



General Assembly

February Session, 2016

**Raised Bill No. 5150**

LCO No. 1017



Referred to Committee on ENVIRONMENT

Introduced by:  
(ENV)

**AN ACT CONCERNING TREE WARDENS' NOTICES ON TREES AND SHRUBS PRIOR TO REMOVAL, TREE REMOVAL ALONG STATE HIGHWAYS AND CLEAN-UP BY PUBLIC UTILITY CORPORATIONS FOLLOWING CERTAIN TREE REMOVAL.**

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

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 Section 23-59 of the general statutes is repealed and the  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

3 The town or borough tree warden shall have the care and control of  
4 all trees and shrubs in whole or in part within the limits of any public  
5 road or grounds and within the limits of his town or borough, except  
6 those along state highways under the control of the Commissioner of  
7 Transportation and except those in public parks or grounds which are  
8 under the jurisdiction of park commissioners, and of these the tree  
9 warden shall take the care and control if so requested in writing by the  
10 park commissioners. Such care and control shall extend to such limbs,  
11 roots or parts of trees and shrubs as extend or overhang the limits of  
12 any such public road or grounds. The tree warden shall expend all  
13 funds appropriated for the setting out, care and maintenance of such

14 trees and shrubs. The tree warden shall enforce all provisions of law  
15 for the preservation of such trees and shrubs and of roadside beauty.  
16 The tree warden shall remove or cause to be removed all illegally  
17 erected signs or advertisements, placed upon poles, trees or other  
18 objects within any public road or place under the tree warden's  
19 jurisdiction. The tree warden may prescribe such regulations for the  
20 care and preservation of such trees and shrubs as the tree warden  
21 deems expedient and may provide therein for a reasonable fine for the  
22 violation of such regulations; and such regulations, when approved by  
23 the selectmen or borough warden and posted on a public signpost in  
24 the town or borough, if any, or at some other exterior place near the  
25 office of the town or borough clerk, shall have the force and effect of  
26 town or borough ordinances. Whenever, in the opinion of the tree  
27 warden, the public safety demands the removal or pruning of any tree  
28 or shrub under the tree warden's control, the tree warden may cause  
29 such tree, [or] shrub or group of shrubs to be removed or pruned at the  
30 expense of the town or borough and the selectmen or borough warden  
31 shall order paid to the person performing such work such reasonable  
32 compensation therefor as may be determined and approved in writing  
33 by the tree warden. Unless the condition of such tree, [or] shrub or  
34 group of shrubs constitutes an immediate public hazard, the tree  
35 warden shall, at least ten days before such removal or pruning, post  
36 [thereon] on each tree, shrub or group of shrubs that the tree warden  
37 determines may have aesthetic or environmental importance a suitable  
38 notice stating the tree warden's intention to remove or prune such tree,  
39 [or] shrub or group of shrubs. If any person, firm or corporation  
40 objects to such removal or pruning, such person, firm or corporation  
41 may appeal to the tree warden in writing, who shall hold a public  
42 hearing at some suitable time and place after giving reasonable notice  
43 of such hearing to all persons known to be interested therein and  
44 posting a notice thereof on such tree, [or] shrub or group of shrubs.  
45 Within three days after such hearing, the tree warden shall render a  
46 decision granting or denying the application, and the party aggrieved  
47 by such decision may, within ten days, appeal therefrom to the

48 superior court for the judicial district within which such town or  
49 borough is located. The tree warden may, with the approval of the  
50 selectmen or borough warden, remove any trees or other plants within  
51 the limits of public highways or grounds under the tree warden's  
52 jurisdiction that are particularly obnoxious as hosts of insect or fungus  
53 pests.

54 Sec. 2. Subsection (f) of section 23-65 of the general statutes is  
55 repealed and the following is substituted in lieu thereof (*Effective*  
56 *October 1, 2016*):

57 (f) Any person, firm or corporation, other than a tree warden or his  
58 deputy, who desires the cutting or removal, in whole or in part, of any  
59 tree or shrub or part thereof within the limits of any public road or  
60 grounds, may apply in writing to the town tree warden, the borough  
61 tree warden or the Commissioner of Transportation or other authority  
62 having jurisdiction thereof for a permit so to do. Upon receipt of such  
63 permit, but not before, the applicant may proceed with such cutting or  
64 removal, provided doing so is also consistent with section 16-234, as  
65 amended by this act, if applicable. Before granting or denying such  
66 permit, [such authority may] the town tree warden shall make a  
67 posting on each tree, shrub or group of shrubs for which such a permit  
68 is sought, in accordance with section 23-59, as amended by this act,  
69 and shall hold a public hearing as provided in section 23-59, as  
70 amended by this act, if any person, firm or corporation objects to the  
71 proposed cutting or removal, in whole or in part. When the applicant  
72 is a public utility corporation, the party aggrieved by such decision  
73 may, within ten days, appeal therefrom to the Public Utilities  
74 Regulatory Authority, which shall have the power to review, confirm,  
75 change or set aside the decision appealed from and its decision shall be  
76 final. The burden of proving that public convenience and necessity  
77 requires the proposed cutting or removal shall be on the utility. This  
78 appeals process shall be in addition to the powers granted to the Public  
79 Utilities Regulatory Authority under section 16-234, as amended by  
80 this act, provided, if an application for such permit has been made to

81 either a tree warden or the Commissioner of Transportation or other  
82 authority and denied by him, an application for a permit for the same  
83 relief shall not be made to any other such authority. Upon any  
84 approval of such a permit by the Commissioner of Transportation, [he]  
85 the commissioner shall notify the tree warden for the town in which  
86 the tree is located. Upon any approval of such a permit by the  
87 Commissioner of Transportation, the permittee shall notify the tree  
88 warden for the town in which the tree is located prior to cutting any  
89 such tree.

90 Sec. 3. (NEW) (*Effective October 1, 2016*) Notwithstanding any  
91 provision of the general statutes, sixty days prior to undertaking any  
92 tree removal along any state highway, the Department of  
93 Transportation shall submit a plan for such removal to the joint  
94 standing committee of the General Assembly having cognizance of  
95 matters relating to the environment and to the Department of Energy  
96 and Environmental Protection. Such plan shall detail the likely impacts  
97 of such removal on the local ecosystem and aesthetics, including, but  
98 not limited to, energy conservation, air quality, carbon sequestration,  
99 stormwater control, preservation of scenic highways and property  
100 values. Not less than once every three months, the Department of  
101 Transportation shall submit a report to the joint standing committee of  
102 the General Assembly having cognizance of matters relating to the  
103 environment and the Department of Energy and Environmental  
104 Protection that identifies tree removals made along state highways in  
105 accordance with permits issued by the Department of Transportation  
106 that identifies the likely impacts of each removal on the local  
107 ecosystem and aesthetics. The provisions of this section shall not be  
108 construed to apply to the removal of any tree or group of trees when  
109 such tree or group of trees constitutes an immediate public hazard.

110 Sec. 4. Section 16-234 of the general statutes is amended by adding  
111 subsection (h) as follows (*Effective October 1, 2016*):

112 (NEW) (h) In conducting any pruning or removal of any tree or

113 shrub pursuant to this section, the utility shall provide for the removal  
114 of any debris generated as a result of such pruning or removal.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	23-59
Sec. 2	<i>October 1, 2016</i>	23-65(f)
Sec. 3	<i>October 1, 2016</i>	New section
Sec. 4	<i>October 1, 2016</i>	16-234

**Statement of Purpose:**

To require tree warden postings on each tree, shrub or group of shrubs before removal, regardless of consent by an abutting property owner, enable tree wardens to post for a group of shrubs rather than for each individual shrub, require the Department of Transportation to report on tree removals along state highways and require public utilities to remove debris caused by tree and shrub removals they undertake.

*[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.]*