



Substitute House Bill No. 5150

Public Act No. 16-86

AN ACT CONCERNING TREE WARDENS' NOTICES ON TREES AND SHRUBS PRIOR TO REMOVAL AND TREE REMOVAL AND CLEAN-UP BY PUBLIC UTILITY CORPORATIONS.

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

Section 1. Section 23-59 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

The town or borough tree warden shall have the care and control of all trees and shrubs in whole or in part within the limits of any public road or grounds and within the limits of his town or borough, except those along state highways under the control of the Commissioner of Transportation and except those in public parks or grounds which are under the jurisdiction of park commissioners, and of these the tree warden shall take the care and control if so requested in writing by the park commissioners. Such care and control shall extend to such limbs, roots or parts of trees and shrubs as extend or overhang the limits of any such public road or grounds. The tree warden shall expend all funds appropriated for the setting out, care and maintenance of such trees and shrubs. The tree warden shall enforce all provisions of law for the preservation of such trees and shrubs and of roadside beauty. The tree warden shall remove or cause to be removed all illegally erected signs or advertisements, placed upon poles, trees or other

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objects within any public road or place under the tree warden's jurisdiction. The tree warden may prescribe such regulations for the care and preservation of such trees and shrubs as the tree warden deems expedient and may provide therein for a reasonable fine for the violation of such regulations; and such regulations, when approved by the selectmen or borough warden and posted on a public signpost in the town or borough, if any, or at some other exterior place near the office of the town or borough clerk, shall have the force and effect of town or borough ordinances. Whenever, in the opinion of the tree warden, the public safety demands the removal or pruning of any tree or shrub under the tree warden's control, the tree warden may cause such tree, [or] shrub or group of shrubs to be removed or pruned at the expense of the town or borough and the selectmen or borough warden shall order paid to the person performing such work such reasonable compensation therefor as may be determined and approved in writing by the tree warden. Unless the condition of such tree, [or] shrub or group of shrubs constitutes an immediate public hazard, the tree warden shall, at least ten days before such removal or pruning, post [thereon] on each tree or shrub and may post on each group of shrubs a suitable notice stating the tree warden's intention to remove or prune such tree, [or] shrub or group of shrubs. If any person, firm or corporation objects to such removal or pruning, such person, firm or corporation may appeal to the tree warden in writing, who shall hold a public hearing at some suitable time and place after giving reasonable notice of such hearing to all persons known to be interested therein and posting a notice thereof on such tree, [or] shrub or group of shrubs. Within three days after such hearing, the tree warden shall render a decision granting or denying the application, and the party aggrieved by such decision may, within ten days, appeal therefrom to the superior court for the judicial district within which such town or borough is located. The tree warden may, with the approval of the selectmen or borough warden, remove any trees or other plants within the limits of public highways or grounds under the tree warden's

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jurisdiction that are particularly obnoxious as hosts of insect or fungus pests.

Sec. 2. Section 16-234 of the general statutes is amended by adding subsections (h) and (i) as follows (*Effective October 1, 2016*):

(NEW) (h) When conducting vegetation management within a utility protection zone pursuant to this section, the utility shall provide for the removal or disposition of any debris generated as a result of such pruning or removal. The provisions of this subsection shall apply only to vegetation management requested by the utility and approved pursuant to this section and, if applicable, section 23-65.

(NEW) (i) Not later than January 31, 2017, and each year thereafter, each utility intending to conduct vegetation management in a town or borough in this state shall provide the following to the tree warden of such town or borough, or to the chief elected official of each such town or borough: (1) A plan detailing the proposed roads or areas in said town or borough where such vegetation management will take place in the forthcoming calendar year, and (2) the estimated time schedule for such proposed vegetation management. Each town or borough provided with a utility vegetation management plan in accordance with this subsection shall make such plan publicly available, by electronic means or otherwise, not later than fourteen days after receipt, and keep such plan publicly available for the remainder of the forthcoming calendar year.

Approved June 1, 2016