



MEMORANDUM

TO: Members of the Board of Representatives

FROM: Mayor Caroline Simmons 

DATE: December 4, 2025

RE: LR31.106 – Amending Chapter 227 of the Stamford Code of Ordinances to Establish a Comprehensive Tree Preservation and Urban Forestry Program

Pursuant to Sec. C2-10-13 of the City of Stamford Charter, which grants the Mayor authority to veto ordinances passed by the Board of Representatives, below are the reasons for my veto of Ordinance No. 1320 – Amending Chapter 227 of the Stamford Code of Ordinances to Establish a Comprehensive Tree Preservation and Urban Forestry Program:

- This ordinance creates unnecessary bureaucratic obstacles for Stamford residents pursuing projects on their private property, including adding permitting requirements and the establishment of an 11-member volunteer Tree Commission, whose responsibilities overlap and potentially conflict with existing boards and commissions.
- Public outreach on this ordinance was not extensive or proportionate to the sizable impacts it would have on Stamford residents.
- The administrative oversight needed to enforce this ordinance is not practical, due to its broad scope and the staffing structure it recommends, both of which would require resources the city does not currently have.
- At a time when rising costs and affordability are significant concerns, this ordinance would potentially increase costs towards construction which may impact housing development.

My administration remains committed to tree planting, preservation, and sustainability efforts that support a healthy, resilient urban environment.

VETO

ORDINANCE AMENDING CHAPTER 227 OF THE STAMFORD CODE OF ORDINANCES TO ESTABLISH A COMPREHENSIVE TREE PRESERVATION AND URBAN FORESTRY PROGRAM

WHEREAS, the City of Stamford seeks to modernize and consolidate its regulations governing the planting, protection, pruning, removal, and replacement of Trees and shrubs on City Property and within the public right-of-way; and

WHEREAS, a healthy and equitable urban Tree canopy provides substantial public benefits, including shade and heat-island mitigation, stormwater management, air-quality improvement, habitat and biodiversity support, traffic calming, and enhanced public health and property values; and

WHEREAS, clear standards for plan review, permits, construction-phase Tree protection, utility vegetation management coordination, restitution and replacement, and civil enforcement are necessary to safeguard public Trees and the public interest; and

WHEREAS, aligning local procedures with Connecticut General Statutes including, without limitation, the Tree Warden notice and hearing requirements in **CGS § 23-59** and the utility vegetation management provisions of **CGS § 16-234** and with best-practice standards (e.g., ANSI A300 and ISA BMPs) will improve consistency, transparency, and legal compliance; and

WHEREAS, establishing the roles of the Tree Warden and Urban Forester, creating and funding a Tree Fund, adopting a Tree Manual, and providing clear permitting and enforcement tools will advance the City's canopy goals and streamline administration; and

WHEREAS, existing provisions of Chapter 227 were adopted at different times, use outdated titles and processes, and employ penalty structures that no longer reflect current standards or the City's enforcement framework; and

WHEREAS, to present a coherent, user-friendly code, the Board of Representatives intends to reorganize Chapter 227 so that related provisions appear together under a consolidated Tree Ordinance;

NOW, THEREFORE, the Board hereby states its intent that, upon adoption of this ordinance, **Chapter 227, Article I and Article II are repealed and replaced**, and **Chapter 227, Article III is renumbered as Article II, §§ 227-50 – 227-59**.

ARTICLE I. TREE ORDINANCE

Sec. 227-1. Title.

This article shall be known and may be cited as the "Tree Ordinance of the City of Stamford."

Sec. 227-2. Purpose and Findings.

A. The City of Stamford recognizes the vital role that Trees play in promoting environmental health, improving property values, mitigating the urban heat island effect, reducing the risk and severity of localized flooding, reducing stormwater runoff, and enhancing quality of life for residents.

B. Stamford's urban forest constitutes a valuable public asset that requires professional management, long-term investment, and public accountability. However, the City has experienced a troubling decline in canopy cover in recent years, with some neighborhoods reporting less than five percent (5%) coverage.

C. The purpose of this ordinance is to: (1) establish the authority and framework for effective urban forestry governance; (2) create a permanent Urban Forestry Division and Tree Commission; (3) promote transparency, public participation, and equitable Tree distribution; (4) preserve, maintain, and expand Stamford's Tree canopy; and (5) establish a Tree Fund to support the goals of the Stamford Master Tree Plan.

Sec. 227-3. Definitions.

For the purposes of this article, the following definitions shall apply:

“Alter” means to impact a Tree’s health or viability by trimming, cutting, grading, compacting, or changing soil or drainage conditions within its drip line. Alteration does not include seasonal pruning necessary for normal growth or minor maintenance that does not affect Tree viability.

“Best Interest” means a determination based on reviewing all relevant factors, including but not limited to the preservation of Trees, the impact on the Streetscape, the maintenance of an effective Tree canopy, the importance of the particular Tree, the health of the Tree and its impact on safety, and the overall impact that the loss of the Tree would have on the City’s urban forest.

“City-Adopted Valuation Tool” means the software or method designated in the Tree Manual to implement the Tree Valuation Standard (e.g., TreeKeeper® Tree Valuation Tool or its successor).

“City Property” means any real property, public highway, or public right-of-way accepted or maintained by the City; any sidewalk, curb/planting strip (Tree belt), median, traffic island, or Streetscape within such right-of-way; and any park, playground, school grounds, cemetery, open space, waterfront access area, utility corridor or facility, building site, or other public ground owned, leased, maintained, or otherwise controlled by the City of Stamford or any of its departments, divisions, boards, commissions, or authorities, including the Board of Education and the Water Pollution Control Authority. “City Property” also includes areas subject to a recorded easement, license, or other property interest held by the City for Streetscape, Tree, drainage, or utility purposes, but only to the extent of the City’s interest. “City Property” does not include property or rights-of-way owned or controlled by the State of Connecticut, the United States, or railroads, except where the City has independent control by agreement or statute.

“City Tree” means any Tree growing on City Property.

“Commercial Property” means a zoning lot whose Principal Use is:

(a) commercial, including retail, office, food and beverage, personal services, lodging, entertainment, storage/warehouse ancillary to a commercial enterprise, or other comparable business activity; or (b) residential with five (5) or more dwelling units.

“Damage” means any action that significantly harms a Tree’s structure, health, or aesthetics. Examples include but are not limited to: posting bills; hanging decorations; carving the bark; applying paint or fire; or allowing harmful substances to come into contact with the Tree. Parking, digging, or paving within the drip line in a manner that injures roots also constitutes damage.

“DBH” (diameter at breast height) means the diameter of a Tree measured at 54 inches above grade. $DBH = \text{circumference at 54 inches} \div 3.1416$. Where DBH cannot be directly measured (including due to removal, cutting below the measurement point, obstruction, inaccessibility, or safety conditions), the Urban Forester may determine DBH using one or more of the following, as set forth in the Tree Manual: (a) Tree Inventory/Census records, if available; (b) the diameter of any remaining stump, converted to DBH per the Manual; (c) photographs, remote-sensing imagery, or other site evidence; or (d) measurements of comparable on-site Trees of the same species and cohort. The Urban Forester’s documented determination constitutes prima facie evidence of DBH for purposes of this Chapter.

“Drip Line” means the circular area on the ground beneath the extent of a Tree’s canopy.

“Grove” means (a) ten (10) or more Trees located within one-quarter ($\frac{1}{4}$) acre, or (b) three (3) or more Trees located within a thirty (30) foot radius that are proposed for removal as part of the same Project or within a rolling twelve (12) month period.

“Hazardous Tree” means any Tree that poses imminent risk to life, safety or property, due to structural failure, damage, disease, or defect. The term includes Trees that are downed, Trees that are partially uprooted; exhibit root-plate failure; have a split or snapped stem; have a catastrophic lean indicating imminent collapse; or contain large broken tops or limbs presenting imminent failure.

“Legacy Tree” means any Tree with a DBH of twenty-four (24) inches or more, or any Tree that the Tree Commission determines possesses unique or significant public value based on its size, age, species, historical importance, or aesthetic character.

“Master Tree Plan” means a planning document developed by the Tree Commission outlining long-term goals, planting standards, priorities, and inventories.

“Person” means any individual, partnership, association, limited liability company, corporation, trust, public utility, contractor, subcontractor, permittee, licensee, or other legal entity, and any officer, agent, or employee thereof; provided, however, that “Person” does not include the City of Stamford or any City employee while acting within the course and scope of municipal employment.

“Principal Use” means the lawful principal use of a lot or structure as determined by the Zoning Enforcement Officer under the Stamford Zoning Regulations. For mixed-use lots, the ZEO’s written determination controls for purposes of this Chapter.

“Public Utility” means “public service company” as defined in Connecticut General Statutes Section 16-1(a)(3), as the same may be amended from time to time.

“Remove” or “Removal” means to cut down a Tree or to take any other action that causes or is likely to cause death or irreversible decline of the Tree within two (2) years.

“Residential Property” means a zoning lot whose Principal Use is residential with one (1) to four (4) dwelling units, including one-family, two-family (duplex), three-family, and four-family dwellings.

“Streetscape Tree” means any Tree, whether located on public or private property, whose base originates wholly or partially within the public right-of-way, or within five (5) feet of the public right-of-way, and which contributes to the visual or functional Tree line of the street.

“Streetscape Tree Inventory” means a record documenting the size, condition, location, and species of all Streetscape Trees, as well as all potential planting sites that could reasonably support a Streetscape Tree.

“Super Hazardous Tree” means a Hazardous Tree that must be removed immediately due to an imminent and serious threat to public safety and the hazard cannot be reasonably mitigated through stabilization, protection, or other measures, and removal cannot be delayed. This includes, but is not limited to, Trees damaged by sudden natural events.

“Tree” means any living woody, self-supporting plant that has a defined stem(s) with a DBH of at least two (2) inches using the United States Forest Service method of determination.

“Tree Fund” means the dedicated Stamford Tree Fund established under this ordinance.

“Tree Removal Registration” means the ministerial filing of fifteen dollars (\$15.00) required under § 227-7(F) for removal of a regulated Tree on Residential Property. A Tree Removal Registration is not a discretionary permit and may not be denied. Its purpose is to provide notice to the City, enable tracking of canopy change, and ensure compliance with any applicable fees or restitution obligations established by this Chapter.

“Tree Valuation Standard” means the *Council of Tree & Landscape Appraisers (CTLA) Guide for Plant Appraisal*, current edition, as amended.

“Tree Website” means the public website maintained under § 227-14.

Sec. 227-4. Tree Warden and Urban Forester.

A. Tree Warden. The position of Tree Warden shall be retained pursuant to Connecticut General Statutes § 23-59. The Tree Warden shall be appointed in accordance with state law and shall exercise all powers, responsibilities, and duties assigned by statute, including but not limited to:

- (1) Care and control all Trees within the limits of any public road or grounds owned or controlled by the City;
- (2) Determination and declaration of hazardous Trees;
- (3) Holding public hearings on Tree removals when required;
- (4) Posting notices of intended removals and responding to objections;
- (5) Overseeing emergency Tree-related work;
- (6) Coordinating with public utilities under CGS §§ 23-65 and 23-65a.
- (7) Oversight of Tree planting, maintenance, and protection on City Property;

B. Urban Forester. The position of Urban Forester is hereby established within the Department of Operations. The Urban Forester shall be a qualified arborist, urban forester, or similarly credentialed professional with a strong commitment to Tree preservation. Minimum qualifications include:

- (1) A bachelor's degree or higher in urban forestry, arboriculture, horticulture, environmental science, or a related field;
- (2) At least three (3) years of professional experience in municipal or urban forestry;
- (3) Certification as an ISA Certified Arborist or Connecticut Licensed Arborist (or achieved within one year of appointment); and
- (4) Demonstrated expertise in Tree preservation and canopy management.

C. Duties of Urban Forester. The Urban Forester shall serve as the City's lead authority on Tree management and enforcement under this ordinance, except where authority is assigned by state law to the Tree Warden. Duties include:

- (2) Maintenance of the Streetscape Tree Inventory;
- (3) Review and determinations on permit applications for Tree planting and removal for tree planting and removal on Commercial Property and oversight of Tree Removal Registration filings;
- (4) Determining tree values for restitution and mitigation, calculated using the Tree Valuation Standard and implemented using the City-Adopted Valuation Tool designated in the Tree Manual;
- (5) Coordination with City departments on Tree-related issues;
- (6) Advising the Tree Commission and Planning and Zoning bodies;
- (7) Administering the Master Tree Plan and Tree Fund;
- (8) Leading public education and outreach;
- (9) Issuing citations and enforcing this ordinance;
- (10) Overseeing the Legacy Tree Program and Tree canopy assessments;
- (11) Coordinating the creation, content, and maintenance of the City's public Tree website, as required under Section 227-15; and
- (12) Adopting and maintaining a publicly available Tree Manual in accordance with Section 227-11.

D. Acting authority. In the event of a vacancy in the position of Urban Forester, or during any period of absence, incapacity, or conflict, the Director of Operations or the Director's designee shall assume all responsibilities and authorities of the Urban Forester under this Chapter until an Urban Forester is appointed, or the absence or incapacity ceases.

E. Coordination.

- (1) The Tree Warden and Urban Forester shall coordinate on matters involving Trees subject to CGS § 23-59 and on utility vegetation work subject to CGS § 16-234.
- (2) The Urban Forester administers permits, inspections, enforcement, planning, and public outreach under this Chapter, and may prepare staff analyses for the Tree Warden.

(3) Where duties overlap, matters within the Tree Warden's statutory jurisdiction are decided by the Tree Warden; all other decisions are made by the Urban Forester under this Chapter.

F. State-law hearings and removals; exclusive authority of Tree Warden.

(1) Public shade Trees (CGS § 23-59). In any case requiring notice, objection, hearing, or removal procedures under CGS § 23-59 for Trees in or overhanging public roads or public grounds, only the Tree Warden (or a duly appointed deputy/acting Tree Warden as permitted by law) may:

- a. issue the statutory notice;
- b. conduct any public hearing upon a timely objection; and
- c. issue the written decision.

(2) Utility vegetation management (CGS § 16-234). For Tree work by or on behalf of a public utility subject to CGS § 16-234, the Tree Warden shall issue the initial written decision on any objection or requested modification; any appeal shall proceed as provided by CGS § 16-234 and applicable PURA orders.

(3) Supremacy. This Chapter supplements, and shall be construed consistently with, CGS §§ 23-59 and 16-234; in the event of conflict, state law controls.

(4) Timelines and appeals unchanged. Nothing in this Chapter alters statutory notice, hearing, decision, or appeal timelines or rights under CGS §§ 23-59 or 16-234.

(5) Urban Forester limits. The Urban Forester may not notice, hold, conduct, decide, or issue orders in any hearing under CGS § 23-59.

(6) Coordination with City permits. Where proposed work under this Chapter also requires a Tree Warden process under CGS § 23-59 or implicates CGS § 16-234, no permit issued under this Chapter authorizes removal or pruning until the applicable statutory process is completed and any required appeal period has expired or been waived by law.

G. Tree Canopy Assessment. The Urban Forester shall assess the Tree canopy in Stamford, which may include a description of the Tree canopy and the extent and condition of Trees in Stamford, including those on private property, in parks, and on City Property. This assessment may include a Streetscape Tree Inventory. When completed, the assessment shall be available to the public and updated at least every ten (10) years.

H. Annual recommendations. The Urban Forester and the Tree Warden shall collaborate on a budget and shall, no later than September 30 of each year, submit to the Director of Operations an annual set of operating and capital recommendations, including planting, maintenance, and canopy-expansion priorities, aligning with the City's budget schedule. The recommendations shall be equal to or greater than the value of trees lost in the previous fiscal year.

Sec. 227-5. Tree Commission.

A. Composition. The Tree Commission shall be composed of eleven (11) members as follows:

(1) Six (6) Ex officio members by office: the President of the Board of Representatives, or the President's designee; the Chair of the Parks and Recreation Commission, or the Chair's designee; the Chair of the Environmental Protection Board, or the Chair's designee; the Chair of the Bartlett Arboretum, or the Chair's designee; the Chair of the Planning Board, or Chair's designee, and the Chair of the Board of Finance, or the Chair's designee.

(2) Public members: five (5) members appointed by the Mayor who have demonstrated a passion for trees and/or Stamford's tree canopy, subject to confirmation by the Board of Representatives.

B. Designation mechanics. Each ex officio officer named in subsection (a)(1) may designate a person to serve in the officer's stead by written notice to the Commission

and the Director of Operations. A designation remains effective until revoked in writing by the officer or until the officer ceases to hold the underlying office, at which time the seat is automatically assumed by the successor officer, who may issue a new designation.

C. Continuity of affiliation. Service in an ex officio seat is contingent upon holding the underlying office. If an officer leaves that office, the Commission seat is automatically vacated and filled by the successor officer (or the successor's designee). Designees serve at the pleasure of the designating officer.

D. Confirmation; minority-party representation. Appointments requiring confirmation under subsection (a)(2) shall be approved by a majority of those present and voting, unless a different threshold is required by Charter. The composition of the Commission shall comply with CGS § 9-167a regarding minority-party representation, if applicable.

E. Vacancies. Vacancies among public members shall be filled in the same manner as the original appointment for the unexpired term. Vacancies in ex officio seats are governed by subsection (c).

F. Terms. The Commission shall serve without compensation. All members shall be appointed to three (3) year terms. Appointments to fill a vacancy shall serve only for the remainder of the unexpired term.

G. Meetings; public comment. The Commission shall meet as regularly as needed, but no less than once per month. All meetings of the Tree Commission shall comply with the Connecticut Freedom of Information Act, including advance posting of agendas and minutes. The Commission shall include a public-comment period at or near the start of each regular meeting. The Chair may set reasonable time, order, and decorum rules.

H. Powers and duties. The Commission shall:

(1) Develop, adopt, and revise the Stamford Master Tree Plan;

(2) Review the Master Tree Plan at least once every five (5) years and amend the Plan as necessary;

(3) Advise the Urban Forester, the Board of Representatives, the Mayor, the Planning Board, the Zoning Board, and all departments under the Director of Operations on Tree-related issues within the City;

(4) Create and maintain the Legacy Tree Registry;

(5) Oversee and approve expenditures from the Tree Fund, and assist in the ongoing management and stewardship of the Fund to ensure it supports the purposes and goals of this Chapter;

(6) Prepare and publish an annual State of the Urban Forest Report in accordance with the following provisions. By March 31 each year, the Commission shall publish an Annual State of the Urban Forest Report ("Annual Report"). Contents shall include, at minimum: a. Trees removed and added by ownership class (City, private, utility), species, size class, and reason; b. estimated canopy change; c. Tree Fund receipts and expenditures and a list of projects; d. inspection, permit, and enforcement statistics; and e. priority planting and stewardship areas for the next fiscal year. The Annual Report shall include schedules updated annually, including the Replacement Unit Cost (RUC) using the City-Adopted Valuation Tool designated in the Tree Manual to implement the Tree Valuation Standard, and any implementation guidance adopted by the Urban Forester.

The Annual Report shall be posted on the City website, the Tree Website, and transmitted to the Board of Representatives, Board of Finance, and Mayor.

(7) Hold hearings as follows:

a. Scope. The Commission shall conduct hearings only where expressly assigned by this Chapter and not preempted by state law. The Commission shall not notice, conduct, or decide hearings required by CGS § 23-59 or CGS § 16-234.

b. Authorized Commission hearings. The Commission may hold hearings on: (i) appeals or reviews of Urban Forester enforcement actions as provided in § 227-12(B); and (ii) any other matter expressly assigned to the Commission by this Chapter and not preempted by state law. Final administrative decisions of the Tree Commission under this subsection may be appealed to the Superior Court within thirty (30) days of the decision.

Sec. 227-6. Stamford Tree Fund.

A. Establishment. The City shall establish a restricted-use account known as the Stamford Tree Fund, to be used exclusively for the planting, maintenance, and preservation of Trees and for the implementation of the Stamford Master Tree Plan.

B. Revenue sources. Sources of revenue for the Stamford Tree Fund may include:

- (1) Appropriations by the City;
- (2) Payments made in lieu of Tree planting or as restitution for unauthorized Tree removal or damage;
- (3) Payments made in lieu of required Tree replacement;
- (4) Fees collected from any Person pursuant to a deviation approval under § 227-11(D);
- (5) Permit processing fees and Tree Removal Registration fees;
- (6) Fines, penalties, and citations imposed or collected through enforcement actions under this Chapter;
- (7) Gifts, grants, and donations; and
- (8) Any other funds designated by ordinance, regulation, or action of the City.

C. Expenditures. The Tree Commission shall approve all expenditures from the Stamford Tree Fund. Routine expenditures may be approved administratively by the Urban Forester or Tree Warden, provided they are specifically identified in the Stamford Master Tree Plan and fall below a dollar amount set by the Tree Commission. All other expenditures shall require express approval by a majority vote of the Tree Commission.

D. Municipal eligibility for Tree Fund awards.

(1) Eligibility. The City of Stamford, including its departments, divisions, boards, commissions, and agencies, may apply for and receive monies from the Tree Fund for eligible projects consistent with the purposes of this Chapter.

(2) Equal treatment. City applications shall be evaluated under the same criteria and procedures as all other applications, subject to any Charter or Code requirements for appropriations, transfers, purchasing, or contracting.

(3) Permitted uses. Awards to City entities may be expended for:

- a. planting, establishment, and maintenance of Trees on City Property and within public rights-of-way;
- b. restoration and mitigation projects that replace or enhance Tree canopy;
- c. planning, design, inventory, and related data management that directly support urban forestry objectives; and
- d. public education and outreach related to urban forestry.
- e. care, maintenance, or preservation of Legacy Trees on private property in cases involving disease, structural decline, or similar threat in accordance with § 227-8.

(4) Accounting and reporting. Disbursements to City entities shall be separately accounted for and expended only for the approved scope. Unused balances shall revert to the Tree Fund unless otherwise authorized. A brief completion report shall be submitted to the Urban Forester within 60 days of project completion.

E. Legacy Tree Assistance.

In accordance with Section 227-8(c)(2), expenditures may be approved to provide assistance upon application with the care, maintenance, or preservation of Legacy Trees on Residential Property in cases involving disease, structural decline, or similar threats.

Sec. 227-7. Tree Removal.

A. General prohibition and Permit and Registration Requirement.

(1) No Person shall remove:

a. On City Property: any individual Tree with DBH thirteen (13) inches or greater, or any Grove where the combined DBH of Trees proposed for removal equals or exceeds thirteen (13) inches within a rolling twelve (12) month period, without first obtaining a Tree-removal permit for Fifteen Dollars (\$15.00) issued by the Tree Warden in accordance with Connecticut General Statutes § 23-59.

b. On Commercial Property: any individual Tree with DBH thirteen (13) inches or greater, or any Grove where the combined DBH of Trees proposed for removal equals or exceeds thirteen (13) inches within a rolling twelve (12) month period, without first obtaining a Tree-removal permit for Fifteen Dollars (\$15.00) issued by the Urban Forester under this Chapter.

c. On Residential Property: any individual Tree with DBH thirteen (13) inches or greater, or any Grove where the combined DBH of Trees proposed for removal equals or exceeds thirteen (13) inches within a rolling twelve (12) month period, without first filing a Tree Removal Registration for Fifteen Dollars (\$15.00) with the Urban Forester under this Chapter.

2) Permit Applications.

a. City Property. Within thirty (30) calendar days after receipt of a completed Tree-removal permit application for a Tree located on City Property, the Tree Warden shall approve, with conditions where applicable, or deny the application in writing in accordance with Connecticut General Statutes § 23-59.

b. Commercial Property. Within thirty (30) calendar days after receipt of a completed Tree-removal permit application for a Tree located on Commercial Property, the Urban Forester shall approve and forward to the Tree Commission, with conditions where applicable, or deny the application in writing. If no written decision is issued within that period, the application is deemed approved as submitted.

This subsection does not apply to Residential Property, where Tree Removal Registrations are governed by § 227-7(F).

B. Exception for Hazardous and Super Hazardous Trees. The requirement for a Tree removal permit and Tree Removal Registration shall not apply to the removal of any Hazardous or Super Hazardous Tree provided that:

(1) The property owner or responsible party notifies the Urban Forester in writing no later than fifteen (15) calendar days of the removal so the Urban Forester can verify the hazard determination, maintain the City's Tree inventory, and track the health and loss/gain of Stamford's Tree canopy over time;

(2) The notification includes the location of the Tree, the basis for the hazard determination, and photographic or other supporting evidence documenting the condition of the Tree prior to removal;

(3) The Urban Forester or designee reviews the submitted materials and may inspect the site to confirm that the removal qualified for this exemption;

(4) If the Urban Forester determines that the exemption was improperly claimed, the removal shall be deemed unauthorized and subject to enforcement under this Chapter; and

(5) Any failure to provide timely notice and documentation under this subsection constitutes a per se violation of this Chapter.

C. Permit and Tree Removal Registration Display; Contractor Verification; Recordkeeping.

(1) Scope. This section applies to any activity for which a permit or Tree Removal Registration is required by this ordinance.

(2) Permit and Tree Removal Registration display and on-site production. The permit and Tree Removal Registration holder and any contractor or arborist performing work under a permit or Registration shall keep a copy of the permit or Registration, paper or digital, at the jobsite at all times. The permit or Registration shall be shown on request to the Director of Operations, the Tree warden, Urban Forester, or designee, citation officers, zoning/building officials, or any sworn law-enforcement officer. Acceptable proof includes a printed permit or Registration, a readable digital file, or a permit number that can be verified in the City's system from the public way.

(3) Contractor/arborist duty to verify.

a. No arborist, Tree service, or contractor shall begin work that requires a permit or Registration unless it has verified that a valid permit has been issued for the address and scope of work.

b. If a permit or Registration is expired, suspended, revoked, or otherwise invalid, the contractor shall decline to start or immediately cease work until a valid permit is obtained and documented.

D. Tree Removal on City Property.

(1) Applicability. This subsection applies to (i) any individual Tree on City Property with DBH \geq thirteen (13) inches, and (ii) any Grove on City Property where the combined DBH of Trees proposed for removal equals or exceeds thirteen (13) inches within a rolling twelve (12) month period.

(2) Permit and departmental approval required. Removal of such Trees shall require a Tree removal permit issued by the Tree Warden and the written consent of the head of the City department responsible for the property.

(3) Public Posting, Objection, and Hearing Procedure (City Property).

a. The Tree Warden shall post, or cause to be posted, a visible notice on the Tree stating the intent to remove it at least thirty (30) days prior to removal.

b. The posted notice shall include: 1. the location of the Tree(s) and the proposed action; 2. the reasons for removal; 3. instructions for filing a written objection with the Tree Warden on or before the last day of the posting period; and 4. the date, time, and location of a public hearing that is automatically scheduled.

c. Hearing; timing and notice (automatic hearing). For any proposed removal or pruning subject to posting under this subsection, the Tree Warden shall hold a public hearing regardless of whether any written objection is received. The hearing shall be held at a suitable time and place after giving reasonable notice to all known interested persons and by posting notice on the subject Tree(s), in accordance with CGS § 23-59. Any locally announced date is subject to, and may be adjusted to comply with, CGS § 23-59. Within three (3) days after the hearing, the Tree Warden shall issue a written decision, and any aggrieved party may appeal within ten (10) days as provided in CGS § 23-59. Nothing herein authorizes removal or pruning sooner than permitted by CGS § 23-59, nor limits removal where the Tree Warden determines an immediate public hazard exists under that statute.

(4) Following any hearing, the Tree Warden shall issue a written decision, and any appeal shall proceed as provided by CGS § 23-59.

(5) Tree Commission participation; advisory opinion.

a. Notice. Upon scheduling any public hearing under CGS § 23-59, the Tree Warden shall provide written notice of the hearing date, time, location, and subject Tree(s)/location(s) to the Chair of the Tree Commission and the Urban Forester. Where practicable, such notice shall be given at least five (5) days prior to the hearing.

b. Attendance. The Tree Commission shall designate its Chair or another member as designee to attend the hearing on behalf of the Commission.

c. Advisory opinion. At or before the hearing, the Chair or designee shall offer a non-binding advisory opinion addressing (i) consistency with this Chapter and the City's urban forestry goals, and (ii) any conditions or alternatives the Commission recommends.

d. Record and consideration. The Tree Warden shall accept the advisory opinion into the record and shall consider it in rendering the written decision required by CGS § 23-59. The decision shall briefly note whether and how the advisory opinion was considered.

e. Timeliness; effect of nonappearance. Commission participation shall not extend or toll the deadlines in CGS § 23-59 nor limit the Tree Warden's independent authority thereunder. Failure of the Commission to attend or to provide an advisory opinion shall not invalidate the hearing or decision.

(6) Rescheduling. If the hearing must be rescheduled due to weather, emergency, or other good cause, the Tree Warden shall post an updated notice on the Tree and on the City's website and the Tree Website stating the revised date, time, and location no fewer than five (5) days before the rescheduled hearing.

(7) Utility vegetation management (CGS § 16-234). Where the proposed work is part of a public-utility vegetation-management program, the procedures and timelines of CGS § 16-234 govern. The Tree Warden shall issue the initial written decision within the timelines required by state law, and any appeal shall be taken as provided therein. The automatic hearing scheduling in subsection (a) does not apply to utility vegetation-management matters governed by CGS § 16-234.

(8) Tree replacement or restitution. If removal is approved, the party responsible for the removal shall either:

a. Replacement. Replace the removed Tree(s) with Trees meeting the specifications in the Tree Manual, with the replacement obligation calculated using the Tree Valuation Standard and implemented using the City-Adopted Valuation Tool designated in the Tree Manual; or

b. Payment in lieu. Make a payment in lieu to the Stamford Tree Fund in an amount equal to the replacement value calculated using the Tree Valuation Standard and implemented using the City-Adopted Valuation Tool designated in the Tree Manual.

E. Tree Removal on Commercial Property.

(1) Applicability. This subsection applies to (i) any individual Tree on Commercial Property with DBH \geq thirteen (13) inches, and (ii) any Grove on City Property where the combined DBH of Trees proposed for removal equals or exceeds thirteen (13) inches within a rolling twelve (12) month period.

(2) The applicant for the permit shall pay a permit fee of fifteen dollars (\$15.00).

(3) Urban Forester preliminary action. Within fifteen (15) business days after receipt of a permit application, the Urban Forester shall either:

a. Deny the application in writing setting forth the reason(s) for denial; or

b. Refer the application to the Tree Commission for review, with a written staff report and recommendation which may include recommended conditions for removal or recommended mitigation.

(4) Tree Commission review and authority. Upon referral from the Urban Forester, the Tree Commission may a. approve the application with or without conditions; b. deny the application if it determines that the proposed removal would materially and unreasonably compromise the health, sustainability, or continuity of the urban Tree canopy, or if the applicant has not demonstrated that removal is necessary to achieve a reasonable use of the property. The Tree Commission shall issue a written decision within sixty (60)

days of referral from the Urban Forester, unless extended for good cause with the applicant's consent.

(5) Tree replacement or restitution. If the Tree Commission approves the removal, the applicant shall either:

- a. Replacement. Replace the removed Tree(s) with Trees meeting the specifications in the Tree Manual, with the replacement obligation calculated using the Tree Valuation Standard and implemented using the City-Adopted Valuation Tool designated in the Tree Manual; or
- b. Payment in lieu. Make a payment in lieu to the Stamford Tree Fund in an amount equal to the replacement value calculated using the Tree Valuation Standard and implemented using the City-Adopted Valuation Tool designated in the Tree Manual.

(6) Tree Protection Plan. As a condition of any site plan, zoning application, or construction activity requiring excavation or grading, the Urban Forester may require the applicant to submit a Tree Protection Plan identifying all Trees to be preserved, protected, or removed, and outlining the methods of protection to be used during construction. The Tree Commission may review and comment on any such plan.

(7) Appeals. Any applicant aggrieved by a decision of the Tree Commission under this subsection may appeal such decision to the Superior Court within thirty (30) days of the date of the decision.

(8) Violations. Violations of this subsection are subject to § 227-12 (Enforcement and Penalties), in addition to any required replacement or restitution under § 227-11.

F. Tree Removal on Residential Property.

(1) Applicability. This subsection applies to (i) any individual Tree on Residential Property with DBH \geq thirteen (13) inches, and (ii) any Grove on Residential Property where the combined DBH of Trees proposed for removal equals or exceeds thirteen (13) inches within a rolling twelve (12) month period.

(2) Registration Fee. A Tree Removal Registration shall be filed with the Urban Forester, and a registration fee of Fifteen Dollars (\$15.00) per Tree or Grove of Trees shall be paid prior to removal. Where a licensed tree service, arborist, or contractor is engaged to perform the work, that party shall be responsible for filing the Registration and paying the fee on behalf of the property owner. Where the property owner performs the removal without a contractor, the property owner shall file the Registration and pay the fee directly. The Tree Removal Registration shall be filed on a form prescribed by the Urban Forester and made available on the Tree Website.

(3) Inspection and Removal of Non-Legacy Trees. Upon receipt of a complete Tree Removal Registration for removal of a non-Legacy Tree on Residential Property, the Urban Forester, or designee, may conduct a site inspection and/or a consultation to review the proposed removal with the property owner and may provide information about Tree value, preservation alternatives, and canopy benefits. Nothing in this Chapter shall be construed to prohibit or prevent a property owner from removing a Tree located on Residential Property, provided that the required Registration is filed and the applicable fee is paid.

(4) Inspection and Removal of Legacy Trees. Upon receipt of a complete Tree Removal Registration for removal of a Legacy Tree on Residential Property, the Urban Forester, or designee, shall conduct a site inspection and/or consultation with the property owner within thirty days to verify the Tree's condition and review the removal request. The property owner shall retain the right to remove the Legacy Tree, provided that, as a condition of removal, the owner shall pay Forty Dollars (\$40.00) per inch of DBH to the Tree Fund. The Urban Forester may adjust this mitigation amount, using the City-Adopted Valuation Tool or comparable professional standards, to ensure that the payment is reasonably proportional to the environmental and aesthetic impact of the removal. The required payment shall be the lesser of forty dollars (\$40.00) per inch DBH or the amount determined through the City-Adopted Valuation Tool.

(5) Planting Option. For Removal of a Legacy Tree on Residential Property, the owner may plant replacement Trees instead of paying the Legacy fee, at a conversion of one (1) replacement Tree for each ten (10) inches of DBH of the removed Tree, rounded up. Each replacement Tree must meet Tree Manual standards, be planted during the first suitable planting season and within twelve (12) months of Tree Removal Registration issuance and be maintained for five (5) years. If on-site planting is not feasible, the Urban Forester may approve planting in the adjacent right-of-way or at another City designated location.

G. Permit and Tree Removal Registration application requirements.

(1) A completed application form with the address of the location of the Tree and any applicable permit and Registration fee;

(2) A site plan, sketch, photo or detailed description showing the location, species (if known), and DBH of each Tree proposed for removal; and

(3) A written reason for the proposed removal.

H. Effect of Tree-removal permit and Registration decisions on other City approvals.

(1) No implied authorization. Approval under the Zoning Regulations, Building Code, Inland Wetlands, or any other City approval does not authorize removal of a regulated Tree unless a Tree-removal permit or Registration is issued under this Chapter.

(2) Conditioning of non-zoning permits. Prior to issuing any Building Permit, right-of-way or street opening permit, or Certificate of Occupancy for work that would remove or disturb a regulated Tree, the Building Official or permitting authority shall require proof of an issued Tree-removal permit or Tree Removal Registration and compliance with any conditions thereon.

(3) Denial; effect. If a Tree-removal permit is denied: (1) The applicant shall not remove, damage, or encroach upon the regulated Tree(s). (2) Any other City approval remains in effect only to the extent it can be implemented without the disallowed removal. (3) Where approved plans depict removal, the applicant shall seek any plan revision or modification required by the Zoning Regulations to reflect Tree preservation and related site changes.

(4) Interdepartmental notice. Upon denial, the Urban Forester shall notify the Building Official, Engineering, and other affected departments and place an administrative hold in the permitting system for the affected parcel until a compliant plan or required zoning modification (if any) is on file.

(5) Savings clause. Nothing in this Chapter shall be construed to amend or supersede CGS ch. 124 or the Zoning Regulations, to confer upon the Urban Forester or Tree Commission any authority vested by statute in the Zoning Board or Zoning Enforcement Officer, or to alter statutory timelines or appeal rights.

I. Exemption for Invasive Species.

The removal of trees identified as invasive species by the Connecticut Invasive Plant Working Group (CIPWG) or the Connecticut Department of Energy and Environmental Protection (DEEP) shall not require a permit, restitution, or replacement under this Chapter.

For any City Tree or tree located on City Property, the notice, hearing, and decision requirements of Connecticut General Statutes § 23-59 shall continue to apply, but no additional permitting or restitution obligations shall be imposed under this Chapter.

Sec. 227-8. Legacy Tree Program.

A. Establishment of program. The Tree Commission shall establish and administer a Legacy Tree Program to identify, protect, and promote Trees of exceptional size, age, species, cultural significance, or ecological value within the City of Stamford.

B. Advisory role of the Bartlett Arboretum. The Bartlett Arboretum shall serve as an official advisor to the Tree Commission in connection with the Legacy Tree Program and may provide expertise on species, age, condition, and historical or ecological significance.

C. Eligibility and registry.

(1) All Trees located on public property within the City of Stamford with a DBH of twenty-four (24) inches or greater shall be automatically designated as Legacy Trees and included in the City's Legacy Tree Registry. Additional Trees on public property may be designated as Legacy Trees based on factors such as age, species, location, historical significance, or unique ecological or aesthetic characteristics.

(2) Legacy Trees located on private property shall not be included in the City's Legacy Tree Registry but may still be recognized and supported under this program. The Tree Fund may be used, at the discretion of the Urban Forester and Tree Commission, to provide assistance upon application available on the Tree Website with the care, maintenance, or preservation of Legacy Trees on Residential Property in cases involving disease, structural decline, or similar threats.

D. Protections and maintenance. Except as otherwise provided herein, no Legacy Tree on Public or Commercial Property may be removed without the express approval of the Tree Commission. Legacy Trees shall receive priority consideration for maintenance, care, and preservation by the Urban Forester. In cases of imminent hazard, where emergency removal is authorized pursuant to this Chapter and applicable state law, the Urban Forester may order removal without prior Commission approval but shall notify the Tree Commission as soon as practicable.

E. Annual "City Tree" designation. The Tree Commission shall annually designate one Legacy Tree as the City Tree in recognition of its significance to Stamford's urban forest. A placard shall be installed at or near the base of the Tree, and recognition events may be held in partnership with the Mayor's Office, local organizations, and schools to raise public awareness and celebrate the value of the City's Trees.

Sec. 227-9. Protection of Trees During Construction.

A. Compliance with industry standards. Property owners and all persons responsible for construction, demolition, grading, excavation, or other site work shall comply with the most current version of the Tree Manual and the American National Standards Institute (ANSI) A300 Standards for Tree Care Operations – Part 5: Management of Trees and Shrubs During Site Planning, Site Development, and Construction, as amended, for the duration of any such activity. A copy of these standards shall be made available to the public at the office of the Urban Forester and on the Tree Website.

B. Enforcement and municipal citations. Violations of this section, including failure to comply with the Tree Manual or the ANSI A300 Standards, as amended, shall be subject to citation and enforcement in accordance with § 227-12. Each affected Tree shall constitute a separate violation. Each violation shall be subject to a fine of up to two hundred fifty dollars (\$250.00) per day, per Tree affected. Where the Urban Forester determines that the violation presents a substantial risk of harm to a Tree or grove, a bond may also be required in accordance with subsection (c) of this section.

C. Bond requirement. If the Urban Forester determines that a violation of subsection (a) presents a substantial risk of damage to a Tree or grove, the person responsible shall be required to post a five-year bond in an amount equal to the replacement value of the affected Tree or grove. The bond shall be forfeited if the Urban Forester determines that the Tree or grove is dead, dying, or irreparably damaged within the five (5) year period.

D. Determination of replacement value. The replacement value of any Tree or Grove damaged or destroyed due to negligent or improper construction practices shall be calculated using the Tree Valuation Standard and implemented using the City-Adopted Valuation Tool designated in the Tree Manual, in accordance with §§ 227-10 and 227-11.

Sec. 227-10. Tree Replacement Maintenance Obligation.

A. Applicability. Any property owner, developer, or other responsible party required to replace a Tree pursuant to this Chapter shall comply with the provisions of this section.

(1) Establishment period. All replacement plantings shall be maintained for five (5) full growing seasons following acceptance of planting by the Urban Forester or Tree Warden (the "Establishment Period").

(2) Required care. The responsible party shall provide watering, mulching, protection, and pruning consistent with ANSI A300 and the Tree Manual.

(3) Survival standard. Each Tree must meet the survival and performance standards specified in the Tree Manual throughout and at the conclusion of the Establishment Period.

(4) Inspections. The Tree Warden, the Urban Forester, or designee, may conduct periodic inspections during the Establishment Period.

(5) Failure and replacement. Any Tree that dies or fails to meet the survival standard shall be replaced in the next suitable planting season. The Establishment Period restarts for the replacement Tree only.

(6) Final acceptance. Upon successful completion of the Establishment Period and verification that all survival standards are met, the Urban Forester or Tree Warden shall issue final acceptance for the replacement obligation.

Sec. 227-11. Tree Manual and Street Tree Manual

A. Tree Manual

(1) Tree Manual established. The Urban Forester and Tree Warden shall adopt and maintain a publicly available Tree Manual that sets objective standards for species selection, spacing, planting locations, soil preparation and excavation, installation, protection, maintenance, survivability/performance criteria, inspection, and documentation. The Urban Forester shall designate the City-Adopted Valuation Tool in the Tree Manual and may update that designation without ordinance amendment, provided the tool implements the Tree Valuation Standard. The Tree Manual shall be posted on the City's Tree Website and updated as needed.

(2) Street Tree Planting Manual.

In addition to the Tree Manual prepared by the Urban Forester, the Tree Warden shall continue to maintain a Street Tree Planting Manual, which has historically guided the care and management of City Trees within the public right-of-way. The Urban Forester and Tree Warden may collaborate in the preparation, revision, and administration of both the Tree Manual and the Street Tree Planting Manual. All City departments, agencies, boards, commissions, and private entities shall comply with the standards set forth in both manuals, as applicable.

Sec. 227-12. Tree Planting Requirements.

A. Urban Forester Review Triggers

(1) Zoning Submissions. The Urban Forester and/or Tree Warden shall review plans submitted in connection with zoning applications when any of the following apply:

- a. Removal, pruning, or impact to any Tree \geq thirteen (13) inches DBH is proposed;
- b. Work affects City Property or any Streetscape Tree governed by this Chapter;
- c. The applicant seeks a deviation from the Tree Manual; or
- d. The Land Use Bureau requests Urban Forester review.

Applications that self-certify compliance with the Tree Manual and do not meet any review trigger in this subsection may proceed without separate Urban Forester or Tree Warden sign-off.

B. Unauthorized planting in the public way is prohibited. No Person shall plant any Tree or shrub on City Property, including within the public right-of-way, without written approval of the Urban Forester or Tree Warden, or designee, and in accordance with the Tree Manual; unauthorized plantings are subject to citation and removal at the responsible party's expense.

C. Planting requirement for zoning activities. Any activity requiring a zoning permit shall include Tree planting consistent with the Stamford Zoning Regulations, the Stamford Master Tree Plan, and the Street Tree Planting Manual, and the Tree Manual. Requests for variances or waivers from planting requirements shall be governed by the Stamford Zoning Regulations and any applicable procedures therein.

D. Non-zoning activities; deviations and fees.

(1) Applicability. Any Tree planting, protection, alteration, or removal activity that does not require a zoning permit shall conform to the Tree Manual and Street Tree Planting Manual.

(2) Deviations. Where full compliance with the Tree Manual or Street Tree Planting Manual is impracticable due to site conditions or project constraints (and not solely for convenience or cost), the Urban Forester or Tree Warden may authorize a deviation. Any approval shall include written findings referencing the applicable criteria in the Tree Manual or Street Tree Planting Manual. Deviations under this subsection are not zoning variances.

(3) Deviation fee; use of funds. As a condition of a deviation approval, the party responsible shall pay a per-Tree deviation fee determined by the Urban Forester using the Tree Valuation Standard and implemented through the City-Adopted Valuation Tool designated in the Tree Manual or Street Tree Planting Manual. All such payments shall be deposited into the Stamford Tree Fund and used for off-site planting, maintenance, or canopy restoration. The Tree Manual and Street Tree Planting Manual shall include the methodology for calculating any deviation fee and may allow functionally equivalent mitigation (e.g., off-site plantings) where it yields an equal or greater canopy benefit.

(4) Relation to other obligations. Approval of a deviation does not waive any replacement or restitution obligations or any enforcement provisions.

E. Environmental Protection Board (EPB) Collaboration. On applications before the EPB that include site plans or activities affecting Trees, the EPB may collaborate with the Tree Commission, the Urban Forester, and/or the Tree Warden, including joint site walks, plan review, and coordinated conditions to protect and enhance the urban canopy. EPB collaboration is advisory and does not modify EPB's independent jurisdiction or procedures.

F. Maintenance obligation. Any Tree planted pursuant to this section shall be maintained by the responsible party, or by the property owner if no other party is designated, for a period of at least five (5) years from the date of planting. If any such Tree dies or is irreparably damaged during this period, it shall be replaced by the responsible party, and the replacement Tree shall also be maintained for a period of five (5) years from the date of replanting.

G. Violations of Tree-planting requirements; penalties and replacement/restoration.

(1) Civil penalties. For any violation of the Tree-planting requirements of this section, the Urban Forester, or designee, or a city citation officer, may issue a municipal citation to the property owner, other than the City, in an amount up to two hundred fifty dollars (\$250.00) per day per Tree affected, for each day until the applicable replacement/restoration obligations have been satisfied. Civil penalties under this subsection are cumulative of, and do not replace or reduce, the replacement/restoration obligations described herein.

(2) Replacement/restoration obligations for Commercial Property. Replacement value shall be calculated using the Tree Valuation Standard and implemented using the City-Adopted Valuation Tool designated in the Tree Manual. In addition to any civil penalties, the property owner shall satisfy the resulting replacement obligation by:

a. Planting. Planting at locations approved by the Urban Forester or Tree Warden, the number of Trees required to satisfy the replacement obligation, with each Tree meeting the specifications in the Tree Manual and Street Tree Planting Manual (including minimum size, nursery stock quality, approved species/cultivars, installation per ANSI A300 and ANSI Z60.1, and five-year

establishment/maintenance) and replacing any failures during the establishment period; or

b. Payment in lieu. Payment in lieu to the Tree Fund in an amount equal to the calculated replacement value; or

c. Combination. A combination of a and b approved by the Urban Forester.

(3) Replacement/restoration obligations for City Property. Replacement value shall be calculated using the Tree Valuation Standard and implemented using the City-Adopted Valuation Tool designated in the Tree Manual or Street Tree Planting Manual. In addition to any restitution, the City of Stamford, as property owner, shall satisfy the resulting replacement obligation by:

a. Planting. Planting at locations approved by the Urban Forester or Tree Warden, the number of Trees required to satisfy the replacement obligation, with each Tree meeting the specifications in the Tree Manual or Street Tree Planting Manual (including minimum size, nursery stock quality, approved species/cultivars, installation per ANSI A300 and ANSI Z60.1, and five-year establishment/maintenance), and replacing any failures during the establishment period; or

b. Payment in lieu. Payment in lieu to the Tree Fund in an amount equal to the calculated replacement value; or

c. Combination. A combination of a and b approved by the Urban Forester or Tree Warden.

G. Appeals to the Commission.

Any Person aggrieved by a decision of the Urban Forester under this section may appeal to the Tree Commission in accordance with procedures established by the Commission. Appeals of decisions made pursuant to the Stamford Zoning Regulations shall be governed exclusively by the appeal procedures contained in the Zoning Regulations. Within ten (10) business days after the record closes, the Commission shall issue a written decision with findings and reasons. The decision shall be sent by electronic mail, or if unavailable, by first-class mail to the appellant and parties of record, posted on the City's website, and filed with the City Clerk.

Sec. 227-13. Enforcement and Penalties.

A. Notice of violation. Any person who violates any provision of this Chapter shall be provided written notice of the specific violation by the Urban Forester or designee. Notice shall be served by certified or registered mail, return receipt requested, or by hand delivery. The notice shall describe the nature of the violation and shall establish a reasonable deadline for corrective action.

B. Stop-Work Orders; hearing and review (non-§§ 23-59 / 16-234 matters only).

(1) Issuance. The Urban Forester, the Tree Warden, or designee, may issue a Stop-Work Order upon a reasonable belief that any person has violated this Chapter, the Tree Manual, or a permit, plan, or condition issued thereunder.

(2) Request for hearing. Any person aggrieved by a Stop-Work Order may, within ten (10) days of service, submit a written request for a hearing.

a. State law carve-out. If the subject matter requires a hearing under CGS § 23-59 (public shade Trees) or procedures under CGS § 16-234 (utility vegetation management), the hearing shall be noticed, conducted, and decided exclusively by the Tree Warden in accordance with § 227-4(F) and state law. This subsection does not apply to such hearings.

b. Ordinance enforcement matters. For all other matters under this Chapter, the request shall be docketed for a hearing before the Tree Commission, to be held within fourteen (14) days of the request, unless extended for good cause.

(3) Commission hearing; scope and disposition (non-§§ 23-59 / 16-234 matters only).

a. Scope. The Commission's hearing is limited to enforcement of this Chapter and any permit, plan, or condition issued under it. The Commission shall not authorize or deny the removal or pruning of any public shade Tree governed by CGS § 23-59, nor alter any decision of the Tree Warden rendered under CGS §§ 23-59 or 16-234.

b. Disposition. After the hearing, the Commission shall affirm, modify, or dissolve the Stop-Work Order and may impose remedial conditions, compliance timelines, or payments, including to the Stamford Tree Fund in accordance with the provisions of the Chapter.

c. Record close; decision; notice; effect.

i. Record close. The record closes at the conclusion of the hearing unless the Commission keeps it open to a date certain announced on the record.

ii. Decision and notice. Within ten (10) business days after the record closes, the Commission shall issue a written decision with findings and reasons. The decision shall be sent by electronic mail, or if unavailable, by first-class mail to the appellant and parties of record, posted on the City's website, and filed with the City Clerk.

iii. Effect pending decision. A Stop-Work Order remains in effect until modified or dissolved by written decision; emergency work to abate imminent hazards may proceed as authorized by law.

C. Relation to other remedies. Proceedings under this subsection are in addition to any citations, penalties, restitution, or replacement required under § 227-10 and § 227-11, and do not limit the Tree Warden's authority under CGS §§ 23-59 or 16-234. Any person who continues work after receiving a verbal or written directive to stop work except as authorized to remedy the violation or address an unsafe condition shall be subject to a fine of up to two hundred fifty dollars (\$250.00) per day, per Tree affected.

D. Municipal citations. The Urban Forester, or their designee, and Citation Officers are authorized to issue municipal citations for any violation of this Chapter. Citations may be issued to any Person, other than the City, including property owners, developers, contractors, utility providers, or other responsible Persons. Unless otherwise specified in this Chapter, any violation shall be subject to a civil fine of up to two hundred fifty dollars (\$250.00) per day, per Tree affected. Each affected Tree shall constitute a separate violation. Each day that a violation continues shall constitute an additional and distinct offense. The citation process and appeal rights shall be governed by Section 1-5 of the Stamford Code of Ordinances, as amended.

E. Restitution required. In addition to any citation, the responsible Person shall either:

(1) replace the affected Tree(s) in accordance with § 227-11; or

(2) pay restitution to the Stamford Tree Fund in an amount equal to the replacement value calculated using the Tree Valuation Standard and implemented using the City-Adopted Valuation Tool designated in the Tree Manual, as determined by the Urban Forester.

(3) Unregistered Cutting on Residential Property.

(a) Applicability. This subsection applies to any Tree on Residential Property for which a Tree Removal Registration is required under this Chapter.

(b) Penalty Schedule (per Tree). Any person who cuts, removes, or causes the removal of a Tree without a required Tree Removal Registration shall be subject to:

(i) DBH 13"-24" (inclusive): a \$250 civil citation;

(ii) DBH >24": a fee assessed at forty dollars (\$40.00) per inch of DBH, in addition to any citation authorized under this Chapter.

(c) Separate Violations. Each Tree cut without a required Registration constitutes a

separate violation.

(d) Cumulative Remedies. Penalties under this subsection are cumulative of, and in addition to, any other enforcement tools or remedies available under this Chapter or applicable law.

F. Additional remedies. The Urban Forester may recommend to the Building Official, Zoning Enforcement Officer, or other City authorities that a stop-work order, permit suspension, or permit revocation be issued for ongoing, willful, or reckless violations. Nothing in this section shall limit the City's authority to seek injunctive relief or other equitable remedies in a court of competent jurisdiction, including recovery of damages and restoration costs.

G. Authorized enforcement personnel. The Director of Operations, the Urban Forester, authorized employees of the Department of Operations, and duly designated citation officers shall be the authorized enforcement personnel for this Chapter.

H. Use of funds. All fines, penalties, and restitution payments collected under this section shall be deposited into the Stamford Tree Fund, to be used exclusively for Tree planting, preservation, and urban canopy restoration efforts consistent with the goals of this Chapter.

I. City-caused violations; restoration and funding. Where a violation of this Chapter results from actions of a City department, or employee thereof, the responsible department shall, at project/department expense, complete Comparable Replacement and any other restoration required under this Chapter and the Tree Manual. The Director of Operations shall ensure the availability of funds, including, as needed, budget transfers or appropriations and oversee completion. Non-emergency work shall not resume until the Urban Forester verifies compliance and issues written authorization to proceed. Emergency work to abate imminent hazards may proceed as authorized by law.

J. Liability of contractors, utilities, permittees, and licensees. Any contractor, subcontractor, public utility, permittee, or licensee performing work on City property or for a City project is independently responsible for compliance with this Chapter and the Tree Manual or Street Tree Planting Manual, and is subject to citations, penalties, stop-work orders, and restitution/replacement requirements. The issuance of a City contract, permit, or directive does not relieve or immunize such parties from liability. The City may enforce such obligations on a joint-and-several basis among responsible parties.

K. Nothing in this Chapter shall limit or supersede the remedies provided under Connecticut General Statutes § 23-65(b). Unauthorized removal, pruning, injury, or defacement of any City Tree or Tree located on City Property may subject the responsible party to additional civil remedies, damages, and penalties under state law, in addition to the penalties established by this Chapter.

Sec. 227-14. Public Utilities.

A. Permit requirement.

(1) Any public utility maintaining overhead wires, underground pipes, or conduits shall obtain a Public Utilities Tree Work Permit from the Urban Forester before performing any maintenance, repair, or installation work that may result in damage to a City Tree. No utility shall prune, scar, deface, or otherwise injure a City Tree until its work plans and procedures have been reviewed and approved by the Urban Forester, or designee.

(2) The Urban Forester may approve annual programmatic vegetation-management plans or corridor-specific work plans that, once approved, authorize routine work consistent with the plan without separate permits for each location, provided the utility complies with the Tree Manual and any conditions of approval.

(3) Nothing in this section shall be construed to conflict with Connecticut General Statutes §§ 16-1 et seq., 16-234, 23-65/23-65a, or any order or decision of the Public Utilities Regulatory Authority (PURA); in the event of a conflict, state law and PURA orders govern. Approval under this section is administrative and shall not delay, condition, or modify any right, duty, timeline, or appeal process under CGS § 16-234 or

PURA orders. Nothing in this Chapter authorizes the Commission or Urban Forester to notice, conduct, decide, or modify any hearing or decision reserved to the Tree Warden under CGS § 23-59 or to alter rights, duties, timelines, or appeals under CGS § 16-234.

B. Compliance with standards. All Tree-related work conducted by or on behalf of a public utility shall comply with the Tree Manual and the most recent edition of the ANSI A300 Standards for Tree Care Operations.

C. Exception for Hazardous and Super Hazardous Trees. No permit shall be required for the immediate removal or pruning of any Tree that constitutes a Hazardous Tree or Super Hazardous Tree, as defined in this Chapter and in accordance with CGS § 23-59, provided that the utility: (1) notifies the Urban Forester of the emergency work as soon as practicable; and (2) submits a brief written report within seven (7) business days describing the nature of the hazard, the location, the work performed, date-stamped photo documentation and, where feasible, a simple location map..

Sec. 227-15. Public Tree Website.

A. The City shall maintain a publicly accessible website dedicated to urban forestry and Tree management. The Urban Forester shall be responsible for the content, maintenance, and periodic updates of the site.

B. The website shall include, at minimum: (1) the full text of this Chapter and any related regulations, standards, or policies; (2) the Stamford Master Tree Plan and Legacy Tree Program guidelines; (3) instructions and application forms for Tree removal permits and Tree Removal Registrations; (4) procedures for public objection and appeal of proposed Tree removals; (5) meeting agendas, minutes, and notices for the Tree Commission; (6) a summary of annual reports, including the State of the Urban Forest; (7) a map or searchable inventory of City Trees and Streetscape Trees, where feasible; (8) educational resources on Tree species, planting standards, and maintenance best practices; (9) public notices of proposed Tree removals subject to hearing or posting; (10) list of annual City Tree designation locations per §227-8(e) and (10) contact information for the Urban Forester and the Tree Commission.

C. The Urban Forester, or designee, shall ensure that the website is updated regularly and reflects current information, including notices required by this Chapter. The City may partner with external organizations or use third-party platforms to enhance access, data management, or community engagement features.

Sec. 227-16. City Capital Projects; Tree Review and Protection.

A. Applicability. Any City capital project (including utilities performed under City permits) that may remove, damage, or alter a City Tree or a Tree within the public right-of-way shall comply with this section.

B. Design-phase review. Before advertising for bids, the sponsoring department shall submit plans/specifications to the Urban Forester or Tree Warden for written approval of a Tree Protection & Replacement Plan consistent with this Chapter and the Tree Manual and Street Tree Planting Manual.

C. Bid/contract documents. Final plans, specs, and bid documents shall incorporate the approved Tree Protection & Replacement Plan, including details for Tree fencing, work limits, soil/root protection, and replacement obligations payable to/through the Tree Fund as applicable.

D. Coordination & schedule. The Urban Forester or Tree Warden shall respond within thirty (30) days.

Sec. 227-17. Funding and Appointment of Urban Forester and Tree Commission.

A. The position of Urban Forester is hereby created pursuant to § 227-4. The Mayor shall include funding for this position in the first annual operating budget submitted after the passage of this ordinance or may propose an earlier special appropriation. The position shall be filled no later than twelve (12) months after passage of this ordinance.

B. The Tree Commission shall be appointed and constituted pursuant to § 227-5 no later than twelve (12) months after passage of this ordinance.

Sec. 227-18. Savings Clause – Forest Practices

Nothing in this Chapter shall be construed to regulate “forest practices” as defined in Connecticut General Statutes §§ 23-65f to 23-65o, inclusive. Regulation of forest practices is reserved to the Commissioner of Energy and Environmental Protection or to municipalities authorized under § 23-65k. This Chapter is intended solely to govern the planting, care, and removal of Trees within the City of Stamford in order to protect and enhance the urban tree canopy.

Sec. 227-19. Severability.

If any provision of this article is held invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions, which shall continue in full force and effect.

Sec. 227-20. Effective date.

A. Sections 227-4 (Urban Forester) and 227-5 (Tree Commission) shall take effect immediately upon passage, with funding and appointments to occur in accordance with § 227-17.

B. All other substantive provisions of this ordinance, including but not limited to §§ 227-6 through 227-15, shall take effect eighteen (18) months after passage.

ARTICLE II. TREE SPRAYING

Sec. 227-50. Equipment to be approved.

No person or persons using a vehicle with spraying equipment shall draw water from any river, stream, lake, pond, brook or other body of water within the City of Stamford for the purpose of filling tanks to be used in spraying chemical, biochemical or pesticide solutions on trees, shrubs or any other foliage or vegetation unless the equipment used shall have been approved by the Department of Health of the city and certified to be functioning in a proper manner to prevent contamination of city water supplies. Each such vehicle with spraying equipment must be approved and certified annually in accordance with § 227-11 of this article.

Sec. 227-51. Water source locations to be specified.

No person or persons shall draw water from any said bodies of water within the city except from locations specified and designated by the Director of Health of the city. Such locations shall be marked clearly on a map of the City of Stamford and a copy of such map shall be distributed at the time of certification of the vehicle with spraying equipment.

Sec. 227-52. Hours for water withdrawal.

The hours for withdrawal of water from any bodies of water in the city by any person or persons having such approved and certified vehicle with spraying equipment shall not be earlier than 7:00 a.m. nor after 6:00 p.m. on Monday through Saturday, nor before 9:00 a.m. nor after 6:00 p.m. on Sunday.

Sec. 227-53. Display of certain information on vehicle.

The name and address of the person, persons or firm engaged in such spraying operations shall be permanently and prominently displayed on such approved and certified vehicle with spraying equipment.

Sec. 227-54. Certification sticker on vehicle.

A sticker evidencing approval certification by the Department of Health of the city of the vehicle with spraying equipment shall be affixed to the right side of the front windshield of said vehicle and displayed prominently at all times.

Sec. 227-55. Prevention of spillage.

All containers, drums, boxes and bags of chemicals, biochemicals or pesticides used in spraying operations and transported in vehicles or mobile units shall be secured in such a manner as to prevent spillage, inadvertent dumping or accidental rupture of any

containers. Due care shall be employed at all times to ensure that no spillage shall occur.

Sec. 227-56. Contamination of water prohibited.

No person or persons using chemicals, biochemicals or pesticides shall in any way cause contamination of any bodies of water within the city by rinsing, flushing out or disposing of residue from the tank of the spraying equipment or from the vehicle itself.

Sec. 227-57. Application for approval of equipment.2

Application for approval and certification of any vehicle with spraying equipment shall be made to the Department of Health of the city. The fee for such registration and certification shall be set by the Board of Representatives by resolution. Application shall be made annually on or before the 15th of January. Such approval and certification shall be issued and/or renewed only under the following conditions:

A. The owner(s) and operator(s) of such spraying equipment shall be licensed by the State of Connecticut pursuant to Section 22a-54 of the Connecticut General Statutes and the regulations of the Connecticut Department of Environmental Protection. Proof of such license shall be presented to the Department of Health of the city at the time of application for spraying equipment approval and certification.

B. The owner of such spraying equipment shall present to the Department of Health of the City of Stamford a sworn and certified affidavit stating that he/she agrees that such equipment shall be used strictly and at all times in accordance with the following rules and regulations:

(1) A separate pump, other than the pump used in the spraying operation, shall be employed solely for the drawing of water, and hoses, pipes, valves, conduits and connections shall be completely separate from any used in the spraying operations.

(2) There shall be a check valve or antisiphoning device used on hoses to draw water from bodies of water to prevent a reversal of flow causing potential contamination of such bodies of water.

(3) All filler hoses used for drawing water shall be covered, except when in use, to prevent any residue from spraying operations from causing contamination of the body of water.

(4) All equipment, including but not limited to such accessories as hoses, pumps and check valves, used by a person or persons in spraying operations shall be maintained in proper working order.

(5) At all times during the taking of water for the purpose of filling tanks to be used in spraying operations, the vehicle with spraying equipment to be approved and certified under this Article shall be under the direct supervision of a person physically present at the site of filling who possesses on his person a valid operational license for pesticide use pursuant to C.G.S. § 22a-54.

C. Further rules and regulations pursuant to this Article may be adopted by the Director of Health of the city, consistent with state and federal environmental law, to provide maximum standards of protection to the public, and these rules and regulations shall be made known to all persons making application for said registration by the Department of Health.

Sec. 227-58. Violations and penalties; enforcement.3

A. Any person or persons who shall violate any of the provisions of any section or subsection of this Article or breach any covenant or agreement contained in the affidavit required pursuant to the Article shall be fined

ninety dollars (\$90.) for each offense. Each such violation or breach shall be a separate and distinct offense. In the event of continuing violations or breaches, each day such a violation or breach continues uncorrected shall be deemed a separate and distinct offense and shall be subject to penalties hereinabove provided and also the provisions of § 227-13 of this Article. Notice of such violation(s) or breaches shall be reported

promptly to the Connecticut Department of Environmental Protection by the Department of Health of the city.

B. In addition to other available means of enforcement, this Article may be enforced through the civil citation process by the Director of Health, or the Director's designee, pursuant to § 97-10 B of the Code of Ordinances.

Sec. 227-59. Revocation of approvals and certifications.

In the event of a violation of any provision of any section or subsection of this Article or a breach of any covenant or agreement contained in the affidavit required pursuant to this Article, the Director of the Department of Health of the city shall have the authority to revoke any previously issued approval and certification of spraying equipment, and notice of such action shall be reported promptly to the Connecticut Department of Environmental Protection. The revoked equipment approval and certification shall not be reinstated or renewed for a period of time not to exceed 90 days, in the discretion of the Director of the Department of Health. The violator shall have the right of appeal before the Health Commission of the City of Stamford. Such appeal shall not constitute a stay of the revocation of certification if the Director of the Department of Health shall certify, in writing, that such a stay of revocation would endanger the health of the public.

Nina Sherwood, President, and Megan Cottrell, Clerk, do hereby certify that the foregoing Ordinance was approved via unanimous voice vote by the 31st Board of Representatives at the regular Board Meeting held on Wednesday, November 5, 2025.



Nina Sherwood, President

Dated this 6th day of November, 2025



Megan Cottrell, Clerk

Dated this 15th day of November, 2025

VETO

Caroline Simmons, Mayor, City of Stamford

Dated this 4th day of ~~November~~, 2025

December, 2025

EFFECTIVE DATE: _____

cc: Mayor Caroline Simmons
Thomas Cassone, Esq., Law Department
Elda Sinani, Director of OPM
Benjamin Barnes, Director of Administration
Matthew Quiñones, Director of Operations
Lyda Ruijter, City & Town Clerk
Leah Kagan, Director of Economic Development
Bridget Fox, Chief of Staff
Lou DeRubeis, Director of Public Safety, Health & Welfare
Jody Bishop-Pullan, Director of Health