable civilly for damages [Connecticut General Statutes, Section 23-65(b)].

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(f) The affixing of each individual playbill, picture, notice, advertisement or other similar thing to a tree, shrub, rock or other natural object or the willful removing, pruning, injuring or defacing of each tree or shrub shall constitute a separate violation. Nothing in this section shall affect the authority of the Tree Warden to remove, prune or otherwise deal with a tree or shrub under his jurisdiction [Connecticut General Statutes, Section 23-65(e)].

(10/15/90; 4/1/1991.)