

Chapter 112, TREES

[HISTORY: Adopted by the City of Norwalk Common Council 6-11-2002; amended in its entirety 10-28-2003. Amended 6-23-2009. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Poles, conduits, wire and fixtures -- See Ch. 83

Streets and sidewalks -- See Ch. 95.

Excavations and encroachments in public streets and grounds -- See Ch. 96.

Land subdivision regulations -- See Appendix, Part I.

§ 112-1. Purpose.

The purpose of this chapter is to protect, preserve and ensure the proper maintenance of trees along public streets and rights-of-way and parks in the City of Norwalk and to provide for new public street trees and public park trees to be planted for the benefit of present and future generations. Public street trees and public park trees provide important benefits to the City, including the beautification of City streets and neighborhoods, the provision of shade, an improvement in air quality, the buffering of noise, and the enhancement of property values. The intent of this chapter is to provide clear direction to the designated Tree Warden to implement the City's goals for the maintenance of its public street trees and public park trees.

§ 112-2. Definitions.

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

DIAMETER AT BREAST HEIGHT (D.B.H.) -- The diameter of a tree measured at a point 4 1/2 feet above the ground.

PERSON -- Any natural person, communities, companies, corporations, public and private, limited liability companies, societies and associations.

PUBLIC STREETS -- The area comprising all streets, roads, or rights-of-way, including unimproved portions of such corridors, located within the City boundary and accepted as a public street.

TREES -- Woody plants, usually with one main trunk, reaching a height of 15 feet or more when mature, specifically including trees three inches at D.B.H. or greater. Trees are identified as public street trees or public park trees for the purposes of this chapter, unless otherwise identified.

TREE ROOT ZONE -- The area beneath the branches of a tree extending to the drip line of the tree's canopy.

TREE WARDEN -- The Tree Warden shall have the powers, duties and authorization prescribed in the Connecticut Public Shade Tree Statutes,

particularly Connecticut General Statutes Sections 23-58, 23-59, 23-60 and 23-65 as may be amended, and those powers and duties as described in this chapter.

TRIMMING -- To cut off or remove dead or living parts or branches of a tree.

§ 112-3. Administration and enforcement; Tree Advisory Committee.

A. The Tree Warden is hereby authorized to administer and enforce this chapter. The Tree Warden shall prepare all permits, procedures, and documents necessary under this chapter and shall maintain accurate records of all activities conducted. The Tree Warden shall provide a report on such activities to the Public Works Committee of the Norwalk Common Council, on an as-needed basis.

B. Tree Advisory Committee.

(1) Composition. The Tree Advisory Committee shall be composed of five members to be nominated by the Mayor and approved by the Common Council. The Mayor shall designate one of the five members as Chairman. Each member of the Tree Committee shall be appointed for a term of three years, and terms shall be staggered. The terms of the initial members shall be as follows: two members with terms to expire July 1, 2003; one member with a term to expire July 1, 2004; and two members with terms to expire July 1, 2005. Thereafter, the terms for all members shall be for three years commencing on July 2nd. If a member shall terminate in advance of his or her term, his or her replacement shall be appointed to complete his or her term. Members shall serve without compensation. The Tree Warden serves as an ex officio nonvoting member.

(2) Duties. The Tree Advisory Committee shall recommend a tree management plan; recommend policies concerning selection, planting, maintenance and removal of public street trees and public park trees within the City and suggest community educational programs.

§ 112-4. General regulations and operations.

Any person conducting work relating to the planting, removal or trimming of trees on public streets within the City of Norwalk shall first obtain a permit from the Tree Warden. No person shall remove any tree on City owned property without a permit issued by the Tree Warden prior to removing said tree.

A. Tree removal permits.

- (1) A tree removal permit shall be required prior to the removal or trimming of any tree on any public street, except as noted in Subsection C and § 112-5, Exemptions. Such tree removal permits shall be obtained from the Tree Warden, who shall conduct a site inspection prior to the issuance of said permit.
- (2) Posting of tree removal permit. Any public street tree greater than eight inches at D.B.H. shall be posted by the Tree Warden, or his designee, at least 10 days prior to such removal. The ten-day period shall commence from the date such tree removal notice(s) is posted on said tree(s). The tree removal notice shall be in the form of a brightly colored sign at least 8 1/2 inches by 11 inches in bold, clearly printed lettering able to be seen from the street which provides the name, address and phone number of the Tree Warden in the event that there is an objection to the tree's removal. The applicant shall submit proof that he/she has notified property owners of land which abuts or is directly across the street that he/she has applied for a tree removal permit by a written notice delivered at the time of the posting or within three business days of said posting.
- (3) Tree replacement or repair.
 - (a) An unauthorized removal or trimming of any tree shall require replacement or repair of such tree as may be deemed necessary by the Tree Warden at his sole discretion.
 - (b) Where any tree has been removed or trimmed without authorization so as to require placement or repair, the person conducting, directing and/or responsible for such unauthorized removal or trimming shall be required to pay to the City the reasonable cost of such replacement or repair. Such costs shall include, but not be limited to, the cost of the removal, replacement or repair of the subject tree as well as the cost of any residual repair of the affected area. Such person shall be responsible to the City for any legal fees and costs that may be incurred in the enforcement of the provisions of this chapter.
 - (c) Where any tree greater than eight inches in diameter at D.B.H, has been removed with the permission of the City, a replacement fee in an amount established in accordance with **§ 90-4, Approval of rates and fees**, shall be paid to the City.

B. Tree planting permits. A tree planting permit shall be required prior to the planting of any tree on any public street. Such tree planting permits shall be issued by the Tree Warden upon receipt of a complete tree planting application. The application shall include a tree planting plan, specifying the

size, species and location of all new trees. Such plantings shall become the property of the City of Norwalk.

C. Supervision of public utility tree crews.

(1) The Tree Warden shall monitor the work of all public utilities to ensure that such work does not adversely affect any tree on any public street. Each public utility company proposing to conduct tree trimming and removal activities along public streets shall present an annual work plan to the Tree Warden that includes the following items:

- (a) City Map showing all area(s) designated for tree trimming and removal work.
- (b) Tree removal list, identifying all trees, greater than eight inches D.B.H., which are proposed for removal.
- (c) Name and phone number of licensed arborist(s) performing such work.
- (d) Name and phone number of utility contact person supervising such work.
- (e) Tree replacement commitment, replacement determination to be at discretion of the Tree Warden.

(2) Such public utility work plan shall be submitted to the Tree Warden at least 30 days prior to the start of any activity by said utility. The Tree Warden shall review, modify and approve such plan within 30 days from date of receipt, unless extended by either party. This section shall not apply to emergency and public hazard work specifically exempted under § 112-5, Exemptions.

D. Coordination with other City departments. The Tree Warden shall monitor City project plans directly affecting street trees or within 10 feet of the tree root zone of any street tree. Such plans shall be deemed approved, unless comments such as recommended alterations to protect affected trees are recommended by the Tree Warden within 30 days from date of submission. If alterations to City project plans are recommended, such plans shall be resubmitted to the Tree Warden prior to the start of the project.

§ 112-5. Exemptions.

The activities of City departments or authorities, authorized by the Tree Warden, shall be exempt from the permit and fee requirements of this chapter, including any work required to maintain sight lines, as required by the Department of

Public Works. In addition, any tree removal or trimming work conducted in response to an immediate public hazard or in response to any emergency affecting the public health, safety and welfare shall also be exempt from the permit and fee requirements of this chapter.

§ 112-6. Penalties for offenses.

Any person who violates the terms of this chapter shall be subject to a fine in an amount established in accordance with **§ 90-4, Approval of rates and fees**. Each tree removed, injured or defaced shall constitute a separate violation. If the Tree Warden determines that such violation was willful or if such violation results in irreparable harm to said tree, the perpetrator shall be liable for a civil penalty of up to three times the replacement value of said tree.

§ 112-7. Appeals of Tree Warden decisions.

Any person objecting to a decision of the Tree Warden to remove a public street tree shall file a written objection to such decision with the Tree Warden within seven business days of posting. Upon the receipt of said notice, the Tree Warden shall schedule a public hearing and shall post a public hearing notice, including the scheduled time, date and location of such hearing, on the affected tree. Within three business days of such hearing, the Tree Warden shall render a decision granting or denying such removal. Pursuant to Connecticut General Statutes § 23-59, any party aggrieved by the Tree Warden's decision, may appeal within 10 days to the Superior Court for the Stamford/Norwalk Judicial District.