

## **CHAPTER 13. TREES, SHRUBS AND WOODY VEGETATION.**

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### **Sec. 13-1. Purposes.**

The purposes of this Ordinance are:

- 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 removal of trees, shrubs and woody 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 of Greenwich'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, shrubs and woody vegetation located on Town-owned property.
- e) To protect property values by maintaining a healthy and vigorous community forest.

## **Sec. 13-2. Definitions.**

- a) **Tree Warden:** 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 The Public Shade Trees and Tree Protection Examining Board Statute (Connecticut General Statutes Sec. 23-59) as may be hereafter amended, and by this Ordinance.
- b) **Deputy Tree Warden(s):** Greenwich Deputy Tree Warden(s) as appointed by the Tree Warden.
- c) **Urban / Community Forest:** Collectively, the natural resource of all Town-owned trees, shrubs and woody vegetation upon street right-of-ways, parks, school campuses, open space properties, and grounds of Town facilities.
- d) **Town-owned Property:** Any and all real property owned by the Town of Greenwich.
- e) **Tree:** A woody plant, usually with one main trunk, reaching a height of at least fifteen feet when mature.
- f) **Shrub:** A woody plant, branched from the base, generally less than fifteen feet in height when mature.
- g) **Woody Vegetation:** All woody, non-herbaceous plants, not defined as trees or shrubs.
- h) **Greenwich Arboricultural Specifications and Policy Manual:** A manual prepared by the Tree Warden pursuant to Section 13-3(b), as amended from time to time.
- i) **Person:** Any person, firm, corporation or other entity, including any public utility.
- j) **Urban/Community Forest Management Plan:** The long-range management plan prepared by the Tree Warden pursuant to Section 13-3(b), as amended from time to time.
- k) **Public Nuisance:** Any tree, shrub or woody 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.

## **Sec. 13-3. Urban / Community Forest Management Plan; Greenwich Arboricultural Specifications and Policy Manual.**

- a) The Tree Warden, in coordination with the Conservation Commission, shall prepare and maintain a long-range, comprehensive strategic plan for the administration and management of the community forest program to implement the purposes set forth in

Section 13-1, which, together with the resulting periodic work plans, shall comprise the Urban/Community Forest Management Plan.

b) The Tree Warden shall prepare and maintain a manual containing regulations and standards for the planting, maintenance, removal and protection of trees, shrubs and woody vegetation upon Town-owned property which shall be known as the Greenwich Arboricultural Specifications and Policy Manual.

**Sec. 13-4. Tree Warden as Liaison to Other Municipal Departments.**

- a) The Tree Warden shall serve as liaison to all Town Departments, agencies, and the Board of Education on all matters relating to individual trees and forest resources, and may provide technical assistance as appropriate.
- b) Any Town Department or agency 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.

**Sec 13-5. Public Utilities.**

- a) Any public utility maintaining any overhead wires or underground pipes or conduits shall obtain a public utilities permit from the Tree Warden before performing any maintenance work on the wires, pipes, or conduits which would cause injury to Town-owned trees. The public utility shall not injure, deface, prune, or scar any Town-owned tree until its plans and procedures have been approved by the Tree Warden.
- b) When maintaining Town-owned trees, a public utility must observe good arboricultural practices, as specified by the Pruning Standards prescribed in the Greenwich Arboricultural Specifications and Policy Manual.

**Sec. 13-6. Permits for Trees, Shrubs, and Woody Vegetation on Town-Owned Property.**

- a) No person shall plant any tree, shrub or woody vegetation 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, shrub or woody vegetation, for which such permission is requested.
- b) The Tree Warden shall consider the effect of planting the specified trees, shrubs or woody vegetation 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.
- c) 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., §7-1, 8/17/48.)

**Sec. 13-7. Trees, Shrubs and Woody Vegetation on Town-Owned Property.**

Any tree, shrub or woody vegetation planted on Town-owned property shall become the property of the Town.  
(Ords. & Reg., §7-2, 8/17/48.)

**Sec. 13-8. Effect of Chapter.**

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

**Sec. 13-9. Prohibition; Arboricultural Standards.**

Except as otherwise provided in Sec. 13-5, 3-10 and 13-11 of this Chapter, no person shall cut, trim, prune, remove, injure or interfere with any tree, shrub or woody vegetation, including the branches, trunk, root system or crown thereof, in whole or in part, on any Town-owned property without a permit from the Tree Warden. When maintaining Town-owned trees, a person must observe good arboricultural practices, as specified by the pruning standards prescribed in the Greenwich Arboricultural Specifications and Policy Manual.

**Sec. 13-10. Permits.**

Under this chapter, permits shall be issued in conformity with Connecticut General Statutes Sec. 23-65(f). Applications 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.

**Sec. 13-11. Work.**

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

**Sec. 13-12. 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.

**Sec. 13-13. Penalties.**

- a) Except as otherwise provided in this section, any person who unlawfully or willfully cuts, destroys, carries away, removes, prunes, injures or defaces any tree or shrub on Town-owned property 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)].

- b) In addition to any fines authorized hereunder for any tree, shrub or woody vegetation unlawfully cut, destroyed or carried away, the Tree Warden may seek recovery of three (3) times the value of the tree, shrub or woody vegetation pursuant to Connecticut General Statutes Section 52-560 and, for any encroachment (as referred to in Connecticut General Statutes Section 52-560a), may bring an action to enforce the remedies and damages specified in Connecticut General Statutes Section 52-560a. Nothing in this section shall limit the authority of the Tree Warden to invoke any other remedies under Connecticut General Statutes Section 52-560 and Section 52-560a.
- c) Any person who affixes to a telephone, electric light pole, power pole or other utility pole, tree, shrub, rock or other natural object on Town-owned property 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 on Town-owned property 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)].
- d) The removal, pruning or willful injury of any tree, shrub or woody vegetation by any person without a permit from the Tree Warden or the affixing of any playbill, picture, notice, advertisement or other similar thing concerning the business or affairs of any person to a tree, shrub, rock or other natural object on Town-owned property 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)].
- e) The affixing of each individual playbill, picture, notice or 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)].
- f) If any person plants any tree, shrub or woody vegetation on Town-owned property, 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.  
(Sec. 13-3, Ords. & Regs., sec. 7-3, 8/17/48)

#### **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.

**Sec. 13-15. Interference with Planting, Maintenance, and Removal.**

No person 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 woody vegetation on Town-owned property.

**Sec. 13 –16. Tree Protection During Construction Activities.**

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

**Sec. 13-17. Hazardous Trees, Shrubs and Woody Vegetation.**

Any tree or part of the tree or any shrub or other vegetation that poses an unreasonable risk to any Town-owned property and is determined to pose an unreasonable risk to the public health, safety or welfare by the Tree Warden and 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 shall be determined to be a “nuisance” and is to be abated by the Town in accordance with the Town of Greenwich Nuisance Ordinance (Greenwich Municipal Code, Chapter 6C).

**Sec. 13-18. Duties of the Deputy Tree Warden.**

The Tree Warden may assign the Deputy Tree Warden(s) to perform those duties of the Tree Warden as the Tree Warden shall designate, but the Tree Warden shall remain responsible for those duties. The Tree Warden may rescind the right to be designated as Deputy Tree Warden at any time with or without cause.