



General Assembly

February Session, 2000

Raised Bill No. 5580

LCO No. 1551

Referred to Committee on Environment

Introduced by:
(ENV)

An Act Concerning Violation Of Tree Cutting Practices.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 23-65 of the general statutes is
2 repealed and the following is substituted in lieu thereof:

3 (b) Any person, firm or corporation, other than a tree warden or his
4 deputy, [which wilfully] that removes, prunes, injures or defaces any
5 shrub or ornamental or shade tree, within the limits of a public way or
6 grounds, without the written permission of the town tree warden, the
7 borough tree warden, the city forester, the Commissioner of
8 Transportation, the Department of Public Utility Control or other
9 authority having jurisdiction, shall be fined not more than [one
10 hundred dollars for each offense and,] the replacement cost of the
11 shrub or tree, determined in accordance with the latest revision of A
12 Guide to Professional Evaluation of Landscape Trees, Specimen Shrubs
13 and Evergreens, as published by the International Society of
14 Arboriculture, Urbana, Illinois; shall be liable civilly for damages in
15 any action brought by the [property owner] authority having
16 jurisdiction affected thereby and may have its development permits
17 revoked by the issuing authority if the damage to or removal of the

18 tree or shrub is related to such development .

19 Sec. 2. Section 23-59 of the general statutes is repealed and the
20 following is substituted in lieu thereof:

21 The town or borough tree warden shall have the care and control of
22 all trees and shrubs in whole or in part within the limits of any public
23 road or grounds and within the limits of his town or borough, except
24 those along state highways under the control of the Commissioner of
25 Transportation and except those in public parks or grounds which are
26 under the jurisdiction of park commissioners, and of these he shall
27 take the care and control if so requested in writing by the park
28 commissioners. Such care and control shall extend to such limbs, roots
29 or parts of trees and shrubs as extend or overhang the limits of any
30 such public road or grounds. He shall expend all funds appropriated
31 for the setting out, care and maintenance of such trees and shrubs. He
32 shall enforce all provisions of law for the preservation of such trees
33 and shrubs and of roadside beauty. He shall remove or cause to be
34 removed all illegally erected signs or advertisements, placed upon
35 poles, trees or other objects within any public road or place under his
36 jurisdiction. He may prescribe such regulations for the care and
37 preservation of such trees and shrubs as he deems expedient and may
38 provide therein for a fine [not exceeding ninety dollars in any one case]
39 reasonable for the violation of such regulations; and such regulations,
40 when approved by the selectmen or borough warden and posted on a
41 public signpost in the town or borough, if any, or at some other
42 exterior place near the office of the town or borough clerk, shall have
43 the force and effect of town or borough ordinances. Whenever, in the
44 opinion of the tree warden, the public safety demands the removal or
45 pruning of any tree or shrub under his control, he may cause such tree
46 or shrub to be removed or pruned at the expense of the town or
47 borough and the selectmen or borough warden shall order paid to the
48 person performing such work such reasonable compensation therefor
49 as may be determined and approved in writing by the tree warden.
50 Unless the condition of such tree or shrub constitutes an immediate

51 public hazard, he shall, at least five days before such removal or
52 pruning, post thereon a suitable notice stating his intention to remove
53 or prune such tree or shrub. If any person, firm or corporation objects
54 to such removal or pruning, he or it may appeal to the tree warden in
55 writing, who shall hold a public hearing at some suitable time and
56 place after giving reasonable notice of such hearing to all persons
57 known to be interested therein and posting a notice thereof on such
58 tree or shrub. Within three days after such hearing, the tree warden
59 shall render his decision granting or denying the application, and the
60 party aggrieved by such decision may, within ten days, appeal
61 therefrom to the superior court for the judicial district within which
62 such town or borough is located. The tree warden may, with the
63 approval of the selectmen or borough warden, remove any trees or
64 other plants within the limits of public highways or grounds under his
65 jurisdiction, which are particularly obnoxious as hosts of insect or
66 fungus pests.

Statement of Purpose:

To establish more realistic deterrents for wrongfully cutting down trees.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]