

§ 213-1

TREES

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Chapter 213

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§ 213-1. Intent and purpose.

§ 213-2. Definitions.

§ 213-3. Authority and powers of Tree Commission and Tree Warden.

§ 213-4. Scope of requirements.

§ 213-5. Penalties for offenses.

§ 213-6. Tree protection.

**[HISTORY: Adopted by the City Council of the City of West Haven 11-25-2002. Amendments noted where applicable.]**

§ 213-1. Intent and purpose.

A. It is the intent of the Mayor and the City Council of West Haven that the terms of this chapter shall be construed so as to promote:

- (1) The protection, preservation, proper maintenance, and use of trees and shrubs on City property; the minimization of disturbance to woodlands, and the prevention of damage from erosion and destruction of the natural habitat.
- (2) The protection of community residents from personal injury and property damage caused or threatened by improper planting, maintenance, or removal of trees or shrubs located within the community.

- (3) The protection of property values ensuing from the proper maintenance of street trees, natural, uncleared woodlands, and trees of ecological or historical significance.

**B. Purpose:**

- (1) To plan, protect, and manage these resources for the benefit of the health, safety and general welfare of the residents of the City.
- (2) To recognize the benefits provided by trees, including but not limited to buffering noise and unsightly views, improving air quality, offering habitats to birds and other animals, preventing erosion, absorbing water, mitigating climate by cooling the air and providing shade, offering aesthetic benefits, increasing property values, and generally improving the quality of life within the City.

**§ 213-2. Definitions.**

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

**CITY PROPERTY** — Any property owned by the City or under the jurisdiction or management, including property within lawfully established rights-of-way. Control shall extend to such limbs, roots or parts of trees and shrubs as extended or overhang the limits of any City road.

**FORESTRY MANAGEMENT PLAN** — A management plan and resulting work plan prepared by the Tree Commission with the assistance of the Tree Warden for forestry work to be undertaken by the City. The plan may include, but is not limited to, a long-range management plan; City tree inventory, regulations and standards for the planting, pruning, maintenance and removal of trees and shrubs on City property; lists of tree

for planting in the City; and recommendation for the preservation of trees on construction sites. The Tree Commission will be responsible for designing a yearly tree planning site plan.

**LANDMARK AND ASSET TREES** — Trees determined by the Tree Warden to be of great age or rarity; associated with a historical event or person or of tangible value to the community for their scenic enrichment of the area and or their ability to survive a specific disease. Special consideration will be given to the inspection and preservation of landmark and asset trees on City property. With the concurrence of the property owner, such designations may be applied to trees on private property.

**PROPERTY OWNER** — The owner of record of any parcel of land.

**PUBLIC NUISANCE** — Any tree or shrub or part thereof growing upon private or City property which is interfering with the use of any City property, infected with infectious plant disease or endangering the life, health or safety of person or property.

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

**§ 213-3. Authority and powers of Tree Commission and Tree Warden.**

**A. Tree Commission.**

- (1) There is hereby established a Tree Commission. The Tree Commission shall be composed of five members recommended by the Mayor and approved by the City Council. The Tree Warden serves as a member ex officio. Each member shall be appointed for a term of three years, and terms shall be staggered. This Commission shall meet quarterly.

- (2) The Tree Commission shall advise and consult with the Tree Warden on any matter pertaining to the West Haven Tree Ordinance and its enforcement. The topics under which this advice and consultation may be given include, but are not limited to, amendments to the West Haven Tree Ordinance; policies concerning selection, planting, maintenance, and removal of trees, shrubs and other plants within the City; and development of community educational programs.
- (3) The Tree Commission will work to educate the citizens of West Haven regarding the care of trees and importance of trees in our community. This Commission will also advise and cooperate with the City Planning and Zoning Commission and other interested Boards and Commissions of the City to maximize the effectiveness of the work of the Tree Commission. The City Planning and Zoning Department will notify the Tree Warden and Tree Commission prior to approving or initiating development plans that could adversely affect the general health or preservation of City-owned trees.
- (4) The Tree Commission will also establish tree policies for the City of West Haven and will coordinate tree efforts within the City. The Tree Commission will work in conjunction with the Tree Warden to prepare a Forestry Management Plan as outlined in this chapter (§ 213-2, definition of "Forestry Management Plan").

#### B. Tree Warden.

- (1) The Tree Warden, appointed by the Mayor of West Haven, shall have all powers, duties and authorities ascribed to him/her as set out in the Connecticut General Statutes Sections 23-58 through 23-65, as the same may be amended, and this chapter.
- (2) Duties of the Tree Warden:

- (a) Enforce all provisions of law for the preservation of trees and shrubs in the City of West Haven.
- (b) Hire arborist/contractors for the pruning, maintenance or removal of trees or shrubs on City property in accordance with the long-range management plan and the specifications and standards outlined in the Forestry Management Plan.
- (c) Post a notice upon trees on City property of their planned removal at least 10 days before removal is to take place, unless the condition of the trees constitutes an immediate public hazard.
- (d) With the Tree Commission, select and identify any trees which qualify as landmark and asset trees on city property and, with the concurrence of the property owner, on private property. Prevent damage to trees and shrubs on City property by any person, company, utility, or state or federal agency. Damage may include, but not be limited to, pruning, removing, defacing, cutting, painting or marking trees; posting unauthorized signs on trees; injuring, mutilating, killing or destroying any trees or shrubs; permitting any toxic chemical, including excessive road salt or other de-icing chemical, to seep, drain, or be emptied on or about any tree; piling soil over roots to a suffocating depth or scraping soil above the roots; setting fires or burning rubble within the trees' root zone.
- (e) The Tree Warden recognizes the importance of the various public utility companies to schedule tree trimming to protect their wires and prevent damage from interfering tree branches. It is important that our residents enjoy

continuity of service with minimum interruptions caused by power failure, loss of telephone or cable service. The City of West Haven insists that all such tree trimming is performed under the direct supervision of a licensed arborist. All pruning cuts will be horticulturally correct and in compliance with the standards endorsed by the National Arborist Association. It will be the responsibility of the utility company to notify the City Tree Warden prior to removal of any tree on City property unless such tree represents an immediate and substantial threat to life or property. Requests for tree removal should be in writing and directed to the Tree Warden, 355 Main Street, West Haven, CT 06516. The Tree Warden will review the request and may consult with the Tree Commission prior to posting the trees for removal. If trees are removed without prior approval or if any trees are irreparably damaged by improper pruning methods, whether by a public utility employee or its subcontracting tree workers, the Tree Warden shall require the responsible utility company to pay for replacing the tree with a similar species.

**§ 213-4. Scope of requirements.**

In accordance with Connecticut General Statutes, Sections 23-58 through 23-65:

- A. No person may perform any of the following acts without first obtaining a permit issued by the City Tree Warden that authorizes such action:
- (1) Prune, remove or otherwise disturb any tree, shrub or forested area located on City-owned property.

- (2) Damage, cut or transplant any tree or shrub located on City-owned property.
- (3) Cause damage to the root zone of any City-owned tree or shrub by digging a tunnel or trench, moving or storage of construction vehicles, materials or equipment or changing the grade within the drip line.

E. Exceptions § 213-4A:

- (1) The Commissioner of Parks and Recreation, City of West Haven, has the statutory responsibility to oversee the maintenance and safe keeping of all trees and shrubs within any City park.
- (2) Public utility companies will be allowed to perform routine tree trimming to maintain tree branches a safe distance from their wires, provided such trimming is in compliance with § 213-3B(2)(e) of this chapter.
- (3) The West Haven Board of Education shall be responsible for the maintenance and safe keeping of all tree situated on all public school grounds.

**§ 213-5. Penalties for offenses.**

- A. Interference with the Tree Warden. No person shall unreasonably hinder, prevent, delay or interfere with the City Tree Warden or his/her agents and/or Tree Commission while engaged in the execution or enforcement of this chapter.
- B. Violation and penalty. Any person who violates any provision of this chapter or who fails to comply with any notice issued pursuant to the provisions of this chapter upon being found guilty of violation, shall be subject to a fine not to exceed the appraised value of the tree or shrub (as determined by the Tree Warden or his/her designee).

- C. Violations for Subdivisions or construction work. Violations for subdivisions or other construction work in progress or destruction or injury to trees in the public rights-of-way shall cause to be levied against the property owner a fine as outlined above. Should such fines not be paid within 48 hours, all permits shall be suspended until the fines are paid and the orders are complied with.
- D. Replacement of trees/shrubs. Anyone granted a permit to remove a tree or trees, shrub or shrubs on public property may be required to replace them or substitute them with appropriate landscape plants only by written permission of the City Tree Warden/Tree Commission within 30 days. If it is not planting season at the time of such removal, then the thirty-day replacement time shall commence at the beginning of the next planting season.

**§ 213-6. Tree protection.**

- A. By adopting this chapter the City of West Haven recognizes the importance of trees as an asset and extreme benefit to the community.
- B. On any new construction projects, commercial or residential (on private or City property) the Tree Warden may work in conjunction with a developer/builder, homeowner, to ascertain the number and size of trees proposed to be removed and to make recommendation concerning the retention of existing trees and the planting of new trees in areas where trees have been removed. Efforts should be made to disturb as few trees as possible.