

Chapter 227

Sec. 227-1. Designation of authority.

The Landscape Specialist of the City of Stamford Office of Operations, or the Landscape Specialist's designee, shall be responsible for control of all trees and shrubs and parts thereof that are within the limits of any public roads or grounds consistent with the provisions of Chapter 451 of the Connecticut General Statutes, as may be amended.

Sec. 227-1.1. Rules and regulations; violations and penalties; enforcement. [2.1]

- A. Any person, firm, company, corporation or other entity that removes, prunes, injures or defaces any tree or shrub or causes the same to occur within the limits of any public road or grounds without the written permission of the Landscape Specialist of the Office of Operations, or the Landscape Specialist's designee, shall be fined not more than ninety dollars (\$90.00) for each offense and shall be liable for the cost of replacement of such tree or shrub;
- B. Any person, firm, company, corporation or other entity that affixes any playbill, notice, advertisement or similar thing to any tree or shrub within the limits of any public road or grounds without the written permission of the Landscape Specialist of the Office of Operations, or the Landscape Specialist's designee, shall be fined not more than ninety dollars (\$90.00) for each offense;
- C. Any person, firm, company, corporation or other entity, other than the Landscape Specialist of the Office of Operations, and his or her designees, who desires the cutting, removal or pruning, in whole or in part, of any tree or shrub within the limits of any public road or grounds shall apply, in writing, to the Landscape Specialist of the Office of Operations. After due consideration of the request, including all pertinent facts and circumstances, the Landscape Specialist of the Office of Operations shall issue a written decision within 35 days and shall base such decision on a determination that the requested work is necessary to the protection of public safety or the attenuation of a public nuisance. If the Landscape Specialist of the Office of Operations, or the Landscape Specialist's designee, shall fail to issue a written decision within the aforementioned time period, then said application shall be deemed approved.
- D. Whenever the Landscape Specialist of the Office of Operations, or the Landscape Specialist's designee, determines that the cutting or removal of any tree or shrub, in whole or in part, is necessary for the protection of public safety or the attenuation of a public nuisance, he or she shall authorize such work to be undertaken. Unless the condition of such tree or shrub constitutes an immediate public hazard, the Landscape Specialist of the Office of Operations, or the Landscape Specialist's designee, shall, at least thirty (30) days prior to the cutting or removal, post thereon a suitable notice stating the intention to cut or remove such tree or shrub.
- E. If any person, firm, company, corporation or other entity objects to such cutting or removal, an appeal may be taken to the Landscape Specialist of the Office of Operations, or the Landscape Specialist's designee, in writing, who shall hold a public hearing at a suitable time and place after giving no less than ten (10) days written notice to the person, firm, company or corporation or other entity filing the appeal. Notice of the hearing shall be posted on the affected tree or shrub. After three (3) days following the conclusion of the hearing, the Landscape Specialist of the Office of Operations shall render a decision granting or denying the appeal. Notice of this decision shall be provided to the person, firm, company, corporation or other entity filing the appeal, by certified mail, and published in a newspaper having a general circulation within the City of Stamford, within fifteen (15) days.
- F. Any person, firm, company, corporation or other entity that desires to plant or have planted any tree or shrub within the limits of any public road or grounds shall obtain the written permission of the Landscape Specialist of the Office of Operations, or the Landscape Specialist's designee.
- G. Each tree or shrub removed, pruned, injured or defaced shall constitute a separate violation of this article.

- H. In addition to other available means of enforcement, this article may be enforced through the civil citation process by the Landscape Specialist of the Office of Operations, or the Landscape Specialist's designee, pursuant to the provisions of § 97-10B of the Code of Ordinances of the City of Stamford.

Sec. 227-1.2. Enforcement.

In addition to other methods of enforcement, the provisions of this article may be enforced through the citation enforcement process.

Sec. 227-2. Restricted activities.

No construction, repairs, widening or other alteration or excavation, and no storm or sanitary sewer, catch basin, curbing or culvert installation in or adjacent to public streets or highways, or areas within easements, or areas on public grounds shall be released for bidding or carried out by city employees unless and until the design plans and specifications therefor have been submitted to and approved, in writing, by the Landscape Specialist of the Office of Operations, or the Landscape Specialist's designee, if trees and/or shrubs are growing inside the area of the proposed contractor project or growing on public or private property within fifteen (15) feet of the limits of such contract or project. Final construction plans, specifications and bid documents shall be consistent with the approved design plans and specifications. If a written decision by the Landscape Specialist of the Office of Operations, or the Landscape Specialist's designee, is not rendered within thirty-five (35) days of such submission, the design plans and specifications shall be deemed approved within the scope of this article.

Sec. 227-3. Review for compliance; replacement.

- A. All proposed capital projects affecting trees and shrubs within the areas described in this article shall be reviewed by the Landscape Specialist of the Office of Operations for consistency with the terms, conditions and provisions of this article prior to submittal to the Planning Board.
- B. Any contract or specifications for the aforementioned types of work shall include provisions for the replacement of any trees or shrubs whose removal was necessitated by the aforementioned construction or alteration, and such replacement trees and/or shrubs shall be designated as to the species, size and number by the Landscape Specialist of the Office of Operations, and the cost of such replacement planting shall be included in the specifications as part of the contract or project.

Sec. 227-4. 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. 227-5. 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. 227-6. 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. 227-7. 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. 227-8. 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. 227-9. 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. 227-10. 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. 227-11. Application for approval of equipment. [5]

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. 227-12. Violations and penalties; enforcement. [6]

- 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. 227-13. 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.