

ARTICLE VI. - TREE ORDINANCE

Sec. 28-151. - Generally.

This article shall be known and referred to as the "Tree Ordinance of the City of Hartford."

(Ord. No. 11-11, 3-28-11; Ord. No. 09-18, 11-26-18)

Sec. 28-152. - Purpose.

The City of Hartford is characterized by its rich heritage of trees. Hartford's Trees clean the air, calm traffic, increase property values, reduce storm water run-off, and otherwise enhance the quality of life. The goal of this Article is to maintain and grow Hartford's urban forest, maintain Trees in a healthy condition, protect existing Trees, and mitigate losses and damage to Hartford's Trees.

(Ord. No. 11-11, 3-28-11; Ord. No. 09-18, 11-26-18)

Sec. 28-153. - Findings.

In 2007, the City of Hartford, the Knox Parks Foundation, the Connecticut Department of Environmental Protection, and the United States Forestry Service conducted a survey of the city of Hartford's Trees. This survey revealed that the city has approximately four hundred fifty thousand (450,000) Trees that cover about twenty-six (26%) percent of the city's landmass. That is almost four (4) Trees for each resident. Together, they remove two thousand four hundred (2,400) tons of carbon and seventy-three (73) tons of other pollutants from the air each year. Because Hartford has the highest asthma rate in the state, the fact that the removed pollutants include thirty-seven (37) tons of particulate matter, a major asthma trigger, is especially important. Cooling provided by the Trees reduces energy use in the city by one thousand eight hundred (1,800) megawatt hours each year. The estimated replacement value of these Trees is about five hundred ninety million dollars (\$590,000,000.00), an amount equal to about twenty-two (22%) percent of the gross value of the municipality's Real Property Grand List. The largest and oldest Trees, only twelve (12%) percent of the total number of Trees, provide fifty (50%) percent of the total tree canopy cover. Due to their age and vulnerability, it is clear that Hartford's urban forest is in jeopardy if these Trees are not maintained and more Trees are not planted each year.

(Ord. No. 11-11, 3-28-11; Ord. No. 09-18, 11-26-18)

Sec. 28-154. - Definitions.

Public Utility, or language of similar import, means "Public service company" as defined in G.S. § 16-1(a)(3), as the same may be amended from time to time.

Remove means to cut down a tree or to take any other action that will cause a Tree to die within a two-year period.

Right-of-way means the area owned and/or controlled by the City of Hartford that abuts any City street, and as may be more particularly described in, among other places, the City of Hartford's Engineering Division street line maps.

Streetscape Tree means any Tree on private and/or public property with a base that originates, in whole or in part, in the right-of-way, or originates not more than five (5) feet from the right-of-way, and, in the sole and absolute judgment and/or discretion of the City Forester, serves as part of the tree line of a street.

Streetscape Tree Inventory means a recording of the size, condition, location, and species of all Streetscape Trees and of all planting locations without a Tree that could reasonably accommodate a Streetscape Tree.

Super Hazardous Tree is an otherwise Hazardous Tree which has been ordered removed by the City Forester or other assigns of the City of Hartford on an emergency basis because it represents so immediate a hazard to public safety that removal cannot be deferred and the structure cannot be protected, secured, or stabilized by reasonable measures specified by the City Forester.

Tree means any living woody, self-supporting plant that has a defined stem(s) with a DBH of at least two (2) inches using the United States Forest Service method of determination.

(Ord. No. 11-11, 3-28-11; Ord. No. 09-18, 11-26-18)

Sec. 28-155. - City Forester, roles and responsibilities.

- (a) The Director of Public Works, in accordance with the provisions of Sections 26-11, 26-12 and 26-13 of this Municipal Code shall, appoint a City Forester.
- (b) The City Forester shall, in general, act under the direction of the Director of Public Works in reference to the duties placed upon the Department of Parks and Recreation by Sections 26-11, 26-12, and 26-13 of this Municipal Code and shall perform such other special duties in reference to Trees, shrubs or vines in highways, public parks and public grounds as may be required of him or her by such Director under the provisions of the Charter and ordinances of the City and the laws of the state.
- (c) In particular, the City Forester shall have the rights, powers and responsibilities of a Tree Warden as defined in G.S. § 23-59.
- (d) The City Forester shall also be advised by the Tree Advisory Commission established in Article VI of this Chapter and shall attend all meetings of the Tree Advisory Commission.

- (d) The Commission shall meet as needed to diligently conduct its business and shall hold regular meetings no less often than once per quarter. A c shall be a majority of the voting members.
- (e) Members shall serve without compensation. All members shall be appointed for three (3) year terms, except that appointments to fill vacancies shall be for unexpired terms only. Members shall serve in their positions until a replacement is appointed.
- (f) The duties of the Commission shall include but shall not be limited to: advising the City Forester, the Court of Common Council, and the Mayor on Tree-related issues in the City and promoting awareness of Tree care, Hartford's arboreal heritage, and the benefits of an urban forest.
- (g) The Commission shall develop and adopt a Master Tree Plan. The Master Tree Plan shall establish direction for the City's urban forestry program and shall include targets for Tree canopy cover and Tree diversity. It may also reference standards for Tree planting and Tree maintenance. It may also include guidelines for specifications relating to Trees and Tree care and for contract Tree work. In addition, the Master Tree Plan may outline a broad program for the improvement of the urban forest that may include recommendations for urban forestry activities in specific neighborhoods, along specific streets, and in areas of the City such as Historic Districts. The Master Tree Plan may also include a plan for management of City-owned woodlands, such as those that exist in City parks. The Master Tree Plan may be integrative with other City plans and activities. The Master Tree Plan shall incorporate the most recent Tree inventory as conducted by the City Forester and may, at the discretion of the Tree Advisory Commission, include additional studies of the urban forest. The Commission shall review the Master Tree Plan at least every five (5) years and shall amend it as needed. The Master Tree Plan may be consulted by all City Departments subject to the Master Tree Plan in the course of conducting City business.
- (h) The Commission may create an annual "State of the Forest" report about what has occurred in the City's Tree Inventory and urban forest and shall also prepare recommendations of policy and action for the next year. This report may also identify priority locations for planting, so that the City's Tree planting will address any arboreal inequities and will give priority to filling in gaps resulting from the absence of Streetscape Trees. The Commission shall present this report to the Mayor and Court of Common Council for their review and response.
- (i) The Commission shall hear and, by majority vote of those present and voting, decide appeals from certain actions or decisions of the City Forester. Within forty-five (45) days of the postmarked date of the City Forester's stop work order or written decision for any permit contemplated in this Article, an affected person may appeal the decision of the City Forester to the Tree Advisory Commission by filing with the City Forester a written petition requesting a hearing before the Tree Advisory Commission and setting forth a brief statement of the grounds therefor. Upon receipt of such petition, the Tree Advisory Commission shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given the opportunity to be heard and to show why such decision should be overturned. Other parties may be allowed to speak about the petition, at the discretion of the Tree Advisory Commission. After reviewing any spoken testimony or written evidence, the Tree Advisory Commission shall determine whether the decision is in the best interest of the City's urban forest and shall notify the applicant of the Commission's decision either at the hearing or by first-class mail within forty-five (45) days of the conclusion of the hearing.

- (d) An affected person may appeal the decision of the City Forester regarding an application under this Section to the Tree Advisory Commission, pursuant to the procedure established in Section 28-156(i).
- (e) Any person who violates the provisions of this Section, including but not limited to altering or damaging a City Tree without a permit, shall be subject to a fine up to two hundred fifty dollars (\$250.00) per Tree, per violation. The City Forester or his or her designee shall have the authority to issue a citation for violations. All claims regarding citations shall be processed pursuant to Section 1-5 of the Municipal Code, as the same may be amended from time to time.
- (f) It shall be an affirmative defense that it was necessary to alter or damage a Tree without a permit from the City Forester because a super hazard existed such that action was required due to the threat of imminent harm.
- (g) This Article shall not apply to any alteration or damage that has been ordered by the City Forester or other officials of the City of Hartford on an emergency basis because the Tree is a Super Hazardous Tree that represents so immediate a hazard to public safety or structure integrity that alteration or damage cannot be deferred and that such Super Hazardous Tree cannot be protected, secured, or stabilized by reasonable temporary measures; or to any alteration or damage that has otherwise been properly noticed and authorized pursuant to G.S. § 23-59; or to any alteration or damage that has otherwise been permitted and/or authorized pursuant to the applicable provisions of G.S. § 23-65.

(Ord. No. 11-11, 3-28-11; Ord. No. 09-18, 11-26-18)

Sec. 28-160. - Tree removal.

- (a) No person shall remove a City Tree, or a Tree on private property with a DBH of thirteen (13) inches or more, or a Grove of Trees without a permit from the City Forester, except the City Forester, who may remove a City Tree or a Tree pursuant to G.S. § 23-59, and except for any removal that has been permitted pursuant to the applicable provisions of G.S. § 23-65. To grant permission to any other person to remove a Tree, the City Forester must determine within forty-five (45) days of receiving a complete application that either (1) the tree is in poor health or diseased with an expected life span of less than 2 years; (2) the tree's removal is unavoidable because the tree poses a threat to human health, safety, and welfare, or (3) the negative impact on the urban canopy caused by the tree's removal can be mitigated.
- (b) Any person wishing to remove a City Tree, Tree, or Grove that is subject to subsection (a) of this Section shall apply in writing for a permit to the City Forester. There shall be a ten dollar (\$10.00) per Tree processing fee for each permit application.
- (c) After reviewing such application, the City Forester shall determine whether removal of the City Tree, Tree, or Grove is in the best interest of the City's urban forest and shall notify the applicant of the decision by first-class mail within forty-five (45) days of receiving the application.
- (d) An affected person may appeal the decision of the City Forester regarding an application under this Section to the Tree Advisory Commission pursuant to the procedure established in Section 28-156(i).
- (e) Any individual who removes a City Tree without a permit shall replace the Tree in accordance with Section 28-162 of this Article.
- (f) It shall be an affirmative defense that it was necessary to remove a Tree without a permit from the City Forester because a super hazard

- (b) The acceptable methods of replacement for a Tree other than a Legacy Tree are:
- (1) Replacement of the Tree with a Tree of equal or greater DBH at the location of the Tree being replaced or at a different location identified or approved by the City Forester;
 - (2) An inch-for-inch replacement of the Tree with a number of replacement Trees with DBH of two (2) inches or more totaling the DBH of the original Tree at a location or locations identified or approved by the City Forester. For example, if a Tree with a DBH of twenty-four (24) inches is removed, it may be replaced with six (6) Trees with DBHs of four (4) inches; or
 - (3) A payment to the Hartford Tree Account, established in Section 28-164 of this Article, in the amount of the Tree's assessed value. The assessed value shall be based on the recommendation of the City Forester using as reference the latest revision of The Guide for Plant Appraisal, as published by the International Society of Arboriculture, Urbana, Illinois.
- (c) The acceptable method of replacement for a Legacy Tree is:
- (1) Replacement of the Legacy Tree with a number of replacement Trees with DBH of two (2) inches or more totaling four (4) times the DBH of the original Tree at a location or locations identified or approved by the City Forester; or
 - (2) A payment into the Hartford Tree Account of four (4) times the assessed value of the Legacy Tree.
- (d) Any replacement Tree planted in accordance with this section must be maintained for at least a period of five (5) years from the date of planting by the responsible party. The responsible party, or the property owner if there is no responsible party, shall replace any Tree that dies during this time period, and such replacement Tree shall be maintained for at least a period of five (5) years from the date of planting by the responsible party.

(Ord. No. 11-11, 3-28-11; Ord. No. 09-18, 11-26-18)

Sec. 28-163. - Planting requirement.

- (a) The City Forester shall review plans for Trees associated with zoning permits submitted to the Planning and Zoning Commission, upon receipt of such plans, and shall advise Commission on such plans, in accordance with the Hartford Zoning Regulations.
- (b) Any activity that requires a zoning permit shall include Tree planting that complies with the Hartford Zoning Regulations. Variances to this requirement shall be submitted to the Zoning Board of Appeals in compliance with the Hartford Zoning Regulations.
- (c) Any activity, such as an individual Tree planting or Tree removal, which does not require a zoning permit shall comply with applicable portions of the Hartford Zoning Regulations on excavation, installation, maintenance, species type, tree removal, spacing, and similar provisions. Variances from compliance for activities not requiring a zoning permit shall be submitted to the City Forester, who may allow persons to pay

- (4) All other unrestricted funds may be spent for any activity that is consistent with the purpose of the Account.
- (d) Any budget proposed by the Mayor or approved by the Court of Common Council, and any appropriation made for the purchase and planting of Trees, must not be reduced, ratably or otherwise, in consideration of any moneys in the Account. Expenditures from the Account shall add to and not replace budgets and appropriations which also serve the purposes of the Account.
- (e) Any remaining investment income shall be held in reserve for future transfer and appropriation.

(Ord. No. 11-11, 3-28-11; Ord. No. 09-18, 11-26-18)

Sec. 28-165. - Enforcement.

- (a) Any person who violates any of the provisions of this Article shall be notified by the City Forester of the specific violation by certified or registered mail, return receipt requested, or by hand delivery. The notice shall explain the nature of the violation and shall provide a reasonable time period within which compliance must be achieved.
- (b) Upon verbal or written notice from the City Forester that work is being performed contrary to any provision of this Article, such work shall be immediately stopped by the person doing the work. Within seven (7) days of any verbal or written notice, a stop work order shall be provided to the owner of the subject lot, or to the owner's agent, or to the person doing the work, and the stop work order shall state the conditions under which work is permitted to resume, provided that if any such stop work order is not issued within seven (7) days, the owner of the subject lot may ask the Tree Advisory Commission for a hearing and decision in accordance with § 28-156(i). Any person who shall continue work after having been served with a stop work order, except such work as that person is directed by the City Forester or other City officials to perform to remove a violation or unsafe condition, shall be liable for a daily fine not exceeding two hundred fifty dollars (\$250.00) per violation, per Tree affected.
- (c) Whenever there is reasonable cause to believe that a person is violating any applicable Article provision, the City may institute a civil action in a court of competent jurisdiction for a mandatory or prohibiting injunction ordering the defendant to either correct the unlawful use of the property or cease the unlawful use.
- (d) Each failure to replace a Tree or make a payment into the Hartford Tree Account or to post and maintain a bond in accordance with Section 28-161(c) equal to tree replacement value, or to follow any of the provisions of this Article shall constitute a separate violation of this Article for which there shall be a fine in the amount of two hundred fifty dollars (\$250.00). Each day such violation continues shall constitute a separate offense.
- (e) As an alternative or in addition to any fine stated in this Section, citations may be issued pursuant to the Hartford Zoning Regulations.
- (f) The Commissioner of Public Works or his or her designee, the City Forester, and employees of the Department of Public Works shall be the authorized enforcement personnel.

(Ord. No. 09-18, 11-26-18)