

A **REGULAR MEETING** of the City Council and Water Pollution Control Authority (WPCA) of the City of Torrington was held at the City Hall Auditorium on Monday, March 20, 2023. Present at the City Hall auditorium were Mayor Elinor Carbone, City Councilors Armand Maniccia, Drake Waldron, Keri Hoehne, and Paul Cavagnero. Also present at City Hall were Economic Development Director Rista Malanca, Purchasing Agent Pennie Zucco, and Director of Information Technology Gerry Crowley. Joining via Zoom were Councilor David Oliver, Corporation Counsel Victor Muschell, Public Works Director Ray Drew, and City Engineer Paul Kundzins. Councilor Anne Ruwet was absent.

Mayor Carbone called the meeting to order at 6:38 p.m.

**Roll Call Vote: Streets and Sidewalks Ordinance**

On a motion by Councilor Maniccia, seconded by Councilor Waldron, the Council voted unanimously, with five votes in favor and none opposed, to adopt the proposed changes to Chapter 180 of the Code of Ordinances, "STREETS AND SIDEWALKS", Section 180-2. See addendum 1.

**Roll Call Vote: Tree Ordinance**

On a motion by Councilor Maniccia, seconded by Councilor Cavagnero the Council voted 3/2 with Councilors Hoehne and Cavagnero opposed, to adopt the proposed new Ordinance, Chapter 181 "TREES, SHRUBS, AND WOODY VEGETATION". Councilor Maniccia said that they need to clarify how much time people must remove hazards. Mr. Drew said that he recommends 30 days and Atty. Muschell agreed. See addendum 2.

**Public Comment:** (in-person only)

On a motion by Councilor Waldron, seconded by Councilor Maniccia, the Council voted unanimously to open the meeting to the public, in accordance with Section 4(e) of the City Council & WPCA Meeting Rules of Procedure.

**Tom Kandefer** shared his thoughts on promoting the Solid Waste Ordinance before the Public Hearing to get as much input as possible since so much has changed.

**Approve Minutes**

On a motion by Councilor Waldron, seconded by Councilor Maniccia, the Council voted to accept the minutes from the Regular Meeting held on March 6, 2023. Councilors Hoehne and Oliver abstained.

**Schedule a Public Hearing - Chapter 128 – Solid Waste**

On a motion by Councilor Hoehne, seconded by Councilor Cavagnero, the Council, on the recommendation of the Ordinance Committee, voted unanimously to schedule a Public Hearing on April 17, 2023, to consider revisions to Chapter 128 "SOLID WASTE". Mayor Carbone said that the City will be using all of the media sources to promote the changes in this Ordinance to be able to get as much Public input as possible at the Public Hearing.

**EdAdvance Referral to Planning and Zoning Commission**

On a motion by Councilor Waldron, seconded by Councilor Hoehne, the Council voted unanimously to refer to the Planning and Zoning Commission, for a Section 8-24 review of a lot line revision and transfer of a portion of the city-owned parcel located at Map/Block/Lot (MBL) 118/016/010 to EdAdvance owner of property located at Map/Block/Lot (MBL) 118/116/009 as described in a memo from Mayor Carbone, Corporation Counsel, and the Public Works Director dated March 16, 2023, and Letter of Intent signed by Jeffrey Kitchings, Executive Director of EdAdvance. Councilor Cavagnero asked how big the parcel will be that is going to be transferred, Mayor Carbone explained to him that it is just a small portion of the property that is completely inaccessible from Grove St, and without a footbridge, it is not accessible from behind the school either. She went on to say that this is an opportunity to work with EdAdvance to get better access to the property and work with them to develop some outdoor classroom activities. Councilor Hoehne asked what protection the City will have in place if no improvements are made to the space, Mayor Carbone explained that the access will be put in the transfer of title. Councilor Cavagnero voiced his concerns about the City contributing to the cost of developing the outdoor areas with EdAdvance, Mayor Carbone assured him that there would be no City cost associated with this and that it will all be EdAdvance developing the parks and programs. Atty. Muschell said that this is an Educational Organization that is funded by the State.

**#2 Fuel Oil**

On a motion by Councilor Hoehne, seconded by Councilor Waldron, the Council voted unanimously to authorize the Purchasing Agent to enter into a contract for NO. 2 Fuel Oil with Dime Oil Company, LLC of Waterbury, CT at a cost of \$3.1068 per gallon.

**Small Cities: Project #143-SC1801-11-Energy Upgrades**

On a motion by Councilor Waldron, seconded by Councilor Hoehne, the Council, on the recommendation of the Small Cities Subcommittee, voted unanimously to approve a Small Cities loan in the amount of \$3,150 as the owner's share of \$19,766 for an Energy Upgrade Project at 31 Willow Street. Councilor Waldron explained that they got a grant for most of the project, so Small Cities is giving a minimum for this project and not the whole amount.

**Licensed Environmental Professional (LEP) Services - 245 E. Elm St**

On a motion by Councilor Maniccia, seconded by Councilor Waldron, the Council voted unanimously to authorize the Mayor to act on behalf of the City to award, execute and administer a contract agreement for Environmental Services at 245 East Elm Street to Verdantas of Middletown, CT in the amount of \$197,900. Funding will be from the DECD Brownfield Remediation Grant, as further explained in Ms. Malanca's memo dated March 15, 2023.

**Northeast Reconstruction Project 2023.1**

On a motion by Councilor Waldron, seconded by Councilor Oliver, the Council, on the recommendation of the City Engineer, voted unanimously to authorize the Mayor to act on behalf of the City to award, execute and administer a contract agreement for the Northeast Reconstruction Project 2023.1 to Burns Construction Company, Inc. of Stratford, CT in the amount of \$1,760,794, allowing for expenditures of up to \$176,100. Funding for this project is from the Pavement Management Program Bond Fund, as further explained in Mr. Kundzins' memo dated March 20, 2023.

**Cyber Security Solution**

On a motion by Councilor Maniccia, seconded by Councilor Cavagnero, the Council, on the recommendation of the IT Director and the Purchasing Agent, voted unanimously to authorize the Mayor to act on behalf of the City to award, execute and administer a contract agreement for the eXtended Detection and Response Security Solution to Xcitium Inc. of Bloomfield, CT in the amount of \$22,000. Funding for this project is from the IT Software Account, as further explained in Ms. Zucco's letter dated March 16, 2023.

**Lien Releases**

On a motion by Councilor Waldron, seconded by Councilor Cavagnero, the Council voted unanimously to release the liens listed in the Corporation Counsel's memo of March 20, 2023.

**Tax Collector Refunds**

On a motion by Councilor Waldron, seconded by Councilor Hoehne, the Council voted unanimously to accept the recommendation of the Tax Collector and authorize the tax refunds indicated on the list dated March 20, 2023.

**Sewer Usage Refunds**

On a motion by Councilor Cavagnero, seconded by Councilor Waldron, the Council voted unanimously to accept the recommendation of the Tax Collector and authorize the sewer usage refunds indicated on the list dated March 20, 2023.

**Business by Dept. Heads**

On a motion by Councilor Maniccia, seconded by Councilor Hoehne, the Council voted unanimously to consider business by Department Heads. There was no business to be discussed.

**Business by Mayor & Members**

On a motion by Councilor Cavagnero, seconded by Councilor Waldron, the Council voted unanimously to consider business by the Mayor and City Council members.

**Councilor Waldron** wanted to mention two prominent Torrington Citizens that passed away recently, Anessa Borla and Murielle Tuxbury.

**Public Comment** (in-person only)

On a motion by Councilor Cavagnero, seconded by Councilor Maniccia, the Council voted unanimously to open the meeting to the public to comment on agenda items only. No one from the public wished to speak.

**Adjournment**

On a motion by Councilor Waldron, seconded by Councilor Hoehne, the Council voted unanimously to adjourn at 7:00 p.m.

Respectfully submitted by  
Heather Abraham, Asst. City Clerk

ATTEST:

  
CAROL L. ANDERSON, CITY CLERK

Addendum 1:

**LEGAL NOTICE**

**CITY OF TORRINGTON**

**REVISED STREETS AND SIDEWALKS ORDINANCE**

**Be it Ordained by the Board of Councilmen of the City of Torrington that the Code of Ordinances Chapter 180 has been revised as follows:**

**§ 180-2. Duty of abutters to abate snow and ice hazards.**

- A. The owner, agent of the owner, or occupant of any building or land bordering upon any street, square or public place within the Town where there is a sidewalk, concrete or paved, or a fire hydrant, shall cause to be removed therefrom any and all snow, sleet and ice within thirty-six (36) hours after the same shall have fallen; and thereafter cause a such walk to be made safe and convenient by removing the ice therefrom, or by covering the same with sand or some other suitable substance.
- B. Sidewalks shall be cleared and safe for pedestrian use to access push-button signals, through snow windrows at intersecting streets, crosswalks, sidewalk ramps, and bus stops so that pedestrians have unimpeded access to pedestrian push-button signals and have walking space to cross at intersecting streets, crosswalks, sidewalk ramps, and bus stops.
- C. Fire hydrants shall be cleared of snow and ice to create a four-foot clearance in all directions, and a three-foot-wide path should be cleared from the fire hydrant to the street, square or public place so that Fire Department personnel shall have unimpeded access to the fire hydrant.
- D. No person shall lay, throw, blow, place, or plow on or into any public sidewalk, public street, or public right-of-way any snow or ice from any private property, public or private sidewalk, or public right-of-way in a manner which jeopardizes public safety or impedes pedestrian or vehicular traffic.
- E. The owner, agent, or occupant of any building or lot of land, whose duty it is to clear the sidewalk or fire hydrant adjacent thereto, who shall violate any of the provisions of the foregoing subsections, or refuse or neglect to comply with the same, shall be deemed guilty of an infraction and, upon conviction thereof, shall be fined \$75 per offense. Each twenty-four-hour period shall be deemed to constitute a separate offense.

**§ 180-2.1. Agreements imposing responsibility on occupants.**

Should the owner or agent of the owner of any building or land be able to verify with written documentation that the occupant of the building or land is responsible for the removal of snow and ice, then the occupant will be deemed liable for violations under this article.

**§ 180-2.2. Removal of snow and ice by Town; lien.**

- A. In the event of the failure of the owner, agent of the owner, or the occupant of any building or land to comply with the provisions of § 180-2 above, and in addition to the penalty provided in § 180-2 above, the owner of the building or land shall be responsible for any expense incurred by the Town in removing snow, sleet, and ice from such public sidewalk so as to maintain the public sidewalk safe and convenient for public travel. Any expense incurred by the Town shall constitute a claim against the owner of the building or land adjacent to such public sidewalk and shall, upon the recording of a certificate of lien in the Town Clerk's office, as provided by statute, be a lien upon the premises adjoining such public sidewalk in favor of the Town.

- B. The removal of snow, sleet, or ice by the Town in accordance with Subsection A above may occur under either of the following circumstances:
- (1) When the building or land is vacant, unoccupied, or uninhabited and the timely removal of snow, sleet or ice jeopardizes public safety; or
  - (2) After the issuance of two or more citations for violations of § 180-2.
- C. Foreclosure of Lien. The expense of cleaning and removal of snow and ice by the Department of Public Works, Traffic Division, or the Fire Department as provided in the subsection above and the cost of the lien therefore may be entered in the next succeeding rate bill for taxes against the owner of the premises with the tax assessed upon such premises, and if such expense and such cost of lien are paid with such taxes, the lien shall be discharged; if not so paid, the lien may be foreclosed in the manner provided by law for the foreclosure of other liens for local improvements.

**§ 180-2.3. Liability of corporate officers for violations.**

Whenever a private corporation shall violate the provisions of this article, any officers and/or directors of such corporation shall be personally liable for any fine imposed.

**§ 180-2.4. Disclaimer of Town liability for ice and snow on public sidewalks.**

- A. Notwithstanding the provision of § 13a-149 of the General Statutes of the State of Connecticut or any other General Statutes, or special act, the City of Torrington shall not be liable to any person injured in person or property caused by the presence of ice or snow on a public sidewalk unless the City of Torrington is the owner or the person in possession and control of land abutting such sidewalks, other than land used as a highway or street, provided that the City of Torrington shall be liable for its affirmative acts with respect to such sidewalk.
- B. The owner or person in possession and control of land abutting a public sidewalk shall have the same duty of care with respect to the presence of ice or snow on such sidewalk abutting his property as the municipality had prior to the effective date of this section, adopted pursuant to the provisions of Public Act No. 81-340,<sup>2</sup> and shall be liable to persons injured in person or property where a breach of said duty is the proximate cause of said injury.
- C. No action to recover damages for injury to the person or to property caused by the presence of ice or snow on a public sidewalk against a person who owns or is in possession and control of land abutting a public sidewalk shall be brought but within two years from the date when the injury is first sustained.

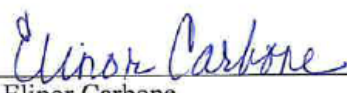
**Copies of the Ordinance are available on the City's website and in the Office of the City Clerk.**

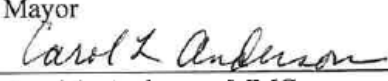
Dated at Torrington, Connecticut, this 22<sup>nd</sup> day of March 2023.

Passed: March 20, 2023

Published: March 22, 2023

Effective: April 21, 2023

  
Elinor Carbone  
Mayor

  
Carol L. Anderson, MMC  
City Clerk



Addendum 2:

Torrington, Connecticut, Code of Ordinances  
CHAPTER 181. TREES, SHRUBS AND WOODY VEGETATION

**LEGAL NOTICE**  
**CITY OF TORRINGTON**  
**TREES, SHRUBS, AND WOODY VEGETATION ORDINANCE**

**Be it Ordained by the Board of Councilmen of the City of Torrington that the following Chapter 181 has been added to the Code of Ordinances:**

**§181-1. Purposes.**

The purposes of this chapter are:

- (a) To promote and protect the public health, safety, and general welfare of the residents by providing for the regulation of the planting, maintenance, protection, and removal of trees, shrubs, and woody vegetation within the City of Torrington.
- (b) To recognize and appreciate that trees produce oxygen, capture carbon dioxide from the atmosphere, provide air purification, prevent soil erosion, control flooding, assist in water purification, contribute to the quality of life by providing cooling shade, provide habitat for wildlife, reduce noise levels, and aesthetically enhance the landscape.
- (c) To preserve and protect trees and their canopies as an important environmental and cultural resource that enhances the City of Torrington's natural character and heritage.
- (d) To protect the people in the City of Torrington from personal injury and property damage caused by the improper planting, maintenance, protection, or removal of trees, shrubs, and woody vegetation located on the City-owned property.
- (e) To protect property values by maintaining a healthy and vigorous community forest.
- (f) Nothing in this chapter and no permit granted pursuant to this chapter shall be deemed to prejudice any rights which the City may now or hereafter have with respect to trees, shrubs, and woody vegetation planted on City-owned property.

**§181-2. Definitions.**

- (a) *Tree Warden*: The Torrington Tree Warden shall be the Director of Public Works and shall have all the powers, duties, and authority provided by The Public Shade Trees and Tree Protection Examining Board Statute (Connecticut General Statutes § Sec. 23-59) as may be hereafter amended, and by this chapter.
- (b) *City-owned property*: Any and all real property owned by the City of Torrington.
- (c) *City of Torrington Arboricultural Specifications and Policy Manual*: A manual prepared by the Tree Warden pursuant to subsection 181-3(b), as amended from time to time.
- (d) *Diameter at Breast Height (DBH)*: The diameter of a tree measured at a point 4.5 feet above the ground.
- (e) *Deputy Tree Warden(s)*: City of Torrington Deputy Tree Warden(s) as appointed by the Tree Warden.
- (f) *Person*: Any person, firm, corporation, or other entity, including any public utility.
- (g) *Property Line*: The outer edge of a Town road or highway right-of-way boundary.
- (h) *Property Owner*: The owner of record or contract purchaser of any parcel of land.
- (i) *Public Nuisance*: Any tree, shrub, or woody 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.
- (j) *Public Road*: A street, road, public way, or right-of-way owned by the Town, including the entire width between the street lines or right-of-way lines.
- (k) *Shrub*: A woody plant, branched from the base, generally less than fifteen (15) feet in height when mature.



- (l) *Tree*: A woody plant, usually with one (1) main trunk, reaching a height of at least fifteen (15) feet in height when mature.
- (m) *Tree Root Zone*: The area beneath and surrounding the tree where roots are or may be located. The zone may extend two to three times the diameter of the tree canopy.
- (n) *Urban/Community Forest*: Collectively, the natural resource of all City-owned trees, shrubs, and woody vegetation upon street rights-of-way, parks, school campuses, open space properties, and grounds of City facilities.
- (o) *Urban/Community Forest Management Plan*: The long-range management plan prepared by the Tree Warden pursuant to § 181-3(B), as amended from time to time.
- (p) *Woody vegetation*: All woody, non-herbaceous plants, not defined as trees or shrubs.

**§181-3. Urban/Community Forest Management Plan; City of Torrington Arboricultural Specifications and Policy Manual.**

- (a) The Tree Warden, in coordination with the Conservation Commission, shall prepare and maintain a long-range, comprehensive strategic plan for the administration and management of the Community Forest Program to implement the purposes set forth in § 181-1, which, together with the resulting periodic work plans, shall comprise the Urban/Community Forest Management Plan.
- (b) The Tree Warden shall prepare and maintain a manual containing regulations and standards for the planting, maintenance, removal, and protection of trees, shrubs, and woody vegetation upon City-owned property which shall be known as the City of Torrington Arboricultural Specifications and Policy Manual.

**§ 181-4. Operations Under the Jurisdiction of the Tree Warden.**

- (a) The Tree Warden shall serve as liaison to all City Departments, agencies, and the Board of Education on all matters relating to individual trees and forest resources and may provide technical assistance as appropriate.
- (b) Any City department or agency shall notify the Tree Warden of any applications for the new curb, gutter, sidewalks or driveway installations, utility installations, or other improvements which might require the removal of or cause injury to any City-owned tree.
- (c) Whenever, in the opinion of the Tree Warden, the public safety demands the removal or pruning of any tree or shrub under the Tree Warden's control, the Tree Warden may cause such tree, shrub, or group of shrubs to be removed or pruned at the expense of the city, and shall order paid to the person performing such work such reasonable compensation therefor as may be determined and approved in writing by the Tree Warden. Unless the condition of such tree, shrub, or group of shrubs constitutes an immediate public hazard, the Tree Warden shall, at least 10 days before such removal or pruning, post on each tree or shrub and may post on each group of shrubs a suitable notice stating the Tree Warden's intention to remove or prune such tree, shrub or group of shrubs. If any person, firm, or corporation objects to such removal or pruning, such person, firm, or corporation may appeal to the Tree Warden in writing by letter or digital submission, who shall hold a public hearing at some suitable time and place after giving reasonable notice of such hearing to all persons known to be interested therein and posting a notice thereof on such tree, shrub or group of shrubs. Within three days after such hearing, the Tree Warden shall render a decision granting or denying the application, and the party aggrieved by such decision may, within 10 days, appeal therefrom to the superior court. The Tree Warden may remove any trees or other plants within the limits of public roads or grounds under the Tree Warden's jurisdiction that are particularly obnoxious as hosts of insect or fungus pests.
- (d) Remove or cause to be removed all illegally erected signs or advertisements placed upon trees and/or shrubs within any public road or placed within his/her jurisdiction.
- (e) The Tree Warden shall periodically review and maintain a list of Notable and Historic Trees with the City.
- (f) Remnants of trees and shrubs removed under the jurisdiction of the Tree Warden may be offered to the community. Exception: no trees or shrubs that are hosts of insects or fungus pests shall be available to the community.

**§181-5. Public utilities.**

- (a) Any public utility maintaining any overhead wires or underground pipes or conduits shall obtain a public utility permit from the Tree Warden before performing any maintenance work on the wires, pipes, or conduits which would cause injury to City-owned trees. The public utility shall not injure, deface, prune, or scar any City-owned tree until its plans and procedures have been approved by the Tree Warden.
- (b) When maintaining City-owned trees, a public utility must observe good arboricultural practices, as specified by the Pruning Standards prescribed in the City of Torrington Arboricultural Specifications and Policy Manual.
- (c) The Tree Warden shall review all proposed public utility work affecting trees at the sites where work is proposed prior to determining whether a permit will be considered. All utility pruning shall be performed under the supervision of a Connecticut-licensed arborist as required by Connecticut General Statutes. The Tree Warden shall post a notice on all trees for which an application for removal or pruning has been requested by a public utility unless the Tree Warden has determined that no permit will be issued. The Tree Warden or a person appointed by the Tree Warden shall supervise the work as it is being performed.
- (d) A Notice of all trees to be removed will be posted by the Tree Warden for public information purposes. State law prohibits utilities from pruning or removing any tree or shrub that is not a hazard within or overhanging a set area around poles and wires without providing advance notice to abutting property owners. Such notice must include an option for the property owner to consent or object to the pruning or removal, and an opportunity to modify the utility's proposal. The notice will give property owners 10 business days to raise concerns, and ultimately to appeal to Public Utilities Regulatory Authority (PURA) if the matter cannot be resolved.
- (e) Pruning practices will be consistent with the following:
  - a. The practice of ground-to-sky pruning for line maintenance is discouraged except where it is unavoidable as determined by the Tree Warden.
  - b. Stumps designated by the Tree Warden or other City of Torrington designee, as a hazard to vehicular and/or pedestrian traffic, shall be ground flush with surrounding surfaces.
  - c. Limbs are to be pruned to branch collar and topping of trees is not permitted. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Per American National Standards Institute (ANSI) pruning standards no more than 25% of a tree's foliage should be removed per trimming.
  - d. Exception: A tree severely damaged by storms or other causes where other pruning practices are impractical may be exempted from this section at the determination of the Tree Warden.

**§ 181-6. Permits for trees, shrubs, and woody vegetation on City-owned property.**

- (a) No person shall plant any tree, shrub, or woody vegetation within the limits of any City-owned property without having first obtained a permit to do so from the Tree Warden. A written application for such permission shall be made to the Tree Warden setting forth the size, species, type, and location of each tree, shrub, or woody vegetation, for which such permission is requested.
- (b) The Tree Warden shall consider the effect of planting the specified trees, shrubs, or woody vegetation upon the general welfare of the community and upon the present and future use, safety, maintenance, development, and improvement of City-owned property for all lawful purposes.
- (c) Any person other than the Tree Warden or his/her deputy, who desires to conduct any of the following activities within the limits of any parcel of municipal property or public road or grounds which may impact municipal trees or shrubs must apply for and receive a written permit from the Tree Warden prior to conducting any such activity.
  - (1) Activities include but are not limited to:

- (a) Removal, planting, treating, pruning, topping, or application of fertilizer, pesticides, or other treatments. These activities may be required to be conducted under the supervision of a CT-licensed arborist in compliance with Connecticut General Statutes § 23-61B as may be revised.
- (b) Disturbance within the root zone of any tree or shrub which may result in damage to roots, existing vegetation, or soil which may negatively impact the health of trees or shrubs. Such activities may include but are not limited to grading, excavating, snowplowing, filling, driving; storage of vehicles, materials, or equipment; or, dumping, stockpiling soil, debris, trash, signs, or other material; application or discarding of fertilizer, or other chemicals.
- (c) Activities which deface, cut, mark, or injure the tree such as using climbing spurs affixing or fastening of any sign, playbill, picture, notice, advertisement, rope, wire, chain, or other materials on, around, or through any public trees or shrubs, except in an emergency, such as storms or accidents. Draping of holiday lights are exempt unless the lights are attached by nails, staples, or similar means, or lights are left on the tree until they begin to restrict bark growth.
- (d) Applications for activities involved with construction and/or site development, must document in writing or on-site plans, proposed protective measures, and best practices, to ensure the protection of existing trees and shrubs and the survival of proposed plantings. This must include a watering plan/schedule, maintenance of surrounding vegetation, mulching schedule, etc.
  - Activities that involve the removal of trees are required to replant trees as approved by the Tree Warden on a 1:1 ratio.
- (2) The Tree Warden shall inspect or require inspection by a qualified individual to ensure compliance with the permit.
- (3) The Tree Warden shall have the right to require stump removal and replacement of trees and shrubs or substitution of appropriate landscape material as a condition of a permit for removal of trees or shrubs.
- (4) For the purpose of shading or ornamenting highway or grounds, the Tree Warden may at his/her discretion expend funds designated for planting, trimming, spraying, care, and preservation of shrubs or ornamental or shade trees, on private property located within 10 feet of public road or grounds, with the written consent of the property owner. All shrubs and trees planted under this provision shall be deemed public shrubs and trees and shall be under the care and control of the Tree Warden and may be removed only upon issuance of a written permit by the Tree Warden. The Tree Warden shall take into consideration such plantings based on:
  - (a) Request from Property Owner and or Community
  - (b) The Planting of such will enhance or beautify the highway or grounds and the community as a whole.
  - (c) The Planting will not create any obstruction or interference with public Utilities.
  - (d) The Planting will not create a sight-line issue for pedestrian or vehicular traffic.
- (e) Under this chapter, permits shall be issued in conformity with Connecticut General Statutes § 23-65(f). Applications for permits must be made on application forms provided for such purposes by the Tree Warden. Permits expire thirty (30) days after the date of issue unless otherwise noted thereon by the Tree Warden.

**§181-7. Trees, shrubs, and woody vegetation on City-owned property.**

Any tree, shrub, or woody vegetation planted on City-owned property shall become the property of the City.



**§181-8. Prohibition; arboricultural standards.**

Except as otherwise provided in § 181-5, and 181-10 of this chapter, no person shall cut, trim, prune, remove, injure, or interfere with any tree, shrub, or woody vegetation, including the branches, trunk, root system or crown thereof, in whole or in part, on any City-owned property without a permit from the Tree Warden. When maintaining City-owned trees, a person must observe good arboricultural practices, as specified by the pruning standards prescribed in the City of Torrington Arboricultural Specifications and Policy Manual.

**§181-9. Work.**

All work performed on such trees, shrubs, or woody vegetation shall be done in strict accordance with the permit and under the direction of the Tree Warden.

**§181-10. Emergencies.**

Work which, in the opinion of the Tree Warden, is of an emergency nature, such as failure of gas, water, or electric utility lines, may be performed as prescribed by the Tree Warden at the expense of the person requesting same.

**§181-11. Penalties.**

- (a) Except as otherwise provided in this section, any person who unlawfully or willfully cuts, destroys, carries away, removes, prunes, injures, or defaces any tree or shrub on City-owned property without proper authority shall be fined the cost as determined by the Tree Warden but not less than one hundred dollars (\$100.00) for each separate offense and shall be liable civilly for damages.
- (b) In addition to any fines authorized hereunder for any tree, shrub, or woody vegetation unlawfully cut, destroyed, or carried away, the Tree Warden may seek recovery of three (3) times the value of the tree, shrub or woody vegetation pursuant to Connecticut General Statutes § 52-560 and, for any encroachment (as referred to in Connecticut General Statutes § 52-560(a), may bring an action to enforce the remedies and damages specified in Connecticut General Statutes § 52-560(a). Nothing in this section shall limit the authority of the Tree Warden to invoke any other remedies under Connecticut General Statutes § 52-560 and Section 52-560(a).
- (c) Any person who without a valid permit issued by the Tree Warden affixes to a telephone, electric light pole, power pole or other utility poles, tree, shrub, rock, or other natural object on City-owned property a playbill, picture, notice, advertisement or other similar thing, or cuts, paints or marks any tree, shrub, rock or other natural object or uses climbing spurs for the purpose of climbing any tree on City-owned property shall be fined not more than fifty dollars (\$50.00) for each offense. Each affixing, cutting, painting, marking, or climbing shall be considered a separate offense.
- (d) The removal, pruning, or willful injury of any tree, shrub, or woody vegetation by any person without a permit from the Tree Warden or the affixing of any playbill, picture, notice, advertisement, or other similar thing concerning the business or affairs of any person to a tree, shrub, rock or other natural object on City-owned property by an agent or employee of such person shall be deemed to be the act of such person, and such person or any member of such firm or any officer of such corporation, as the case may be, shall be subject to the penalty therein provided, unless such act is shown to have been done without his knowledge or consent.
- (e) The affixing of each individual playbill, picture, notice or advertisement, or other similar thing to a tree, shrub, rock, or other natural object or the willful removing, pruning, injuring, or defacing of each tree or shrub shall constitute a separate violation. Nothing in this section shall affect the authority of the Tree Warden to remove, prune or otherwise deal with a tree or shrub under his jurisdiction.
- (f) If any person plants any tree, shrub, or woody vegetation on City-owned property without obtaining the required permit, said person shall be fined not more than one hundred dollars (\$100.00) and shall remove the same at their own expense with a period of thirty (30) days.

**§181-12. No exemption.**

Nothing herein contained shall be deemed to exempt any person from the application of any other applicable statute, ordinance, regulation, or rule.

**§ 181-13. Interference with planting, maintenance, and removal.**

No person shall interfere with the Tree Warden or persons acting under his authority while engaged in planting, mulching, pruning, removing, or maintaining any tree, shrub, or woody vegetation on the City-owned property.

**§181-14. Tree protection during construction activities.**

All trees on City-owned property that are designated for preservation shall be protected in accordance with the Tree Protection Specifications section of the City of Torrington Arboricultural Specifications and Policy Manual.

**§181-15. Hazardous trees, shrubs, and woody vegetation.**

- (a) Any tree or part of the tree or any shrub or other vegetation that poses an unreasonable risk to any City-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.
- (b) Any tree or part of the tree or any shrub or other vegetation on private property that poses an unreasonable risk to any City-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.
  - a. The Tree Warden shall issue a notice of removal to the affected property owner, and the property owner shall abate such hazard within 30 days.
  - b. Upon failure of the property owner to abate such hazard, the Tree Warden shall cause the hazard to be removed and shall assess such property owner for all costs incurred.

**§181-16. Duties of the Deputy Tree Warden.**

The Tree Warden may assign the Deputy Tree Warden(s) to perform those duties of the Tree Warden as the Tree Warden shall designate, but the Tree Warden shall remain responsible for those duties. The Tree Warden may rescind the right to be designated as Deputy Tree Warden at any time with or without cause.

**Copies of the Ordinance are available on the City's website and in the Office of the City Clerk.**

Dated at Torrington, Connecticut, this 22<sup>nd</sup> day of March 2023.

Passed: March 20, 2023

Published: March 22, 2023

Effective: April 21, 2023



Elinor Carbone  
Mayor



Carol L. Anderson, MMC  
City Clerk

