

Town of Stratford, CT
Monday, December 27, 2021

Chapter 200. Trees, Shrubs and Woody Vegetation

[HISTORY: Adopted by the Town Council of the Town of Stratford 10-12-1971; amended in its entirety 5-9-2016 by Ord. No. 14-10.^[1] Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Greenway improvement — See Ch. **112**.

Parks and beaches — See Ch. **152**.

Property maintenance — See Ch. **161**.

Streets and sidewalks — See Ch. **186**.

Subdivision of land — See Ch. **A221**.

[1] *Editor's Note: This ordinance also changed the title of this chapter from "Trees" to "Trees, Shrubs and Woody Vegetation."*

§ 200-1. Purposes.

The purposes of this chapter are to:

- A. 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 Stratford.
- B. 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. Preserve and protect trees and their canopies as an important environmental and cultural resource that enhances the Town of Stratford's natural character and heritage.
- D. Protect the people in the Town of Stratford 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. Protect property values by maintaining a healthy and vigorous community forest.

§ 200-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DEPUTY TREE WARDEN(S)

Stratford Deputy Tree Warden(s) as appointed by the Tree Warden.

PERSON

Any person, firm, corporation or other entity, including any public utility.

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.

SHRUB

A woody plant, branched from the base, generally less than 15 feet in height when mature.

TOWN OF STRATFORD ARBORICULTURAL SPECIFICATIONS AND POLICY MANUAL

A manual prepared by the Tree Warden pursuant to § 200-8, as amended from time to time.

TOWN-OWNED PROPERTY

Any and all real property owned by the Town of Stratford.

TREE

A woody plant, usually with one main trunk, reaching a height of at least 15 feet when mature.

TREE WARDEN

The Stratford Tree Warden shall have all the powers, duties and authority provided by the Public Shade Trees and Tree Protection Examining Board Statute (Connecticut General Statutes Section 23-59), as may be hereafter amended, and by this chapter.

URBAN/COMMUNITY FOREST

Collectively, the natural resource of all Town-owned trees, shrubs and woody vegetation upon street rights-of-way, parks, school campuses, open space properties, and grounds of Town facilities.

WOODY VEGETATION

All woody, nonherbaceous plants, not defined as trees or shrubs.

§ 200-3. Declaration of nuisance.

The maintenance of any tree on private property, the root system of which interferes with the proper functioning of any portion of the public sanitary or storm sewer system of the Town of Stratford or causes a change in the elevation of any public sidewalk, curb or street pavement, is hereby declared to be a public nuisance.

§ 200-4. Notice to owner.

The Director of Public Works shall give the record owner of private property whereon such a public nuisance exists 10 days' written notice, by registered mail, that he has determined that such a public nuisance exists.

§ 200-5. Abatement by Town.

The employees of the Department of Public Works, upon expiration of said ten-day period, are hereby authorized to go upon the property whereon said public nuisance is located and remove same at the owner's expense, the charge for same to become a lien on said property, to be foreclosed in the same manner as a lien for taxes.

§ 200-6. Assumption of responsibility by owner.

The owner of said property may inform the Director of Public Works in writing within said ten-day period that said owner will assume responsibility for the removal of said public nuisance, the removal

of same to be accomplished within 30 days of the mailing of the original notice.

§ 200-7. (Reserved)

§ 200-8. Stratford Arboricultural Specifications and Policy Manual.

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 "Stratford Arboricultural Specifications and Policy Manual."

§ 200-9. 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. The Stratford Tree Warden shall be the Director of Public Works.
- 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.

§ 200-10. 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 Stratford Arboricultural Specifications and Policy Manual.

§ 200-11. (Reserved)

§ 200-12. Town-owned trees, shrubs or woody vegetation.

Any tree, shrub or woody vegetation planted on Town-owned property shall become the property of the Town.

§ 200-13. 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.

§ 200-14. Prohibited acts; arboricultural standards.

Except as otherwise provided in §§ **200-10**, **200-15** and **200-16** 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 Stratford Arboricultural Specifications and Policy Manual.

§ 200-15. Permits.

Under this chapter, permits shall be issued in conformity with Connecticut General Statutes Section 23-65(f). Applications for permits must be made on application forms provided for such purpose by the Tree Warden. Permits expire 30 days after the date of issue unless otherwise noted thereon by the Tree Warden.

§ 200-16. Performance of 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.

§ 200-17. 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.

§ 200-18. Penalties for offenses.

- 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 \$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 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 Sections 52-560 and 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 \$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 \$25 and shall remove the same at his expense within a period of 30 days.

§ 200-19. Exemptions.

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

§ 200-20. 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.

§ 200-21. 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 Stratford Arboricultural Specifications and Policy Manual.

§ 200-22. Duties of 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.