



General Assembly

February Session, 2006

**Raised Bill No. 5714**

LCO No. 2267

\*02267\_\_\_\_\_PD\_\*

Referred to Committee on Planning and Development

Introduced by:  
(PD)

**AN ACT CONCERNING ESTABLISHING A FEE FOR REMOVAL OF CERTAIN TREES.**

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

1 Section 1. Section 13a-140 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective (Effective October 1,*  
3 *2006)*):

4 (a) The commissioner may cut, remove or prune any tree, shrub or  
5 other vegetation situated wholly or partially within the limits of any  
6 state highway so far as is reasonably necessary for safe and convenient  
7 travel thereon. No person, firm or corporation, and no officer, agent or  
8 employee of any municipal or other corporation, shall cut, remove or  
9 prune any tree, shrub or vegetation situated partially or wholly within  
10 the limits of any such highway without first obtaining from said  
11 commissioner a written permit therefor, provided however, that  
12 nothing contained in this subsection shall limit the rights of public  
13 service companies, as defined in section 16-1, as amended, to cut and  
14 trim trees and branches and otherwise protect their lines, wires,  
15 conduits, cables and other equipment from encroaching vegetation. No

16 such permit shall be issued by the commissioner unless the chief  
17 elected official of the municipality in which any tree with a diameter  
18 greater than eighteen inches is situated is notified in writing. The  
19 notice shall include the location and a description of such tree to be cut  
20 or removed. No such permit for the removal of any such tree, shrub or  
21 vegetation shall be refused if such removal is necessary for that use of  
22 such adjoining land which is of the highest pecuniary value. If such  
23 permit is refused on any state highway right-of-way, where the state  
24 does not own the right-of-way in fee, the owner of such tree, shrub or  
25 vegetation may, within thirty days thereafter, request said  
26 commissioner in writing to purchase or condemn an easement for the  
27 purpose of maintaining such tree, shrub or vegetation and, if said  
28 commissioner does not purchase the same, he shall condemn it, in the  
29 manner provided for the condemnation of land for the construction,  
30 alteration, extension or widening of state highways. Any payment so  
31 made shall be from funds appropriated to the Department of  
32 Transportation. Said commissioner may plant, set out and care for  
33 trees, shrubs or vegetation within the limits of such highways and, by  
34 agreement with the owner of land adjoining such highways, upon  
35 such adjoining land. Upon request in writing within thirty days of  
36 planting of trees, shrubs or vegetation to delimit boundaries of a  
37 highway by an adjoining owner not agreeing thereto, said  
38 commissioner shall purchase or condemn an easement for the purpose  
39 of maintaining such tree, shrub or vegetation in the manner provided  
40 in this subsection. When the removal of such tree, shrub or vegetation  
41 is necessary for that use of such adjoining land which is of the highest  
42 pecuniary value, said commissioner shall remove the same upon  
43 payment to him of all sums paid for said planting and for any such  
44 easement with interest at the rate of six per cent per annum. Any  
45 person, firm or corporation cutting, removing, damaging or pruning  
46 any tree, shrub or vegetation in violation of the provisions of this  
47 subsection, whether it was planted by the commissioner or not,  
48 without a permit from said commissioner, shall be fined not more than  
49 one thousand dollars for each such violation and shall be liable civilly

50 for any damage in an action brought by said commissioner.

51 (b) Notwithstanding the provisions of section 51-164p, any  
52 municipality, by ordinance, may establish a civil penalty of not more  
53 than one thousand dollars, for cutting, removing, damaging or  
54 pruning any tree, shrub or vegetation in violation of the provisions of  
55 subsection (a) of this section, on any scenic road, designated pursuant  
56 to section 13b-31c, located in said municipality. Any such ordinance  
57 shall provide for notice and an opportunity for a hearing prior to the  
58 imposition of any such civil penalty. Any person who is assessed a  
59 civil penalty pursuant to this subsection may appeal therefrom to the  
60 Superior Court.

61 (c) Any person, firm or corporation who receives a permit under  
62 subsection (a) of this section to remove a tree with a diameter of more  
63 than eighteen inches shall pay to the tree warden of the municipality a  
64 fee of five hundred dollars. Any fees collected under this section  
65 shall be used to protect the scenic quality of roads in the municipality,  
66 including, but not limited to, replanting, restoring stone walls and tree  
67 maintenance.

This act shall take effect as follows and shall amend the following sections:		
Section 1	(Effective October 1, 2006	13a-140

**Statement of Purpose:**

To establish a fee for removing trees, providing a source of funding for activities that protect the scenic quality of roads.

*[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.]*