

## Chapter 26C. Trees

[HISTORY: Adopted by the Board of Selectmen of the Town of Wilton 1-4-2010. Amendments noted where applicable.]

### § 26C-1. Short title

This chapter shall be known and may be cited as the “Wilton Tree Ordinance, Wilton, Connecticut.”

### § 26C-2. Intent and purpose.

- A. Intent. It is the intent of the Selectmen of the Town of Wilton that the terms of this chapter shall be construed so as to promote:
- (1) The protection, preservation, proper maintenance, and use of trees and shrubs on Town property; the minimization of disturbance to woodlands; and the prevention of damage from erosion and destruction of the natural habitat.
  - (2) Public safety and the protection of citizens from personal injury and property damage, the protection of the Town of Wilton from personal injury and property damage, and the protection of the Town of Wilton from property damage caused or threatened by improper planting, maintenance or removal of trees on or overhanging Town land.
  - (3) The protection of property values ensuing from the proper maintenance of street trees; natural, uncleared woodlands; and trees of ecological or historical significance.
- B. Purpose. The purpose of this chapter is to:
- (1) Plan, protect, and manage these arboreal resources for the benefit of the health, safety, and general welfare of the residents of the Town.
  - (2) Recognize and educate the public on benefits provided by trees, including, but not limited to, buffering noise and unsightly views, improving air quality, offering habitat to birds, preventing erosion, absorbing water, mitigating climate by cooling the air and providing shade, offering aesthetic benefits, increasing property values, and generally improving the quality of life within the Town.

### § 26C-3. Definitions.

For the purposes of this chapter, the following words, terms and phrases shall have the meanings herein set out:

## **ARBORICULTURAL SPECIFICATIONS AND POLICY MANUAL**

The policy manual prepared by the Tree Warden, in coordination with the Tree Committee, pursuant to § 26C-4A(3) containing regulations and standards for the planting, maintenance, removal and protection of trees, shrubs and woody vegetation upon Town-owned property, and in certain select circumstances on private property, as amended from time to time.

### **LANDMARK, NOTABLE, AND ASSET TREES**

Trees determined by the Tree Warden to be of great age or rarity; associated with an historical event or person; or of tangible value to the community for their scenic enrichment of the area and/or their ability to survive a specific disease. Special consideration will be given to the inspection and preservation of landmark, notable, and asset trees on Town property.

### **PUBLIC HAZARD**

Any tree or shrub or part thereof growing upon private or Town property which is interfering with the use of any Town property, infected with infectious plant disease, or endangering the life, health or safety of persons or property.

### **SHRUBS**

Woody plants, branched from the base, generally less than 15 feet tall when mature.

### **TREES**

A woody plant, usually with one main trunk, reaching a height of at least 15 feet when mature.

### **WILTON CENTER TREE PLAN**

The Wilton Center Tree Plan (March 2008), written by the Ad-hoc Tree Committee, as may be revised or amended from time to time.

## **§. 26C-4. Tree Warden; Tree Committee.**

### **A. The Tree Warden.**

- (1) Authority and power. The Tree Warden, appointed by the First Selectman with the approval of the Board of Selectmen as outlined in the Town Charter, § C-35, shall have all powers, duties and authorities ascribed to him/her as set out in the Connecticut Public Shade Trees and Tree Protection Examining Board Statute, particularly Connecticut General Statutes §§ 23-58, through 23-60 and 23-65, as the same may be amended, and this chapter. In part, C.G.S. § 23-59 states the powers and duties of the Tree Warden shall include “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..., except those along state highways..., and except those in the public parks or grounds which are under the jurisdiction of park commissioners...”
- (2) Compensation. The Tree Warden shall receive for services such compensation as the Selectmen, duly authorized, shall prescribe.
- (3) Duties. The Tree Warden shall:
  - (a) Enforce all provisions of law for the preservation of trees and shrubs subject to the Tree Warden’s care and control as set forth in C.G.S. § 23-59.

- (b) Support the Tree Committee in overseeing, administering, and providing guidance on the Wilton Center Tree Plan or future tree plans.
- (c) Prepare and maintain, in coordination with the Tree Committee, a manual containing regulations and standards for the planting, maintenance, removal and protection of trees, shrubs and woody vegetation upon Town-owned property, and in certain select circumstances upon private property, which shall be known as the Wilton Arboricultural Specifications and Policy Manual.
- (d) Prevent, to the extent possible, damage of trees and shrubs that are subject to the Tree Warden's care or control as set forth in C.G.S. § 23-59 by any person, company, utility, or state or federal agency. This shall include oversight and guidance of contractors' pruning and maintaining all trees subject to the Tree Warden's care or control. Damage may include, but not be limited to, pruning, removing, defacing, cutting, painting, or marking trees; posting unauthorized signs on trees; injuring, mutilating, killing or destroying any trees or shrubs; willfully permitting any toxic chemical to seep, drain or be emptied on or about any tree; prolonged piling of soil over roots to a suffocating depth or scraping soil above the roots; and setting fires or burying rubble within the trees' root zones.
- (e) Post a notice upon trees subject to the Tree Warden's jurisdiction of their planned removal at least 10 days before removal is to take place, unless the condition of the trees constitutes an immediate public hazard.
- (f) Identify and recommend with the Wilton Tree Committee any trees which qualify as "landmark trees," "notable trees," and "asset trees" on Town property and, with the concurrence of the property owner, on private property.
- (g) Supervise, to the extent possible, work affecting trees within the Tree Warden's care and control performed by public utility companies or their agents. Such work shall be reviewed prior to being undertaken. If, as a result of such work, trees are irreparably damaged, the Tree Warden shall require the company to pay for replacing the trees with a similar species.
- (h) Provide periodic reports to the Tree Committee.

B. Tree Committee.

- (1) Composition. The Tree Committee shall be composed of seven members appointed by the Board of Selectmen. The Selectmen shall seek appointees from the Conservation Commission, Planning and Zoning Commission, Wilton Garden Club, Chamber of Commerce, a civic organization and a member of the landscape profession. The final member may be an interested citizen. Each member of the Tree Committee shall be appointed for a term of three years, and terms shall be staggered so that at least two members are appointed each year. Members shall serve without compensation. To increase effectiveness, applicants for vacancies should meet with the Tree Committee before being considered for appointment to the Committee. Further, the Committee may suggest to the Board of Selectmen the appointment of members with certain skills or experience. The Tree Warden, Director of Environmental Affairs, and Public Works Director, or their designees shall serve as advisors to the Committee.

- (2) Duties. The Tree Committee shall advise and consult with the Tree Warden and/or the Department of Public Works on any matter pertaining to this chapter and its enforcement. Such topics may include, but are not limited to, amendments to this chapter; policies concerning selection, planting, maintenance, and removal of trees, shrubs and other plants within the Town; and development of community educational programs.

## § 26C-5. Enforcement; penalties for offenses.

- A. Violation of any provisions of this chapter shall result in a fine, civil penalty, and/or damages as provided in C.G.S. § 23-65.
- B. No person other than the Tree Warden or his authorized agent and/or the Department of Public Works, may perform any of the following acts on Town road rights-of-way without providing documentation and authorization for such work relating to trees and shrubs. Further, nothing in this section shall be construed to exempt any person from the requirements of obtaining a road opening permit or any additional permits as are required by law.
- (1) Plant trees or shrubs of any size on Town property or remove or otherwise disturb any tree located on Town property or rights-of-way.
- (2) Attach any rope, wire, nail, sign, poster, or any other man-made object to any tree or shrub located on Town property or rights-of-way.
- (3) Dig a tunnel or trench, move or store construction vehicles, materials or equipment, or change the grade within a tree's root zone on Town property or rights-of-way.
- C. Hazardous Trees, Shrubs and Woody Vegetation. Any tree or part of the tree or any shrub or other vegetation that poses an unreasonable risk to any Town-owned property and is determined to pose an unreasonable risk to the public health, safety or welfare by the Tree Warden and any tree, shrub or other vegetation which is hazardous or injurious to the public health, safety and welfare or which causes substantial depreciation in the value of real property in the neighborhood shall be determined to be a "nuisance" and is to be abated by the Town in accordance with the Town's Nuisance Ordinance as authorized pursuant to C.G.S. § 7-148(c)(7)(E) as amended.