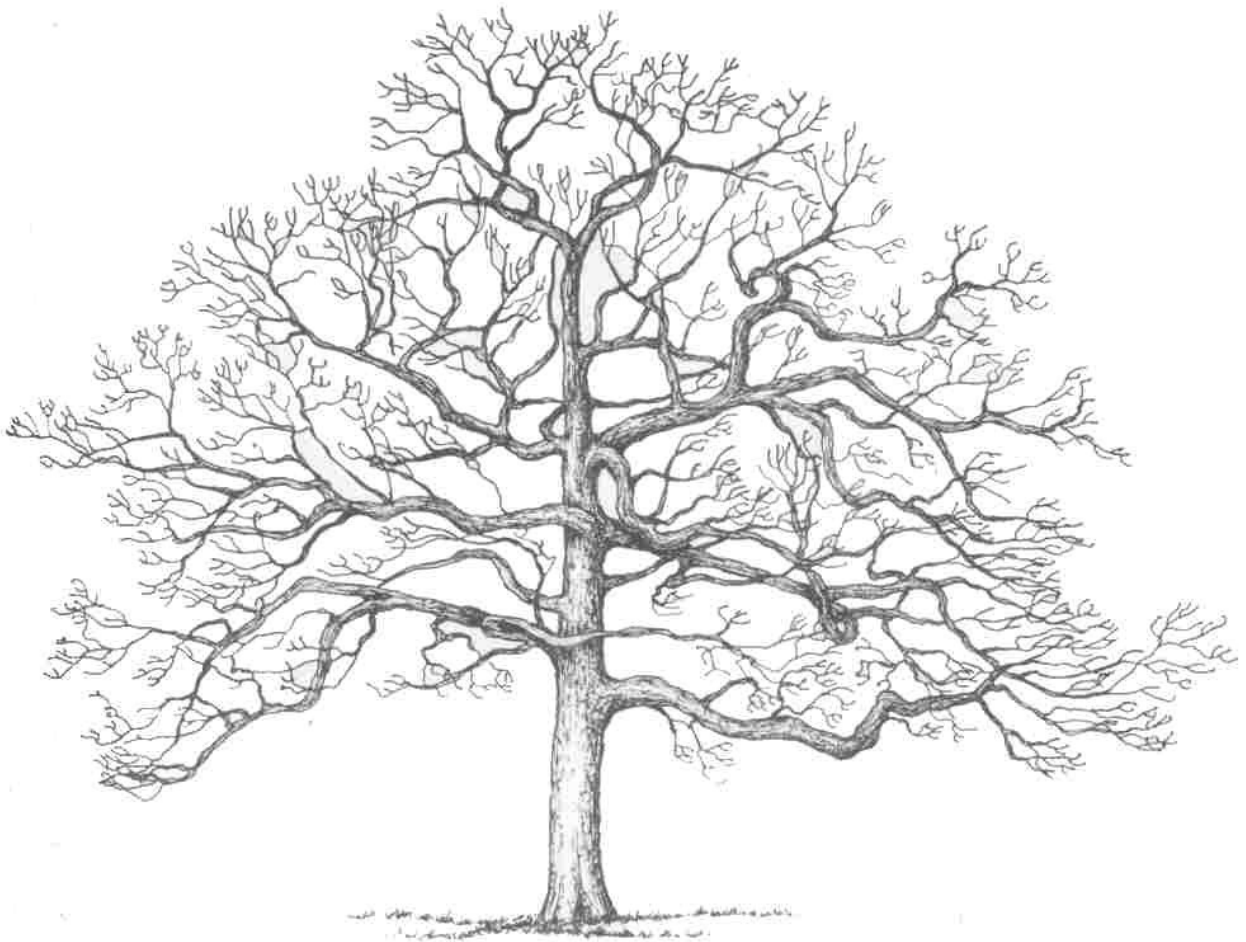


**Town of Greenwich
Department of Parks & Recreation
Parks and Trees Division**

Public Tree Policy

As Required By:

**Town Ordinance Sec. 13-7. Trees, Shrubs and Woody Vegetation on Town-Owned Property
Article §13-3: Greenwich Arboricultural Specifications and Policy Manual.**



DEPARTMENT OF PARKS AND RECREATION
Parks & Trees Division
PUBLIC TREE POLICY

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Bruce Spaman
Superintendent
Parks & Trees Division
Tree Warden



Administration.....622-6472
Griffith E. Harris Golf Course....531-7200
Information/Programs.....622-7830
Marine & Facility Operations.....618-7651
Parks & Trees.....622-7824
Recreation.....622-6478

DEPARTMENT OF PARKS AND RECREATION Parks & Trees Division

PUBLIC TREE POLICY

PURPOSE:

During the course of responding to the many tree concerns from residents we have found it necessary to establish certain policy responses to frequently asked questions and work requests for Town tree services so that residents are getting fair and consistent treatment and responses regarding the services provided by the Parks and Trees Division.

The recent 'Tree Ordinance' approved by the RTM and other Town Boards provides for an Arboricultural Specifications and Policy Manual in Chapter 13 Sec. 13-3 b) of the Greenwich Code. The 'policy' portion of the manual is to specify what tree services the Town can and cannot provide given the work load backlog and anticipation of future demands on the Tree Department.

CHAPTER 13. TREES, SHRUBS AND WOODY VEGETATION. (also known as the 'Tree Ordinance')

Sec. 13-3 b). Greenwich Arboricultural Specifications and Policy Manual.

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 Town-owned property which shall be known as the Greenwich Arboricultural Specifications and Policy Manual.

1. TREE WORK POLICY:

e. High Priority Tree Work (designated as priority 1):

The highest priority tree work will be those trees determined to be hazardous to the public by the Tree Warden, Deputy Tree Warden or other qualified personnel in the Tree Department trained in the evaluation of hazardous trees.

Hazardous tree as defined by Sec 13-17 of the 'Tree Ordinance':

Any tree or part of the tree or any shrub or other vegetation that poses an unreasonable risk to any Town-owned property and is determined to pose an unreasonable risk to the public health, safety or welfare by the Tree Warden and any tree, shrub or other vegetation which is hazardous or injurious to the public health, safety and welfare.

Hazardous trees will be abated by either complete tree removal or safety pruning.

Per Connecticut General Statutes, Section 23-65(a) trees determined to be hazardous may be removed without otherwise mandatory posting.

In certain instances, the clearance of traffic signage or traffic signals may constitute a priority 1 ranking if it is determined that public safety is at risk.

f. Medium Priority Tree Work (designated as priority 2):

Priority 2 tree work is for trees that have not been determined to be hazardous by the Tree Warden or the Deputy Tree Warden. These trees will be placed on a list kept by the Tree Warden and attended to in the order received. This tree work will only be scheduled after all trees determined to be priority 1 have been completed or if the tree work is permitted as an exception by the Tree Warden.

Associated priority 2 tree work may include but is not limited to such services as:

- i. stump grinding for public safety purposes,
- ii. Lower priority safety pruning where a 'target' is not involved,
- iii. Removal of a declining or dying tree that does not have any major defects that might predispose this tree to failure,
- iv. Routine Crown raising of trees i.e. pruning low limbs over streets and sidewalks for clearance (unless low branches pose an unreasonable risk to public safety or damage to property),
- v. Clearance of traffic signs and signals where public safety is not an issue,

g. Low Priority Tree Work (designated as priority 3):

Priority 3 tree work is non-safety related tree work. As of the posted revision date of this policy, priority 3 tree work will not be scheduled.

Associated priority 3 tree work may include but is not limited to such services as:

- i. Aesthetic pruning of ornamental or shade trees,
- ii. Clearance of utility distribution lines on the street. CL&P has a regular maintenance program for electrical distribution lines and equipment.
- iii. Clearance of utility service lines from the street to a home or other building.
- iv. Contractors working on approved private projects where Town trees are involved. Tree work for these trees are the responsibility of the contractor. Tree removals must be posted and any tree work must be permitted.
- v. Tree fertilization or insect and disease control,
- vi. Stump grinding or stump removal of Town trees that have been removed,

2. Tree Work Permits: (see attached Tree Work Permit)

A permit may be issued by the Tree Warden for approved priority 2 or priority 3 tree work. The resident may hire a private tree work contractor to perform the tree work. The tree work contractor must be a qualified and Connecticut licensed arborist. The Tree Work contractor must provide proof of insurance before a permit can be processed.

3. Tree Risk Management:

- a. General disclaimer: Trees inherently pose a certain degree of hazard and risk from breakage, failure or other causes and conditions. Recommendations that are made by the Tree Warden are intended to minimize or reduce hazardous conditions that may be associated with trees. However, there is and can be no guaranty or certainty that efforts

to correct unsafe conditions will prevent breakage or failure of a tree. Our recommendations should reduce the risk of tree failure but they cannot entirely eliminate such risk, especially in the event of a storm or any other act of God. Some hazardous conditions in Town-owned trees are apparent while others may require detailed inspection and evaluation. While a detailed inspection and evaluation should and normally does result in the detection of potentially hazardous conditions, there can be no guaranty or certainty that all hazardous conditions will be detected.

- b. **Serious Defects:** are defects that have been found by the Tree Warden that pose an unacceptable risk of failure of the tree. The removal of the tree is therefore recommended as a high priority (priority 1).
 - c. **Less Serious Defects:** are defects that have been found by the Tree Warden that do not predispose the tree to a severe or critical risk of failure. Pruning, cabling, or bracing will assist in correcting or compensating for the defect. However, these recommendations do not totally preclude the possibility of the risk of failure, especially during a severe storm or any other act of God.
4. **Tree Roots and Sewer Laterals:** Trees are not to be removed for penetrating sewer laterals. Tree roots penetrate sewer laterals that have flaws or defects. For example, old clay tile pipe can separate at joints, shift over time due to ground movement, or become crushed causing access for tree roots to grow. Newer plastic sewer lateral pipes have fewer and more secure, gasketed joints that prevent tree root infiltration. Should you experience issues with your sanitary sewer lateral and tree roots are involved, you must coordinate with both the Tree Warden and the Sewer Division for a solution that is acceptable to both Departments.
 5. Trees are not to be removed ‘for doing what trees do naturally’. Trees are not to be removed for shedding fruit, nuts, leaves, twigs and small branches, or for sheltering wildlife.
 6. Town owned trees that need to be pruned or removed for approved Town projects: Projects initiated by other Town Departments (i.e. Public Works, Board of Education) will require a permit from the Tree Warden and shall be contracted to a private tree work company. Cost of the tree work should be incorporated into the project budget. Any trees permitted for removal by the Tree Warden or Deputy Tree Warden shall be posted for a period of ten days and may be subject to a public hearing if contested.
 7. **Tree Planting After Trees Removed For Town Projects:**
 - a. Trees removed for approved Town projects by Town Departments will be replanted by the Town Department requesting the original removal on at least a 1:1 ratio. Trees species, size and planting locations shall meet with the approval of the Tree Warden.
 - b. Town trees removed by private contractors or landowners for approved projects will be replaced on Town owned property at an appropriate ratio to be determined by the Tree Warden. The Tree Warden will determine the tree species, size and locations of the replanted trees.
 8. **Utility Line Clearance: Tree Pruning and Tree Removals**

Purpose: Greenwich residents require and deserve safe, reliable electrical service, but not at the expense of good arboriculture.

- a. The Tree Warden for the Town of Greenwich permits Northeast Utilities / CL&P to prune trees for the clearance of electrical utility lines but only to mutually agreed upon specifications that are strictly supervised by our Tree Department personnel.
- b. “6 Inch Rule” Regarding ‘Enhanced Tree Trimming’ (ETT) Pruning Along ‘Backbone’ Circuits:
The Town of Greenwich does not permit ‘ground to sky’ pruning for any utility line clearance maintenance. Town trees with limbs equal to or greater than 6 inches in diameter that are located more than or equal to 15 feet over electrical conductors on structurally strong wooded trees¹ may remain if they are determined to be healthy and not structurally defective, split, decayed, poorly crotched, lion-tailed, or insect infested. These limbs shall remain and may be pruned to lighten their weight.
- c. If Northeast Utilities / CL&P desires to prune or remove Town trees, it is the responsibility of Northeast Utilities / CL&P or their contractor to contact the Tree Warden or Deputy Tree Warden and obtain written permission for the trees they want to prune or remove or the specific area they wish to work in.
- d. Tree Warden or Deputy Tree Warden must be notified each morning by phone, fax or email where crews will be working in Town.
- e. Any tree permitted for removal by the Tree Warden or Deputy Tree Warden shall be posted for a period of ten days and subject to a public hearing if contested. Any tree that is determined to be a ‘hazardous tree’ by the Tree Warden or Deputy Tree Warden may be removed without posting².
- f. Town trees designated to be pruned shall be considered a “light prune” as per Northeast Utilities / CL&P specifications.
- g. All tree work shall be done in conformance with ANSI A300 Standard Practices for tree pruning and ISA published ‘Tree Pruning Guidelines’.
- h. The Town of Greenwich understands the necessity of electrical transmission line protection and supports appropriate pruning of individual trees, leaving strong limbs and branches that are not in contact with electrical conducting lines. Tree pruning should be approached on a ‘tree by tree’ basis not as an indiscriminate application of predetermined spatial criteria. i.e. “Pruning Corridor” dimensions of 8 ft on either side, 15 ft. above and 10 ft. below distribution lines.
- i. Failure to follow the conditions of a permit shall be cause for the revocation of the permit.

9. Private Tree Falls onto Town Right-of-way or Other Town Property:

- a. When a tree located on private property falls on a town road right-of-way the Town has the right to remove all branches and wood within the right-of-way to facilitate the movement of traffic for the public and emergency vehicles.
- b. Branches and wood may be removed and cleaned up immediately or in emergency situations where numerous trees have fallen and blocked town roads the debris may be deposited on the side of the road to clear passage for vehicles and removed at a later time.
- c. Trees will be cut and wood and brush will be removed from the right-of-way by the Town back to the private property line only.

10. Town Tree Falls onto Private Property:

¹ Strong wooded trees include but may not be limited to: oaks, sugar maple, sycamore, London planetree, elms and hickories. The Tree Warden will have final decision as to what tree species are considered structurally strong wood.

² In accordance with CT General Statute Chp 450 Sec. 23-65 (a)

- a. When a Town tree falls onto private property the town will be responsible for the removal of all wood and brush. We will respond to these calls on a first come basis and we will remove these trees only after all roads and critical municipal facilities are cleared.

11. Brush, Wood and Debris from Private Property:

The Town will *not* remove or clean up any wood, brush or debris that residents may bring to the road that was not involved with the clearing of the right-of-way.

12. Tree Stumps on Town right-of-way:

- a. All tree stumps will be cut as low as possible; generally to a height of 8 inches above ground level or lower;
- b. The only tree stumps to be removed are those tree stumps that have been considered a hazard to the public by the Tree Dept. (usually the stump is located very close to the edge of the road where it might be struck by the wheel of a vehicle). Those stumps will be removed to below the surface of the ground through a process known as stump grinding.
- c. A permit may be issued by the Tree Warden for the removal of stumps by a private contractor for purposes of aesthetic improvement. These permitted stump removals are to be paid by the landowner.
- d. 'Tipped out stumps': Trees that were uprooted and have a tipped over stump with exposed roots and soil and an associated stump hole or crater. These stumps will be picked up at a later date by the Tree Department and disposed of in a separate follow up operation after the fallen tree has been cleaned up. The stump hole will be backfilled with topsoil after stump removal.

13. Town/Private Trees That Have Fallen Into Designated Inland Wetlands and Watercourses: (see attached memorandum from the Inland Wetlands and Watercourses Agency re: Tree Removal Policy):

- a. Town trees that have fallen into Inland Wetlands and Watercourses will be reviewed on a case by case basis. The decision as to the necessity of the tree's removal will be determined in collaboration between the Tree Warden and the Director of the Inland Wetlands and Watercourses Agency or his designee.
- b. Wind-thrown or storm damaged trees on private land, detected during or after a significant storm event that have been determined to have damaged or threaten Inland Wetlands and Watercourses, or structures within Inland Wetlands and Watercourses shall be removed by the Town where deemed necessary. The decision as to the necessity of the tree's removal will be determined in collaboration between the Tree Warden and the Director of the Inland Wetlands and Watercourses Agency or his designee. Supervisors making decisions shall take into account the need for removal and risk of injury to Town personnel or damage to private property before authorizing removal.
- c. Private trees that have fallen into privately owned Inland Wetlands and Watercourses as determined by Parks, Highway, and/or Inland Wetlands and Watercourses Agency staff that are deemed hazardous to Inland Wetlands and Watercourses or structures within Inland Wetlands and Watercourses shall be identified in the field with written notification by the Inland Wetlands and Watercourses Agency sent to the landowner. Such notification shall allow for a 60-day deadline for removal. In the event the tree is not satisfactorily removed, the Tree Warden shall then coordinate with the said departments and arrange for the

Town to remove the tree, as provided under the conditions of the Tree Ordinance and the Nuisance Ordinance.

- d. Town Tree To Be Removed From an Inland Wetland or Watercourse By a Landowner: If the decision by the Tree Warden and the Director of the Inland Wetlands and Watercourses Agency or his designee was that the Town will not remove the tree from the Inland Wetland or Watercourse, the adjacent landowner may apply for a permit to remove the tree from the Tree Warden *and/or* the Inland Wetlands and Watercourses Agency.

14. Holiday Lights in Town-Owned Trees

Any person engaged in the business or occupation of application or removal of holiday lights on public trees shall be required to secure a Public Tree Permit in advance of such activity, and shall be supervised or directed by a certified arborist (ISA) or otherwise qualified person as approved by the Tree Warden. Light strands shall be hung in such a manner as to not damage any part of the tree (i.e. loose around the trunk, stem, and/or branches, limited amount of strands as determined and approved by the Tree Warden. All holiday light strands on public trees shall be installed no earlier than November 1st and removed prior to April 15th unless otherwise approved by the Tree Warden. Light strands on public trees may be removed by the Town, under its sole discretion, for the purposes of routine, demand, or emergency pruning activities.

15. Greenwich Public Schools Site and Grounds Landscaping Standards: (12-19-13)

- a) Trees and shrubs should be pruned so as not to grow in contact with the building exterior and should not allow a person to scale the tree or shrub to access the roof or a window. Trees and shrubs should also be pruned or removed to provide visibility between the building and the tree or shrub.
- b) Trees and shrubs whose natural growth habit allows for pruning to raise their canopy, should be pruned to provide for visibility beneath the tree or shrub.
- c) Dead, diseased, defective or damaged trees shall be pruned or removed to prevent failure possibly causing injury to students, staff, general public, and Town or private property (i.e. structures, vehicles, etc).
- d) Planning for any new tree or shrub planting shall include consultation with the Greenwich Board of Education representatives for the Facilities and/or Security personnel. Planning should take into account the mature size of the tree or shrub so that future size will be in compliance with these standards.
- e) School walking paths and sidewalks should be maintained to provide eight feet of overhead clearance with no limbs or foliage interfering with pedestrian traffic.
- f) No noxious, poisonous or injurious (thorns, etc) trees, shrubs or plants shall be planted or maintained on public school properties.
- g) Existing trees and shrubs currently not in compliance with these standards which may need to be pruned or removed shall be decided upon on a 'case by case' basis by the Board of Education representatives for the Facilities and/or Security personnel and representatives of the Department of Parks and Recreation, Parks & Trees Division.
- h) Any trees or shrubs designated for removal by the Tree Warden or Deputy Tree Warden shall be posted for a period of ten days and may be subject to a public

hearing if contested. (CT General Statutes Chp 451 sec. 23-59 Powers and Duties of Tree Wardens).

- i) Any tree that is determined to be an imminent hazard to the public by the Tree Warden or Deputy Tree Warden may be removed without posting³.
- j) See also section 7-a: Tree Planting After Trees Removed For Town Projects.

16. Right Tree, Right Place

- a. When planting trees near or beneath roadside power lines, the Tree Warden recommends low-growing trees such as crabapple and dogwood.
- b. Medium-sized trees, which grow to heights of 25 to 45 feet, can be planted between 15 and 30 feet from the power lines. Examples include arborvitae and flowering cherry trees.
- c. Large-growing trees, reaching heights of more than 45 feet should be planted at least 30 feet from the power lines. Oak, maple and pine trees are some examples.

³ In accordance with CT General Statute Chp 450 Sec. 23-59
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17. APPENDIX



TOWN OF GREENWICH

Town Hall, 101 Field Point Road, Greenwich, CT 06830

INLAND WETLANDS AND WATERCOURSES AGENCY

TO: Peter Tesei, First Selectman, John Crary, Town Administrator

FROM: Amy Siebert, Commissioner of Public Works, Joseph Siciliano, Director of Parks & Recreation, Michael N. Chambers, Wetlands Director

DATE: September 8, 2010

RE: Tree Removal Policy

Following the March 2010 windstorm, the Town was presented with a fairly common problem that usually is witnessed on a much smaller scale. Who bares the responsibility for the removal of private trees, on private land, and/or water bodies that threaten incorporated communities, roadways, bridges, and/or flood control structures? As stated during the Department Head Meeting in May, historically, Public Works, Parks & Recreation, and the Inland Wetlands & Watercourses Agency have made it a practice to focus the burden of such tree removal on the property in which the impediment rests. The reason for this standing practice, amongst many, includes increased liability associated with damage caused to property, landscaping, and oil or septic structures at the time of removal. For this reason, homeowners are asked to resolve the issue and later submit a claim for reimbursement to the Town.

Over the past several weeks, great effort was taken to review existing ordinances, as well as solicit opinions from surrounding municipalities and various Town departments. Throughout a consistent apprehension to shift the burden of private removal to the Town was shared. Nonetheless careful study of the recently adopted municipal Tree Ordinance finds that this very scenario appears to have been contemplated and addressed pursuant to Section 13.17 which states *that any tree or part of the tree or any shrub or other vegetation that poses an unreasonable risk to any Town-owned property and is determined to pose an unreasonable risk to the public health, safety, or welfare by the Tree Warden, and any tree, shrub or other vegetation which is hazardous or injurious to the public health, safety and welfare, or which causes substantial depreciation in the value of real property in the neighborhood shall be determined to be a nuisance and is to be abated by the Town in accordance with the Town of Greenwich Nuisance Ordinance.* This document prepared to promote and protect the public health safety and general welfare of residents within the Town of Greenwich clearly establishes the frame work necessary to resolve conditions such as the removal of a hazardous tree. Moreover, because the Nuisance Ordinance

provides officials the regulatory muscle necessary to correct said situations, it seems logical to conclude that provisions are currently in place that define a property owner's responsibility in correcting this condition.

However, to ensure the suggested policy was consistent with surrounding municipalities, a review of practices in Stamford, New Canaan, Westport, Bridgeport and Stratford was conducted. In each case, the contacted representative shared that the standing policy dictates that the municipality refrain from the removal of private trees, while some acknowledged that in pressing cases, trees may be removed by the Town (It was not clear whether homeowners would be later billed in this situation). The inquiry found in the case of Stamford, that trees removed by the City were often the result of a resident's failure to respond, at which point a bill to the resident for services performed would follow the removal.

After careful consideration of all facts and input obtained from all parties, we collectively find that the removal of downed trees on private land is not in the best interest of the Town. We, therefore, propose the following be viewed as the policy going forward:

- Wind-thrown Trees on private land, detected during a significant storm event that have been determined to threaten incorporated roadways, structures, etc. shall be removed by the Town where deemed necessary. Supervisors making decisions shall assess the need for removal and risk of injury to Town personnel before authorizing removal.
- Private trees determined by Parks, Highway, and/or IWWA staff that are deemed hazardous shall be identified in the field with later written notification sent to the resident. Such notification shall allow for a 60-day deadline for removal. In the event the tree is not satisfactorily removed, the Tree Warden shall then coordinate with the said departments and arrange for the Town to remove the tree, as provided under the conditions of the Tree Ordinance and the Nuisance Ordinance. The cost of such removal shall be billed to the responsible party with copies of the billing statement issued to the Law Department in case monies are not received timely.

DIANE W. FOX, AICP
DIRECTOR PLANNING AND ZONING/ZONING
ENFORCEMENT COORDINATOR/TOWN PLANNER



KATIE BLANKLEY, AICP, Deputy Director
Planning and Zoning/Assistant Town Planner

PATRICK LAROW, AICP, Senior Planner

CINDY TYMINSKI, Planner II

MAREK KOZIKOWSKI, Planner I

MARISA ANASTASIO, Applications Coordinator

PLANNING AND ZONING - LAND USE DEPARTMENT

MEMO TO P&Z COMMISSION, TOWN TREE WARDEN

FROM: Diane Fox, Director Planning and Zoning/Town Planner/Zoning Enforcement Coordinator

DATE: June 3, 2011

RE: New Process for Town Tree Warden 's review of P&Z applications of Town Projects and Public Hearings on Tree Removal

After discussion with Bruce Spaman Town Tree Warden on the current processes of the timing of public hearings of tree removal on Town properties and reviewing the Public Hearings held by the Town Tree Warden on the North Mianus School site, the North Street School site and the High School Auditorium projects, he and I are proposing the following new procedures which we hope will aid the public in knowing earlier in the process about tree removals on Town properties for projects while reducing time and money for town projects .

Based on the experience of the appeals taken by the public on the three recent projects referred to above, Bruce and I have agreed upon the following:

- 1) Presently when a town project comes to P&Z as a preliminary site plan, it is routed to the Town Tree Warden for his comments. This will continue
- 2) When and if the Commission gives consent to allow the applicant to proceed to final site plan, the Town Tree Warden will then post the trees that will need to be removed on and off site so that the public and neighbors can have an early opportunity to see what will be removed and if they desire to file an appeal or request that the Town Tree Warden hold a public hearing on these trees' removal.
- 3) The Public hearing on tree removal is held by the Town Tree Warden, and if any trees posted for removal are to remain on site, the final site plan submitted will reflect any site plan changes resulting from this decision. These final plans may require IWWCA re-review or not .
- 4) Applicant/Town Dept. will submit final site plans to P&Z reflecting the Town Tree Warden's decision after the 10 day appeal period (of the Tree Warden's decision) is over.

This procedural change should make the process more transparent, allows the public earlier knowledge of both the project and tree removal, and saves time and money for the submitting town department or agency.

It was noted that the need for this change in the process was not evident in the past, but has become more of an issue within the past few years when town trees are proposed for removal when both town and private projects are submitted, ie. Greenwich Ave project at 410 Greenwich ave.

It is our hope that the public and town bodies will see this as a positive response to the recent events and we are certainly open to discussion on this issue in public at any time.

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**Greenwich, Connecticut
CODE OF ORDINANCES
CHAPTER 6C. NUISANCES**

Sec. 6C-1. - Findings.

Sec. 6C-2. - Definitions.

Sec. 6C-3. - Nuisances prohibited.

Sec. 6C-4. - Enforcement.

Sec. 6C-5. - Written warning.

Sec. 6C-6. - Notice of violation.

Sec. 6C-7. - Admission of liability.

Sec. 6C-8. - Appeal.

Sec. 6C-9. - Emergency.

Sec. 6C-10. - Abatement.

Sec. 6C-11. - Entry on land.

Sec. 6C-12. - Accounting and collection of abatement costs.

Sec. 6C-13. - Severability.

Sec. 6C-1. - Findings.

The Representative Town Meeting of the Town of Greenwich finds and determines as follows:

- (a) The Town of Greenwich has a history and reputation for well-kept properties, and the property values and the general welfare of the town is founded, in part, upon the appearance and maintenance of private and public properties.
- (b) The existence of a condition described in Section 6C-2(h) of this chapter is injurious to the public health, safety and welfare or contributes substantially to the depreciation of the value of real property in Town neighborhoods.
- (c) The Town is authorized, pursuant to Section 7-148(c)(7)(E) of the Connecticut General Statutes, as amended, to define, prohibit and abate all nuisances and causes thereof and cause the abatement of any such nuisance at the expense of the owner or owners of the premises upon which such nuisance exists.
- (d) The abatement of such nuisances will promote the general health and welfare of the community and tend to maintain the value of premises in Town.
- (e) The procedures set forth in this chapter for the abatement of such nuisances are reasonable and afford due process to all affected persons.

(RTM 6/10/1991. ^[1])

Sec. 6C-2. - Definitions.

Unless another construction is clearly apparent from the language or the context specifically indicates otherwise, the following terms, as used in this chapter, are defined as follows:

- (a) *Hearing Officer* shall mean any person appointed by the First Selectman, other than persons charged with the identification and abatement of nuisances pursuant to the provisions of this chapter, to conduct hearings and enter orders authorized by this chapter.
- (b) *Motor vehicle* shall mean any self-propelled device, or portion thereof, not operated exclusively on tracks, and shall include, without limitation, automobiles, vans, trucks, buses, motor homes, tractors, recreational vehicles, snowmobiles, motorcycles, motorbikes and go-carts.
- (c) *Owner* shall mean any person who, alone or jointly or severally with others, shall have legal title to a fee interest in real property, with or without actual possession thereof.
- (d) *Person* shall mean and include any individual, firm, corporation, association, partnership, company or organization of any kind.
- (e) *Premises* shall mean any public or private property, vacant or occupied lot, plot, parcel of land, street, sidewalk, alley, boulevard, highway, right-of-way, park or parkway, including the structures or buildings thereon.
- (f) *Private property* shall mean any real property within the Town which is privately owned and which is not public property as defined in this chapter.
- (g) *Public property* shall mean any street or highway within the Town, including the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular or pedestrian travel, and shall also mean any other publicly owned real property or facility within the Town.
- (h) *Nuisance* shall mean the existence of a condition involving any one (1) or more of the following items: trees, shrubs or vegetation which are hazardous or injurious to the public health, safety and welfare or which would cause substantial depreciation in the value of real property in the neighborhood or which have been determined to be a nuisance pursuant to any other provision of this Municipal Code, building and construction materials, landscape and fill materials, demolition debris, motor vehicles and motor vehicle parts, fixed- and rotary wing aircraft and parts, boats and boat parts, tires, appliances, furniture, metal, plastic, cardboard or glass containers, paper and rags which are inoperative, abandoned or discarded; which are found in substantial quantities in or upon any premises and are visible from any third-party residential premises; and which are hazardous or injurious to the public health, safety and welfare or which cause substantial depreciation in the value of real property in the neighborhood.
- (i) *Nuisance Abatement Officer* shall mean the person or persons or an authorized representative, appointed by and reporting to the First Selectman and charged with the identification and abatement of nuisances as authorized by this chapter.

(RTM, 6/10/1991; RTM, 6/8/2009.)

Sec. 6C-3. - Nuisances prohibited.

- (a) No owner of any premises shall permit, cause, keep, maintain, create, or suffer to exist any nuisance as defined in this chapter on any such premises.

(b) Upon proper notice and opportunity to be heard, it shall be the duty of each such owner, at his, her or its own expense, to abate and remove any such nuisance from such premises.

(RTM 6/10/1991.)

Sec. 6C-4. - Enforcement.

(a) Enforcement of this chapter shall be the responsibility of the Nuisance Abatement Officer of the Town of Greenwich. The procedure set forth in this chapter shall not be exclusive and shall not in any manner limit or restrict the Town from enforcing other Town ordinances or abating public nuisances in any other manner provided by law.

(b) The Nuisance Abatement Officer or the Hearing Officer may extend any period herein for good cause shown.

(RTM 6/10/1991.)

Sec. 6C-5. - Written warning.

Whenever, after inspection of any premises, the Nuisance Abatement Officer first determines that a nuisance exists on such premises, the Nuisance Abatement Officer shall cause a written warning to be mailed by certified mail, postage prepaid, or delivered personally to the owner or owners of such premises giving the address of such premises, the date or dates of such inspection, and a brief description of the conditions which support the determination that such a nuisance exists.

(RTM 6/10/1991.)

Sec. 6C-6. - Notice of violation.

(a) Except as otherwise provided herein, whenever the Nuisance Abatement Officer shall have determined that a nuisance, for which a written warning has been given pursuant to this chapter, has existed unabated for more than thirty (30) days but not more than twelve (12) months following the receipt of such warning by the owner or owners of the premises on which the nuisance exists, the Nuisance Abatement Officer shall cause a written citation to be sent to the owner or owners of such premises directing the owner or owners to abate the nuisance thereon. The citation shall contain:

- (1) A statement from the Nuisance Abatement Officer that, notwithstanding the issuance of a written warning pursuant to the provisions of this chapter, it has been determined that a nuisance as defined in this chapter is being maintained on the premises, with a copy of such written warning;
- (2) A description of the premises sufficient to identify the property on which the nuisance exists;
- (3) An order to complete within thirty (30) days from the date of receipt of such citation the abatement of the described nuisance;
- (4) A statement that unless abatement is completed within the thirty (30) days specified, the Nuisance Abatement Officer shall cause the nuisance to be abated and charge the person or persons named in the citation for all costs incurred in such abatement;

- (5) A statement that failure, neglect, or refusal to abate such nuisance within the thirty (30) days specified shall subject the owner or owners to a fine not to exceed one hundred dollars (\$100.) for each offense;
- (6) A statement that each violation of this chapter shall be a separate and distinct offense, and, that in the case of a continuing violation, each day's continuation thereof after the close of the specified thirty (30) days shall be deemed to be a separate and distinct offense;
- (7) A statement that the person or persons named in the citation shall have the right to appeal to the Nuisance Abatement Officer from any such citation within ten (10) days of receipt of such citation;
- (8) A statement that any such appeal must be in writing, and must be dated, and delivered personally or by first class mail, postage prepaid, to the Nuisance Abatement Officer, Town Hall, 101 Field Point Road, Greenwich, Connecticut, 06836-2540, within the time specified herein; and
- (9) A statement that the failure of any person entitled to appeal under the provisions of this chapter to appeal or to timely file an appeal shall constitute a waiver of all appeal rights set forth herein, and that an assessment and judgment of all costs and fines shall thereupon enter against the owner or owners of the affected premises without further notice.

(b) Any such citation referred to herein shall be mailed by certified mail, postage prepaid, to the owner or owners of the premises upon which such nuisance exists or be delivered to such owner or owners personally.

(RTM 6/10/1991.)

Sec. 6C-7. - Admission of liability.

If one (1) or more persons who have been sent a citation pursuant to this chapter wishes to admit liability for any alleged violation, such person or persons may, without exercising the right of appeal under this chapter or at any time during the appeal hearing, undertake in writing to pay to the Nuisance Abatement Officer (i) whatever abatement costs may be reported in writing by the Nuisance Abatement Officer pursuant to Section 6C-12 and (ii) such fines and fees as may be agreed in advance with the Nuisance Abatement Officer. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or persons.

(RTM 6/10/1991.)

Sec. 6C-8. - Appeal.

(a) Any person or persons to whom a citation is mailed or delivered pursuant to the provisions of this chapter shall have the right to appeal from any such citation by filing with the Nuisance Abatement Officer, within ten (10) days from the date of receipt thereof, a written, dated appeal containing:

- (1) A description, or the address, of the premises involved in the appeal;
- (2) The name and mailing address of each person participating in the appeal;
- (3) A brief statement setting forth the interest of each such person in the premises described in the citation;

- (4) A brief statement identifying the specific citation from which the appeal is brought, together with any facts supporting the appeal;
- (5) A statement of the relief sought, and any reasons why the citation appealed should be reversed, modified or set aside;
- (6) A verification by the person or persons participating in the appeal as to the truth of the matters set forth in the appeal.

(b) Notice of hearing. As soon as practicable after receipt of any appeal filed pursuant to this section, the Nuisance Abatement Officer shall set a date for a hearing before a Hearing Officer appointed by the First Selectman, and the Nuisance Abatement Officer shall give written notice of the date, time and place of the hearing to each appellant by causing a copy of such notice to be delivered personally to the appellant, or by mailing a copy to the appellant by certified mail, postage prepaid, to the address shown on the appeal. Such date shall be not less than fifteen (15) days nor more than thirty (30) days from the date of mailing or delivery of such notice.

(c) Stay pending appeal. Except for emergency orders issued pursuant to this chapter, enforcement of any citation and abatement order of the Nuisance Abatement Officer shall be stayed during the pendency of an appeal timely and properly filed.

(d) Procedure for hearing.

(1) The Hearing Officer shall conduct the hearing expeditiously and in the order and form and with such methods of proof as the Hearing Officer deems fair and appropriate. At any such hearing, the Nuisance Abatement Officer and each appellant may introduce such witnesses and evidence as either party deems necessary. The rules of evidence shall not be strictly applied except that irrelevant evidence shall be excluded, and all testimony shall be given under oath or affirmation. An original or certified copy of the citation issued by the Nuisance Abatement Officer shall be retained by the Town and shall be deemed to be a business record within the scope of Section 52-180 of the Connecticut General Statutes, as amended from time to time, and evidence of facts contained therein.

(2) Each appellant may be represented by an attorney or other representative. The presence of the Nuisance Abatement Officer shall be required at the hearing if the appellant so requests. An appellant wishing to contest his or her liability shall appear at the hearing and may present evidence on his or her behalf. A designated municipal official, other than the hearing officer, may present evidence on behalf of the Town. If an appellant fails to appear, the Hearing Officer may enter an assessment by default against him or her upon a finding of proper notice and liability under this chapter. The Hearing Officer may accept from the appellant copies of police reports, investigatory and citation reports, and other official documents by mail and may determine thereby that the appearance of such appellant is unnecessary.

(3) The Hearing Officer shall announce his or her decision at the end of the hearing and render a written decision within ten (10) days of the completion of the hearing. The decision of the Hearing Officer shall be final and shall be served upon the owner or owners of the premises either personally or by certified mail, postage prepaid, within seven (7) days of the date when such decision is entered.

(4) If it is determined by the Hearing Officer that an appellant is not in violation of the provisions of this chapter, the matter shall be dismissed as to that appellant and the

Hearing Officer shall enter such determination in writing accordingly. If it is determined that one (1) or more appellants are in violation of any of the provisions of this chapter, the Hearing Officer shall forthwith order each such appellant to abate the described nuisance condition within thirty (30) days from the date of such order and shall enter such determination in writing accordingly. In the event that the abatement is not completed within thirty (30) days of the date of such order, the Hearing Officer, upon certification from the Nuisance Abatement Officer that the abatement has not been completed, shall forthwith enter and assess against each such appellant a fine not to exceed one hundred dollars (\$100.) for each offense. If such assessment is not paid on the date of its entry, the Hearing Officer shall send by first class mail a notice of the assessment to the person or persons found liable, if such assessment remains unpaid, and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the Clerk of the Superior Court for the geographical area of the Town, together with the appropriate entry fee.

(5) The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same person may be accrued and filed as one (1) record of assessment. The Clerk of the Superior Court shall enter judgment in the amount of such record of assessment and appropriate court costs, against such person in favor of the Town. Notwithstanding any other provision of the general statutes, the Hearing Officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such person.

(6) A person against whom an assessment has been entered is entitled to judicial review by way of appeal. An appeal may be instituted within thirty (30) days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case in the Superior Court for the geographical area of the Town, which filing shall entitle such person to a hearing in accordance with the rules of the Judges of the Superior Court.

(RTM 6/10/1991.)

Sec. 6C-9. - Emergency.

Whenever it is determined by the Nuisance Abatement Officer that a nuisance as defined in this chapter poses an imminent threat to the public health, safety or welfare, the Nuisance Abatement Officer, with the concurrence of the Director of Health, the Chief of Police or the Fire Marshal of the Town, or their duly authorized designee, may issue a written order directing the owner or owners of the premises upon which such nuisance exists to immediately take such action as is necessary to correct or abate the nuisance and shall cause the order to be mailed or delivered to such owner or owners as provided in [Section 6C-6\(b\)](#). If the owner or owners fails or refuses within seventy-two (72) hours after receipt of such order to take action as ordered by the Nuisance Abatement Officer, then the Nuisance Abatement Officer may take all such steps deemed necessary to remove or abate such nuisance and shall charge all costs of such removal or abatement to the owner or owners of the premises.

(RTM 6/10/1991.)

Sec. 6C-10. - Abatement.

- (a) Except as provided in [Section 6C-8\(c\)](#) and in Subsection (b) below, if, after the expiration of the period of time set forth in a citation or in a decision of the Hearing Officer upon an appeal thereof, the owner or owners of the premises upon which a nuisance was determined to exist fail or refuse to abate the nuisance, or if such owner or owners enter into a written undertaking as provided in [Section 6C-7](#), then the Nuisance Abatement Officer may cause the nuisance to be abated and charge all costs of such abatement to the owner or owners of the premises.
- (b) Upon receipt, prior to the expiration of the period of time set forth in a citation, or in a decision of the Hearing Officer requiring abatement of a nuisance, of a written request from the owner or owners of the premises upon which the nuisance was determined to exist, the Nuisance Abatement Officer may grant an extension of time, not to exceed thirty (30) days, within which to complete such abatement if it is determined by the Nuisance Abatement Officer that such an extension of time will not create or perpetuate a nuisance that poses an imminent threat to the public health, safety or welfare.

(RTM 6/10/1991.)

Sec. 6C-11. - Entry on land.

The Nuisance Abatement Officer may enter upon private property, except a private residence, to investigate or to remove or abate a nuisance pursuant to the provisions of this chapter. No person shall obstruct, impede, or interfere with any officer, employee, or authorized representative of the Town whenever such person is engaged in the abatement of any nuisance pursuant to the provisions of this chapter, or while in the performance of any necessary act preliminary or incidental to such abatement.

(RTM 6/10/1991.)

Sec. 6C-12. - Accounting and collection of abatement costs.

- (a) The Nuisance Abatement Officer shall keep an itemized account of all costs incurred by the Town in the abatement of any nuisance pursuant to the provisions of this chapter. Upon completion of the abatement work on any premises, as provided in [Section 6C-10](#), the Nuisance Abatement Officer shall prepare and certify a report specifying the work done, the itemized costs of the work performed, the amount of any fine assessed against the owner or owners of the premises, a description of the premises, and the names and addresses of all persons upon whom a citation had been served pursuant to [Section 6C-6](#).
- (b) A copy of the foregoing report shall be mailed by certified mail, postage prepaid, or delivered personally to the owner or owners of the affected premises with a statement directing that all costs and penalties specified in the report shall be paid within fifteen (15) days from the date of receipt of such report by such owner or owners.

(RTM 6/10/1991.)

Sec. 6C-13. - Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this chapter should be declared invalid by a court of competent jurisdiction, for any reason whatsoever, such decision shall not affect the remaining portions of this chapter, which shall remain in full force and effect, and to this end the provisions of this chapter are hereby declared severable.

(RTM 6/10/1991.)

FOOTNOTE(S):

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Editor's note— *This ordinance was originally adopted as Chapter 15, but was redesignated as Chapter 6C to maintain the alphabetical sequence of the Code. [\(Back\)](#)*