

**DRAFT**

**ARTICLE \_\_\_\_ TREES**

**Sec. \_\_\_\_ PURPOSES**

The purpose of this Article is:

- A. To promote and protect the public health, safety and general welfare by providing for the regulation of the planting, maintenance, protection, and removal of Trees and Shrubs on public property within the Town of Westport;
- B. To recognize and appreciate that Trees produce oxygen, capture carbon dioxide from the atmosphere, provide air purification, prevent soil erosion, control flooding, assist water purification, contribute to the quality of life by providing cooling shade, provide habitat for wildlife, reduce noise levels, calm traffic, improve property values and aesthetically enhance the landscape; and
- C. To protect the Town of Westport and its residents from property damage caused or threatened by the improper planting, maintenance or removal of Trees and Shrubs.

**Sec. \_\_\_\_ AUTHORITY**

This Article is adopted pursuant to the provisions of C.G.S. §7-148(c)(6)(A)(iv); §7-148(c)(6)(A)(v); §7-148(c)(7)(H)(xi) and §23-59 and shall be cited as the “Westport Tree Ordinance.”

**Sec. \_\_\_\_ DEFINITIONS**

As used in this Article, the following words, terms and phrases, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**ARBORICULTURE**

Any work done for hire to improve the condition of fruit, shade or ornamental Trees by feeding or fertilizing, or by pruning, trimming, bracing, treating cavities or other methods of improving Tree conditions, or protecting Trees from damage from insects or diseases or curing these conditions by spraying or any other method.

**ARBORIST**

One who is qualified to perform Arboriculture and is licensed by the Commissioner of Environmental Protection in the State of Connecticut.

**PUBLIC PROPERTY**

The area within the limits of any Town-owned streets, roads, right-of-ways and grounds that are located within the Town’s boundary, but not (i) grounds along state highways under control of the State of Connecticut Commissioner of Transportation, (ii) Parks and Recreation Property as defined in this ordinance, and/or (iii) Westport Board of

Education Property as defined in this ordinance.

**PARKS AND RECREATION PROPERTY**

The area within all public parks and grounds within the jurisdiction of the Westport Parks and Recreation Commission.

**BOARD OF EDUCATION PROPERTY**

The area within all public parks and grounds within the jurisdiction of the Westport Board of Education.

**NOTABLE TREE**

A Tree regarded as important or specific by its historical, national, locational, natural or mythological context.

**SHRUB**

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

**TREE**

Woody plants usually with one main trunk, reaching a height of 15 feet or more when mature, specifically including Trees three inches at DBH (4.5 feet above the ground) or greater.

**Sec. \_\_\_ TREE WARDEN**

The person appointed pursuant to C.G. S. §23-58 and §C1-3(B)(3) of the Town Charter, who shall be a Connecticut Licensed Arborist and/or who shall have successfully completed the Connecticut Tree Warden's School.

**Sec. \_\_\_ POWERS AND DUTIES OF TREE WARDEN**

The Tree Warden shall, in consultation with the Director of Public Works:

1. Have all the powers, duties and authorities with respect to Public Property as provided or authorized by Chapter 451 of the Connecticut General Statutes, specifically §§ 23-58, 23-59, 23-59a, 23-60 and 23-65, and the Town Charter §C17-1, as the same may be amended from time to time, and have such powers, duties and authorities with respect to Parks and Recreation Property upon the written request of the Parks and Recreation Commission or its designee, and have such powers, duties and authorities with respect to Board of Education Property upon the written request of the Board of Education or its designee.
2. Issue Tree work permits for the cutting or removal, in whole or in part, of any Trees and Shrubs located on Public Property in accordance with this Article, CGS §23-65 and in accordance with the ANSI A300 Best Management Practices.
3. Establish recommended specifications and standards for the planting, trimming and

removal of Trees and Shrubs on Public Property.

4. Serve as a resource, upon the request of the Director of Public Works, to all Town Departments and the Board of Education, on all matters relating to individual Tree and Shrub resources, and shall provide technical assistance upon request.
5. The Tree Warden's care and control over Trees and Shrubs shall extend to such limbs, roots or parts of Trees and Shrubs as extend or overhang the limits of the Public Property, and if requested in writing, Parks and Recreation Property and/or Board of Education Property.
6. The Tree Warden shall remove or cause to be removed all illegally erected signs or advertisements placed upon poles, Trees, Shrubs or other objects within Public Property, as authorized by CGS §23-59 and CGS §23-65 and other applicable law.

## **Sec. \_\_\_ TREE BOARD**

The First Selectman is hereby authorized to establish a Tree Board which shall be composed of at least 5 members appointed by the First Selectman in consultation with the Tree Warden. The First Selectman may appoint such number of Tree Board members as deemed expedient and may, at any time, remove them from office. Members shall serve without compensation. Each member shall serve for a term of two (2) years. The Tree Warden shall be an ex-officio non-voting member of the Tree Board.

## **Sec. \_\_\_ PURPOSE AND DUTIES OF THE TREE BOARD**

The Tree Board shall:

- A. Advise and assist the Tree Warden.
- B. Provide a written report indicating recommendations, preliminary approvals, final approvals or disapprovals for special permits and/or site plans, as applicable, as required by the Westport Zoning Regulations.
- C. Promote maintenance, restoration, survival and planting of Trees and Shrubs on Public Property.
- D. Educate the public to recognize the benefits provided by Trees and Shrubs including, but not limited to:
  1. Buffering noise
  2. Buffering unsightly views
  3. Improving air quality
  4. Preventing erosion
  5. Absorbing water (including flood control)
  6. Mitigating climate by cooling the air and providing shade
  7. Offering habitats to birds
  8. Increasing property values
  9. Offering aesthetic benefits

10. Generally improving the quality of life within the Town

- E. Compile a list of Notable Trees for the purpose of preservation, outreach, education and leisure.
- F. Support the Tree Warden in promoting the maintenance of the Notable Trees and cataloging their locations, sizes and species for future enjoyment.
- G. Measure and record Notable Trees annually for the Connecticut's Notable Tree List managed at Connecticut College Arboretum.