



General Assembly

Amendment

February Session, 2016

LCO No. 3841



Offered by:

REP. ALBIS, 99th Dist.

REP. D'AGOSTINO, 91st Dist.

To: Subst. House Bill No. 5150

File No. 398

Cal. No. 260

"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."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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 Section 23-59 of the general statutes is repealed and the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

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

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

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

54 Sec. 2. (NEW) (*Effective October 1, 2016*) Notwithstanding any
55 provision of the general statutes, sixty days prior to undertaking any
56 tree removal along any limited access state highway, the Department
57 of Transportation shall submit the plan for such removal to the joint
58 standing committee of the General Assembly having cognizance of
59 matters relating to the environment and to the Department of Energy
60 and Environmental Protection. Such plan shall detail the proposed
61 areas scheduled for tree removal, the time frame for such work, the
62 amount of funds allocated by the Department of Transportation for
63 such work and the distance such department intends to clear in such
64 proposed areas. The plan submitted by the Department of
65 Transportation pursuant to this section shall be reviewed and signed
66 by a licensed arborist. The provisions of this section shall not be
67 construed to apply to the removal of any tree or group of trees when
68 such tree or group of trees constitutes an immediate public hazard.

69 Sec. 3. Section 16-234 of the general statutes is amended by adding
70 subsections (h) and (i) as follows (*Effective October 1, 2016*):

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

77 (NEW) (i) Not later than January 31, 2017, and each year thereafter,
78 each utility intending to conduct vegetation management in a town or
79 borough in this state shall provide the following to the tree warden of

80 such town or borough, or to the chief elected official of each such town
 81 or borough: (1) A plan detailing the proposed roads or areas in said
 82 town or borough where such vegetation management will take place
 83 in the forthcoming calendar year, and (2) the estimated time schedule
 84 for such proposed vegetation management. Each town or borough
 85 provided with a utility vegetation management plan in accordance
 86 with this subsection shall make such plan publicly available, by
 87 electronic means or otherwise, not later than fourteen days after
 88 receipt, and keep such plan publicly available for the remainder of the
 89 forthcoming calendar year."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	23-59
Sec. 2	October 1, 2016	New section
Sec. 3	October 1, 2016	16-234