

COURT OF COMMON COUNCIL



NOTICE & AGENDA PACKAGE

MONDAY, OCTOBER 15, 2018
7:00 p.m.



CITY OF HARTFORD
550 MAIN STREET
HARTFORD, CONNECTICUT 06103

OFFICE OF THE CITY CLERK
HARTFORD, CONNECTICUT

PUBLIC HEARING NOTICE
MONDAY, OCTOBER 15, 2018
7:00 p.m.

COUNCILPERSONS SÁNCHEZ, THAMES, WINCH, BERMÚDEZ, AND CLARKE II WILL REPRESENT THE COUNCIL AT A PUBLIC HEARING TO BE HELD IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING AT 7:00 P.M., MONDAY OCTOBER 15, 2018.

1. RESOLUTION AUTHORIZING THE CITY TO GRANT THREE TEMPORARY CONSTRUCTION EASEMENTS AND ONE PERMANENT DRAINAGE EASEMENT ACROSS CERTAIN CITY-OWNED LAND TO THE STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION TO COMPLETE STATE HIGHWAY PROJECT 63-703.

Referred to the Operations, Management, Budget and Government Accountability Committee
and to the Planning and Zoning Commission CGS 8-24

2. ORDINANCE AMENDING CHAPTER IV, SECTION 17-87 – 17-101 OF THE HARTFORD MUNICIPAL CODE.

Referred to the Health and Human Services Committee

3. ORDINANCE AMENDING CHAPTER 28 ARTICLE VI (TREE ORDINANCE) OF THE MUNICIPAL CODE.

Referred to the Public Works, Parks and Environment Committee

4. ORDINANCE AMENDING CHAPTER 28 ARTICLE XV OF THE MUNICIPAL CODE FOR THE PURPOSE OF ESTABLISHING THE COLUMBIA STREET/PARK TERRACE SPECIAL SERVICES DISTRICT.

Referred to the Operations, Management, Budget and Government Accountability Committee

Attest:

John V. Bazzano,
City Clerk.

For more information on committee meeting dates please contact the following:

- A regular meeting of the **Operations, Management, Budget and Government Accountability Committee** will be held on the third Monday of each month at 5:30 P.M. in the Council Chambers.

Carolynn Harris (860) 757-9570
Carolynn.Harris@hartford.gov

Kevin L. Murray 860-757-9563
Kevin.murray@hartford.gov

- A regular meeting of the **Health & Human Services Committee** will take place on the First Monday of each month at 5:30 P.M, except for holidays and special dates, in the Council Chambers 2nd floor 550 Main Street, Hartford CT.

Shelly Jackson (860) 757-9569
JACKS004@hartford.gov

- A regular **Public Works, Parks, Recreation and Environment Committee** meeting will be held on the first Wednesday of each month at 5:30 P.M. in the Council Chambers.

Agnes Torres (860) 757-9568
agnes.torres@hartford.gov



Luke A. Bronin
Mayor

September 10, 2018

Honorable Glendowlyn L.H. Thames, Council President, and
Members of the Court of Common Council
City of Hartford
550 Main Street
Hartford, CT 06103

RE: Easements for State DOT Project 63-703

Dear Council President Thames:

Attached for your consideration is a resolution authorizing the City to grant three temporary construction easements and one permanent drainage easement across certain City-owned land, to the State of Connecticut, Department of Transportation (DOT), to complete State highway project 63-703, known as "Relocation of I-91 Northbound Interchange 29 and Widening of I-91 Northbound and Route 15 Northbound to I-84 Eastbound Relocation".

The temporary easements will extend over property located at 100 Columbus Boulevard, 10 Reserve Road, and 80 Reserve Road and will be extinguished upon completion of the project. The permanent drainage easement will extend over property located at 1020 Wethersfield Avenue and will remain in perpetuity. As compensation for the grant of the easements, the DOT has delivered a written offer in the amount of \$30,100 based upon an appraisal prepared by a licensed real estate appraiser. The City of Hartford, Engineering Division, has reviewed the plans and proposed easements and finds the purposes and locations generally acceptable.

In accordance with Section 7-163e of the Connecticut General Statutes, please refer this item to Public Hearing and, in accordance with Connecticut General Statutes Section 8-24, please refer this resolution to the Hartford Planning & Zoning Commission.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "L. Bronin", is written over a horizontal line.

Luke A. Bronin
Mayor

**550 Main Street
Hartford, Connecticut 06103
Telephone (860) 757-9500
Facsimile (860) 722-6606**

INTRODUCED BY:
Luke A. Bronin, Mayor

COURT OF COMMON COUNCIL
City of Hartford, September 10, 2018

WHEREAS, the State of Connecticut, Department of Transportation (“DOT”) is acquiring easements across certain parcels of land to make highway improvements for the state project identified as the Relocation of I-91 Northbound Interchange 29 and Widening of I-91 Northbound and Route 15 Northbound to I-84 Eastbound (the “Project”); and

WHEREAS, the DOT needs a temporary construction easement over land located at 100 Columbus Boulevard for the purpose of vehicular access to the Project, which area is approximately 45,020 square feet; and

WHEREAS, the DOT also needs a temporary construction easement over lands located at 10 Reserve Road and 80 Reserve Road for the purpose of staging equipment, tools and materials during the course of the Project, which areas are approximately 2,362 square feet and 12,102 square feet, respectively; and

WHEREAS, the temporary construction easements will be extinguished upon completion of the Project; and

WHEREAS, the DOT also needs a permanent drainage easement and an access easement over the parcel of land located at 1020 Wethersfield Avenue for the purposes of permitting the flow of water and for vehicular travel to the drainage system, which areas are approximately 4,490 square feet and 9,154 square feet, respectively; and

WHEREAS, the City of Hartford, Engineering Division, has reviewed the plans and proposed easements and finds the purposes and locations generally acceptable; and

WHEREAS, the DOT, in accordance with its standard procedures, has presented a written offer to purchase the easements from the City of Hartford for an aggregate amount of \$30,100; now, therefore, be it

RESOLVED, that the City is hereby authorized to grant to the State of Connecticut, Department of Transportation temporary access easements over three parcels of land located at 100 Columbus Blvd, 10 Reserve Road, and 80 Reserve Road and a permanent drainage easement and an access easement over the parcel of land located at 1020 Wethersfield Avenue, subject to such terms and conditions as may be recommended by the City Engineer and approved by the Mayor and Corporation Counsel; and be it further

RESOLVED, that the City is hereby authorized to accept compensation in the amount of \$30,100 for the grant of all of the easements to the DOT; and be it further

RESOLVED, that the Mayor is hereby authorized to execute any documents, upon and subject to such terms and conditions that the Mayor and the Corporation Counsel may deem appropriate and in the best interests of the City in order to effectuate the above transaction; and be it further

RESOLVED, that no person or entity shall be entitled to rely on, or otherwise claim any benefit by reason of this resolution should the Mayor fail to accept and record such easements, execute such other documents, or take any of the other aforesaid actions; and be it further

RESOLVED, that all approvals and authorizations provided hereby are contingent upon, and only shall be effective on and by means of, the Mayor executing such documents, and taking such actions, all of which shall be, in form and substance, acceptable to the Mayor and the Corporation Counsel, and be it further

RESOLVED, that all approvals and authorizations provided hereby are contingent upon any approvals, permits and similar authorizations that may be required from any agency having regulatory or similar authority over the proposed work including, but not limited to, as applicable, the US Army Corps of Engineers and the Greater Hartford Flood Commission.

Introduced by:
Sponsored by:

Councilman Larry Deutsch
Minority Leader Wildaliz Bermúdez
Councilman Thomas J. Clarke II
Councilwoman Claudine Fox
Councilman John Q. Gale
Majority Leader James Sánchez

**HEADING
AND
PURPOSE**

AN ORDINANCE AMENDING CHAPTER IV, SECTION 17-87 – 17-101 OF THE
HARTFORD MUNICIPAL CODE

COURT OF COMMON COUNCIL,
CITY OF HARTFORD

September 24, 2018

Be It Hereby Ordained by the Court of Common Council of the City of Hartford that Chapter 4, section 17-87 -17-101, of the Municipal Code of the City of Hartford is hereby amended to include the following ordinance:

Sec.17-87. An Ordinance raising minimum age for sale and distribution of tobacco/nicotine products

Sec. 17-88. - Purpose

Tobacco use is the foremost preventable cause of premature death in the United States, responsible for more than half a million deaths per year in the United States and costing the nation approximately \$300 billion in healthcare and lost worker productivity costs each year; and

- (1) About ninety-five percent (95%) of all adult smokers began smoking before age twenty-one (21), and adolescence is a critical period when smokers move from experimental smoking to addictive, daily use;
- (2) There is strong evidence that those who begin smoking at an early age are more likely to develop a severe addiction to nicotine than those who start at a later age;
- (3) Electronic nicotine delivery system use among adolescents has recently tripled, and use of these systems are associated with and clearly encourage the use of conventional tobacco products;
- (4) Raising the minimum legal sale and distribution age for all tobacco products to twenty-one (21) reduces access to these products by youth, as teens often acquire such products

from social networks, including older friends: the vast majority of those providing nicotine and tobacco products for youth 17 and under are themselves between eighteen (18) and twenty (20) years old and are able to purchase legally.

- (5) Select findings from the 2017 Connecticut School Health Survey, known nationally as the Youth Tobacco Survey (YTS), reflect over one-third of Connecticut high school students (nearly 59,000) report having ever tried some form of tobacco, and current tobacco use is reported at 17.9%.
- (6) The YTS survey shows the vast majority of youth are using flavored tobacco products, e-cigarettes and vaping devices, and although cigarette smoking has decreased among Connecticut youth, the use of electronic cigarettes and vaping devices continues to increase at an alarming rate, with current use reported at 14.7%, and shows usage increasing with age. Studies have shown that this type of nicotine use by teens increases their risk of also using combustible tobacco.
- (7) When asked how they accessed these products, the majority of youth surveyed (59.3%) reported they obtained their e-cigarettes from a friend.
- (8) The Connecticut Department of Revenue Services lists 240 licensed tobacco retailers within Hartford city limits, a density that, based on the population of Hartford, is 1.5 times higher than the U.S. density rate. The list of retailers does not include all the retailers who may sell vape products exclusively and not tobacco, so this density is likely higher. Greater density and higher numbers of tobacco retailers have been associated with higher rates of smoking among youth.

The Institute of Medicine predicted in a 2015 report that raising the minimum legal sales age for tobacco products to 21 nationwide will have a substantial positive impact on public health and provide long-term declines in smoking rates by reducing tobacco initiation among adolescents aged 15 to 17 by twenty-five percent (25%) and overall prevalence of tobacco use by twelve percent (12%). This report also projects that 4.2 million young people alive today would be protected from premature death related to tobacco use as a result of raising the minimum legal sales age for tobacco products to 21.

Sec. 17-89. - Definitions

For the purpose of this title, the following definitions shall apply:

Tobacco product means any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. *Tobacco product* also means electronic smoking devices, including any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device, and any component or accessory used in the consumption of a tobacco product, such as filters,

rolling papers, pipes, e-cigarettes, e-cigars, e-pipes, vape pens, e-hookahs and liquids used in electronic smoking devices, whether or not they contain nicotine. Tobacco product does not include drugs, devices, or combination products authorized for sale as proven cessation products by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

Sale or sell means selling, giving, bartering, exchanging, delivering, or otherwise distributing tobacco products, unless the person is delivering or accepting delivery in such person's capacity as an employee. Sale or sell also includes offers to sell, barter, or exchange.

Retailer means any person or business that owns, operates, or manages any place at which tobacco products are sold. *Retailer* also includes any person or business that is required to purchase a dealer's license under CT Gen Stat § 12-287.

Sec. 17-90. - Licensing

Each retailer engaging in the sale of tobacco products, at each location conducting sales in the city, shall secure a license from the Hartford Department of Health and Human Services before engaging or continuing to engage in such business. An application for a license shall contain the full name of the application, the applicant's business address and telephone number, the name of the business for which the license is sought, and any additional information the city deems necessary.

Such license shall be renewed annually and valid for a period beginning with the date of license to the first day of January next succeeding the date of the license unless sooner revoked as allowed by penalties in this article, or unless the retailer to whom it was issued discontinues business, in either of which cases the holder of the license shall immediately return it to the Hartford Department of Health and Human Services. A license shall not be transferred from one retailer to another or from one location to another.

A license shall be displayed at all times and shall be exhibited to any person upon request. In the event of mutilation or destruction of such license, a duplicate copy, marked as such, shall be issued by the Hartford Department of Health and Human Services upon application accompanied by a fee set by the Hartford Department of Health and Human Services.

No license shall be issued or renewed to an establishment unless the retailer signs a city form stating that the retailer has provided training to all employees on the sale of tobacco products and such training includes information that the sale of tobacco products to a person under 21 years of age is illegal, what proof of age is legally acceptable, and that a sale to a person under 21 years of age can subject the retailer to a monetary fine.

No license shall be issued to a person under 21 years of age.

Sec. 17-91. - License Fee

The fee for a license to sell tobacco products shall be set by the Hartford Department of Health and Human Services and thereafter annually reviewed by the department and approved by the city council as a part of the budgetary process. If, for any reason, such fees for license are not approved by the city council annually, the fees for the preceding year shall continue in full force and effect until changed by city council.

The license fee should cover the administrative cost for the licensing program, retailer education and training, retail inspections and enforcement costs, including the conduct of unannounced compliance checks, but should not exceed the cost of the regulatory program authorized beyond this article.

Licensing fees are due at the time of application and are not refundable. A license cannot be renewed if the licensee has outstanding fines pursuant to this article.

Sec. 17-92. - Minimum Legal Sales Age

No retailer or retailer's agent or employee shall give, sell, or otherwise distribute any tobacco product to any person under twenty-one (21) years of age.

The person selling any tobacco product must examine the identification card issued in accordance with the provisions of CT Gen Stat § 1-1h for anyone who appears to be under the age of 30 and verify proof of age demonstrating the recipient is at least twenty-one (21) years of age before selling any tobacco product.

- (1) That a person appeared to be over the age of twenty-one (21) shall not constitute a defense to a violation of this section. If a person fails to provide such proof of age, such retailer or retailer's agent or employee shall not sell any tobacco product to the person.

Sec. 17-93. - Signage

"The Sale of Tobacco or Nicotine Products or Devices to Persons Under 21 is Prohibited" signs shall be legibly printed in letters at least one-half inch high and shall be posted clearly and conspicuously in every location where the products are available for purchase. Signage shall be in multiple languages as needed to be consistent with other facility postings.

Selling tobacco products in any place that does not have a sign posted in a conspicuous place to a person under twenty-one (21) years of age is prohibited by law and punishable consistent with this article.

Sec. 17-94. - Enforcement

- (a) This article shall be enforced by the Hartford Department of Health and Human Services or its authorized designees.
- (b) The health department, fire department, license and inspection division of development

services, or their respective designees shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this article.

- (c) An owner, manager, operator, or employee of an establishment regulated by this article shall inform persons violating this article of the appropriate provisions thereof.
- (d) Any citizen who desires to register a complaint under this article may initiate enforcement by the Hartford Department of Health and Human Services.
- (e) Hartford Department of Health and Human Services shall be responsible to conduct, or have conducted on its behalf, at least two under-age youth-based, unannounced compliance checks per retailer per year. Random re-inspections of all non-compliant retailers are required within three (3) months of any violation of this article.
- (f) The result of these compliance inspections shall be published on the Hartford Department of Health and Human Services website at least annually.

Sec. 17-95. - Violations and Penalties

Any retailer who violates any of the provisions in this article shall be guilty of an infraction and subject to a civil penalty fine no less than \$250 for each infraction. Each violation, and every day in which a violation occurs, shall constitute a separate and distinct infraction. The decision that a violation has occurred shall be in writing mailed or emailed to the retailer by the Hartford Department of Health and Human Services, which notice should specify the article and section with which the retailer is in violation no later than thirty (30) days from the date of the violation.

A license issued under this article may be denied, suspended, or revoked by the Hartford Department of Health and Human Services through written notice should the retailer or retailer's agent, directly or indirectly:

- (1) Sell tobacco products to any person under the age of twenty-one (21).
 - a) The license of a licensee who has sold tobacco products to persons under age twenty-one (21) on two (2) separate occasions within a three-year period shall be suspended for a minimum of seven (7) days.
 - b) The license of a licensee who has sold tobacco products to persons under age twenty-one (21) on three (3) separate occasions within a three-year period shall be suspended for a minimum of thirty (30) days.
 - c) The license of a licensee who has sold tobacco products to persons under age twenty-one (21) on four (4) separate occasions within a three-year period shall be revoked.
 - d) All tobacco products shall be removed from the premises upon suspension or revocation of a tobacco retail sales license. Failure to remove shall constitute a separate violation punishable by a fine to be set by the Hartford Department of Health and Human Services for each and every day of noncompliance.
- (2) Fail to post signage as required.

- (3) Fail to pay fines issued in accordance with this Chapter.
- (4) Have a license revoked within the preceding 12 months of the date of application.
- (5) Fail to provide required information on the application or provide false or misleading information.
- (6) Violate state or local tobacco product sales and use laws.
- (7) Conduct business in violation of this article.

All fees and fines collected from licensing and infractions of this article are to be deposited into a "Tobacco Enforcement and Education Fund" administered by the Hartford Department of Health and Human Services, to be reinvested for enforcement, community education, and efforts to improve compliance with state and local tobacco product sales and use laws.

Sec. 17-96. - Appeals

Retailers have the right to appeal civil penalties in accordance with this section. In the case of violation, the department shall provide the retailer with a written notice. The written notice shall be provided by certified mail, return receipt requested, or by hand delivery, or by email. If the notice is returned because of failure of delivery, the department shall either send the notice by certified mail to the address listed on the application, or conspicuously post the notice at an entrance of the retailer. In either case, the notice shall be deemed to have been received on the date it was mailed or posted.

The notice shall state that the retailer may obtain a hearing under this rule if a written request for a hearing is mailed or hand-delivered to the department's address specified in the notice, within ten (10) days after the affected retailer receives or is deemed to have received the notice.

Upon receiving a timely hearing request, the department shall schedule a hearing before a board or a hearing officer designated by the director. If the director provides a hearing officer, that officer shall not have participated in any manner in the decision to take the action against the retailer.

The department shall mail or hand-deliver notice of the date, time, and place of the hearing to the retailer no less than ten (10) days before the scheduled date. The department may additionally post the notice of hearing at the entrance of the retailer.

The retailer and the department each shall have one (1) opportunity to reschedule the hearing date upon specific request to the other party. Any other postponements of the hearing shall be by agreement of the department, the retailer, and the hearing officer, if one is designated.

At the hearing, the retailer shall have the opportunity to present its case orally or in writing. If the department has designated a hearing officer, a member of the department does not have to be present at the hearing.

If the hearing is before a hearing officer, he or she shall prepare a written recommendation as to the validity of the department's action, which shall rest solely on the evidence presented at

the hearing and the statutory and regulatory provisions governing the department's action. The hearing officer shall describe the basis for his or her recommendation, but need not prepare a full opinion or formal findings of fact and conclusions of law. The hearing officer shall mail by certified mail, return receipt requested, or hand-deliver the recommendation to the department and to the retailer, within ten (10) business days following the date of the hearing. Either party may file objections to the recommendation provided that the objections are received by the department within five (5) days of receiving a copy of the recommendation.

After reviewing any timely objections, the director may take additional evidence or approve, modify, or disapprove the recommendation and shall enter an order in the record of department proceedings.

If the department does not receive a timely request for hearing, the director may enter immediately an order as proposed in the notice.

Sec. 17-97. - Public Education.

The Hartford Department of Health & Human Services shall engage in a continuing public health education program to explain and clarify the purposes and requirements of this article to citizens affected by it, and to guide retailers, owners, operators, and managers in their compliance. The program may include publication of a brochure for affected retailers explaining the provisions of article and signage mandated by this article.

Sec. 17-98. - Rulemaking Authority

The Hartford Department of Health & Human Services is hereby authorized to promulgate rules and regulations to carry out the purpose and intent of this article in order to protect the public health, safety and welfare.

Sec. 17-99. - Liberal Construction

This article shall be liberally construed so as to further its purposes.

Sec. 17-100. - Severability

The provisions of this section are hereby declared severable, and if any provision, clause, sentence, or paragraph of this section or the application thereof to any person or circumstances held by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such a ruling shall not affect the other parts of this section that can be given effect.

Sec. 17-101. Effective Date

This ordinance shall take effect upon adoption, and the Hartford Department of Health and Human Services or its authorized designees shall implement the licensing, enforcement, and public education requirements within one hundred and eighty (180) days from the date of adoption.

ITEM # 3 ON AGENDA



Luke A. Bronin
Mayor

October 9, 2018

Honorable Glendowlyn L.H. Thames, Council President, and
Members of the Court of Common Council
City of Hartford
550 Main Street
Hartford, CT 06103

RE: Amendment of Tree Ordinance

Dear Council President Thames:

Attached for your consideration is an ordinance amending Chapter 28, Article VI of the Hartford Municipal Code, known as the "Tree Ordinance".

In the seven years since Hartford's innovative tree ordinance was adopted, those working closely with the ordinance tracked and compiled ways to improve its implementation. In particular, the composition of the Tree Advisory Commission originally established in the ordinance made it difficult to achieve a quorum and also to encourage participation by people with special skills and knowledge that would inform the work of the Commission. Once the City adopted its new Zoning Regulations, additional amendments were identified to complement the new regulations. A new section was also added requiring public utilities to obtain a permit from the City Forester before performing any work that would cause injury to a City Tree.

Several interested stakeholders have been involved with efforts to draft this amended ordinance. The full ordinance and proposed revisions received reviewed by Commission members, the UConn School of Law, the Office of Corporation Counsel, the Planning and Zoning Commission, the Urban and Community Forester for the CT Department of Energy and Environmental Protection as well as other interested and knowledgeable individuals who often attend Tree Advisory Commission meetings. The Tree Commission, DPW leadership, Corporation Counsel's Office, and the Mayor's Office have approved the final amended version. City staff and members of the Tree Commission are available to assist you in your review of this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Luke A. Bronin".

Luke A. Bronin
Mayor

550 Main Street
Hartford, Connecticut 06103
Telephone (860) 757-9500
Facsimile (860) 722-6606

Introduced by:

Luke A. Bronin, Mayor

**HEADING
AND
PURPOSE**

**AN ORDINANCE AMENDING ARTICLE VI (the "TREE ORDINANCE") OF
CHAPTER 28 OF THE MUNICIPAL CODE OF HARTFORD**

COURT OF COMMON COUNCIL,
CITY OF HARTFORD

October 9, 2018

Be It Hereby Ordained by the Court of Common Council of the City of Hartford that Article VI. -- Tree Ordinance" of the Municipal Code be amended as follows.

ARTICLE VI. - TREE ORDINANCE

Sec. 28-151. - Generally.

This article shall be known and referred to as the "Tree Ordinance of the City of Hartford."

(Ord. No. 11-11, 3-28-11)

Sec. 28-152. - Purpose.

The City of Hartford is characterized by its rich heritage of trees. Hartford's Trees clean the air, calm traffic, increase property values, reduce storm water run-off, and otherwise enhance the quality of life. The goal of this [ordinance] Article is to maintain and grow Hartford's urban forest, maintain Trees in a healthy condition, protect existing Trees, and mitigate losses and damage to Hartford's Trees.

(Ord. No. 11-11, 3-28-11)

Sec. 28-153. - Findings.

In 2007, the City of Hartford, the Knox Parks Foundation, the Connecticut Department of Environmental Protection, and the United States Forestry Service conducted a survey of the [C]city of Hartford's Trees. This survey revealed that the [C]city has approximately four hundred fifty thousand (450,000) Trees that cover about twenty-six (26%) percent of the [C]city's landmass. That is almost four (4) Trees for each resident. Together, they remove two thousand four hundred (2,400) tons of carbon and seventy-three (73) tons of other pollutants from the air each year. Because Hartford has the highest asthma rate in the state, the fact that the removed pollutants include thirty-seven (37) tons of particulate matter, a major asthma trigger, is especially important. Cooling provided by the Trees reduces energy use in the [C]city by one thousand eight hundred (1,800) megawatt hours each year. The estimated replacement value of

these Trees is about five hundred ninety million dollars (\$590,000,000.00), an amount equal to about twenty-two (22%) percent of the gross value of the municipality's Real Property Grand List. The largest and oldest Trees, only twelve (12%) percent of the total number of Trees, provide fifty (50%) percent of the total tree canopy cover. Due to their age and vulnerability, it is clear that Hartford's urban forest is in jeopardy if these Trees are not maintained and more Trees are not planted each year.

(Ord. No. 11-11, 3-28-11)

Sec. 28-154. - Definitions.

Terms used in this Article shall be construed as follows, unless another meaning is expressed or is clearly apparent from the language or context:

Alter means to take action by removing branches or by filling, surfacing, grading, compacting, channeling or changing the drainage pattern of the soil surrounding any Tree in a manner that threatens to diminish the vigor of the Tree. The term "alter" does not include normal seasonal pruning/shaping of a Tree necessary for normal growth.

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

City Tree means a Public Tree [or a Streetscape Tree,] and, depending on the relevant facts, may include a Streetscape Tree.

Damage means to act in a manner to jeopardize a Tree's health or cause its appearance to be defaced. Actions that constitute damage include, but are not limited to: posting bills; hanging streamers and/or decorations; driving any objects into a Tree; carving the bark of a Tree; digging/excavating/paving and/or parking a motor vehicle within the Drip Line in a way that impacts the root system; painting a Tree; setting fire to a Tree; or allowing harmful substances to come in contact with a Tree.

DBH (diameter at breast height) means the diameter of a Tree at fifty-four (54) inches above grade as indicated by the United States Forest Service method.

Drip Line means a conceptual line along the ground that conforms to the perimeter of the crown of the Tree and projects vertically to the ground.

Grove means a grouping of ten (10) or more Trees, as defined in this Section, located on one quarter (1/4) acre or less.

Hazardous Tree means a tree that is likely to create hazardous conditions on roadways or sidewalks or to cause imminent damage to public property, private property or utility wires.

Legacy Tree means any Tree as determined by the Tree Advisory Commission to be of unique and intrinsic value to the general public because of its size, age, historic association, ecological importance or aesthetic value.

Master Tree Plan means a document prepared by the Tree Advisory Commission pursuant to section 28-156, [that shall establish direction for the City's urban forestry program and shall include targets for Tree canopy cover and Tree diversity. It shall also reference standards for safety in Tree care operations, for Tree planting, and for Tree maintenance. It shall also include guidelines for specifications relating to Trees and Tree care and for contract Tree work. In addition, the Master Tree Plan shall outline a broad program for the improvement of the urban forest that may include recommendations for urban forestry activities in specific neighborhoods, along specific streets, and in areas of the City such as Historic Districts. The Master Tree Plan shall also include a plan for management of City-owned woodlands, such as those that exist in City parks. The Master Tree Plan shall be integrative with other City plans and activities. The Master Tree Plan shall incorporate the most recent Tree inventory as conducted by the City Forester and may, at the discretion of the Tree Advisory Commission, include additional studies of the urban forest.]

Public Place means any space owned and/or controlled by the City of Hartford, including but not limited to property operated or controlled by the Hartford Board of Education, by the Hartford Housing Authority and any space in a City park.

Public Tree means any Tree in a public place.

Public Utility, or language of similar import, means "Public service company" as defined in Section 16-1 (a) (3) of the Connecticut General Statutes, as the same may be amended from time to time.

Remove means to cut down a tree or to take any other action that will cause a Tree to die within a two-year period.

Right-of-way means the area owned and/or controlled by the City of Hartford that abuts any City street, and as may be more particularly described in, among other places, [as shown in] the City of Hartford's Engineering Division street line maps.

Streetscape Tree means any Tree on private and/or public property with a base that originates, in whole or in part, in the right-of-way, or originates [or] not more than five (5) feet from the right-of-way, and, in the sole and absolute judgment and/or discretion of the City Forester, serves as part of the tree line of a street. [Tree originates in the right-of-way if a vertical line from the part of the trunk nearest to the street at a height of fifty-four (54) inches is within the right-of-way.]

Streetscape Tree Inventory means a recording of the size, condition, location, and species of all Streetscape Trees and of all planting locations without a Tree that could reasonably accommodate a Streetscape Tree.

Super Hazardous Tree is an otherwise Hazardous Tree which has been ordered removed by the City Forester or other assigns of the City of Hartford on an emergency basis because it represents so immediate a hazard to public safety that removal cannot be deferred and the structure cannot be protected, secured, or stabilized by reasonable measures specified by the City Forester. [This Article shall not apply to any alteration or pruning that has been ordered by the City Forester or other assigns of the City of Hartford on an emergency basis because the condition represents so immediate a hazard to public safety or structure integrity that alteration cannot be deferred and that such Super Hazardous Tree cannot to protected, secured, or stabilized by reasonable temporary measures specified by the City Forester.]

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

[*Tree Inventory* means at a minimum a recording of the size, condition, location, and species of all Streetscape Trees and of all planting locations without a Tree that could reasonably accommodate a Streetscape Tree. A Tree Inventory may also include a description of the Tree canopy and a description of the extent and condition of Trees in the City, including those on private property, in parks, and other public areas.]

(Ord. No. 11-11, 3-28-11)

§ 28-155 - City Forester, roles and responsibilities.

(a) The Director of Public Works, in accordance with the provisions of Sections 26-11₂ and 26-12 and 26-13 of this Municipal Code shall, appoint a City Forester.

(b) The City Forester shall, in general, act under the direction of the Director of Public Works, in reference to the duties placed upon the Department of Parks and Recreation by Sections 26-11₂ and 26-12, and 26-13 of this Municipal Code and shall perform such other special duties in reference to Trees, shrubs or vines in highways, public parks and public grounds as may be required of him or her by such Director under the provisions of the Charter and ordinances of the City and the laws of the state.

(c) In particular, the City Forester shall have the rights, powers and responsibilities of a Tree Warden as defined in Section 23-59 of the Connecticut General Statutes.

(d) The City Forester shall also be advised by the Tree Advisory Commission established in Article VI of this Chapter and shall attend all meetings of the Tree Advisory Commission.

(e) The City Forester, or his or her designee, shall have the right to determine whether any specific plant be considered a Tree or shrub and whether a Tree is a H[azardous] Tree or a Super Hazardous Tree, and is hereby authorized to remove or prune the same in accordance with Section 23-59 of the Connecticut General Statutes. He or she shall also have the right to determine the dollar value of any Tree for the purpose of assessment.

(f) [(b) Within one hundred eighty (180) days of the effective date of this ordinance,] T[he] City Forester shall conduct or cause to be conducted [a Tree Inventory] an

assessment of the Tree canopy of Hartford, which may include a description of the Tree canopy and a description of the extent and condition of Trees in Hartford, including those on private property, in parks, and other public places. This assessment of the Tree canopy may include a Streetscape Tree Inventory. When completed, the aforementioned assessment of the Tree canopy [the inventory] shall be available to the public and shall be updated at least [no less than]-every ten (10) years.

(g) [(c)] The City Forester shall have the authority to issue citations for violations of this article.

(h) [(d)] The City Forester shall [approve Tree plans for new construction before they are approved by the Planning and Zoning Commission.] review plans for Trees associated with zoning permits submitted to the Planning and Zoning Commission, upon receipt of such plans, and shall advise Commission on such plans, in accordance with the Hartford Zoning Regulations.

(i) [(e)] Removal of a City Tree shall be permitted only if authorized by the City Forester or his[] or her designee. and only if removal is performed in accordance with Section 23-59 of the Connecticut General Statutes.

(j) ~~(f)~~ The City Forester shall recommend a budget for expending the annually available funds in the Hartford Tree Account pursuant to Section 28-164 of this article.

(k) ~~(g)~~ The City Forester shall assure that a copy of the alphabetical street list of City rights-of-way or other reference by which this information is named, as maintained by the City of Hartford Engineering Division of the Department of Public Works, is placed on the City's website so as to be easily accessible to property owners and other members of the public.

(Ord. No. 11-11, 3-28-11)

§ 28-156 - Tree Advisory Commission

(a) There is hereby created a Tree Advisory Commission, which shall consist of up to five (5) non-voting ex officio members and [five (5)] up to seven (7) voting members appointed by the Mayor and approved by the Court of Common Council.

(b) The ex officio members shall ~~{be}~~ include: the City Forester; the chair of the Parks and Recreation Advisory Commission, or his or her designee; the chair of the Public Works, Parks, and Environment Committee of the Court of Common Council, or his or her designee; [the City Planner] the Director of Planning, or his or her designee; and the Head of Buildings and Grounds for the Hartford Board of Education, or his or her designee.

(c) The appointed members shall include up to [two (2)] three (3) persons, who may or may not be Hartford residents, with established professional competence in a pertinent discipline, such as certified arborists, ornamental horticulturists, and landscape architects and designers, or with a technical background in a related field, and up to [three (3)] four (4) Hartford residents selected for their interest in the condition of Hartford's urban forest. [The City Forester shall be a non-voting member.]

(d) [(b)] The Commission shall meet as needed to diligently conduct its business and shall hold regular meetings no less often than once per quarter. A quorum shall be a majority of the voting members.

(e) [(c)] Members shall serve without compensation. [Two (2) members will be designated by the Mayor to serve a three-year term, two (2) members to serve a two-year term and one (1) member to serve a one-year term. After initial appointments, a] All members shall be appointed for three (3) year terms, except that appointments to fill vacancies shall be for unexpired terms only. Members shall serve in their positions until a replacement is appointed.

(f) [(d)] The duties of the Commission shall include but shall not be limited to: advising the City Forester, the Court of Common Council, and the Mayor on Tree-related issues in the City and promoting awareness of Tree care, Hartford's arboreal heritage, and the benefits of an urban forest.

(g) ~~(e)~~ The Commission shall develop and adopt a Master Tree Plan [within eighteen (18) months of the Commission's first meeting]. The Master Tree Plan shall establish direction for the City's urban forestry program and shall include targets for Tree canopy cover and Tree diversity. It may also reference standards for Tree planting and Tree maintenance. It may also include guidelines for specifications relating to Trees and Tree care and for contract Tree work. In addition, the Master Tree Plan may outline a broad program for the improvement of the urban forest that may include recommendations for urban forestry activities in specific neighborhoods, along specific streets, and in areas of the City such as Historic Districts. The Master Tree Plan may also include a plan for management of City-owned woodlands, such as those that exist in City parks. The Master Tree Plan may be integrative with other City plans and activities. The Master Tree Plan shall incorporate the most recent Tree inventory as conducted by the City Forester and may, at the discretion of the Tree Advisory Commission, include additional studies of the urban forest. The Commission shall review the Master Tree Plan at least every five (5) years and shall amend it as needed. The Master Tree Plan may [shall] be consulted by all City Departments subject to the Master Tree Plan in the course of conducting City business.

(h) ~~(f)~~ The Commission may [shall] create an annual "State of the Forest" report about what has occurred in the City's Tree Inventory and urban forest and shall also prepare recommendations of policy and action for the next year. This report may also identify priority locations for planting, so that the City's Tree planting will address any arboreal inequities and will give priority to filling in gaps resulting from the absence of Streetscape Trees. The Commission shall present this report to the Mayor and Court of Common Council for their review and response.

(i) [(g)] The Commission shall hear and, by majority vote of those present and voting, decide appeals from certain actions or decisions of the City Forester [pursuant to Sections 28-159 and 28-160 of this article]. Within forty-five (45) days of the postmarked date of the City Forester's stop work order or written decision for any permit contemplated in this Article, an affected person may appeal the decision of the City Forester to the Tree Advisory Commission by filing with the City Forester a written petition requesting a hearing before the Tree Advisory Commission and setting forth a brief statement of the grounds therefor. Upon receipt of such petition, the Tree Advisory Commission shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given the opportunity to be heard and to show why such decision should be overturned. Other parties may be allowed to speak about the petition, at the discretion of the Tree Advisory Commission. After reviewing any spoken testimony or written evidence, the Tree Advisory Commission shall determine whether the decision is in the best

interest of the City's urban forest and shall notify the applicant of the Commission's decision either at the hearing or by first-class mail within forty-five (45) days of the conclusion of the hearing.

(Ord. No. 11-11, 3-28-11)

Sec. 28-157. - Legacy Tree Program.

(a) The Tree Advisory Commission shall establish a Legacy Tree Program in order to catalog Legacy Trees in [the City of] Hartford. The public shall be encouraged to give input to the Commission about which Trees should be included in the catalog.

(b) The City Forester shall keep a record of all Trees designated as Legacy Trees and their locations.

(c) ~~(b)~~ The Commission shall also select a "City Tree" every three (3) years. This Tree shall be selected due to its uniqueness, age, historical significance, or other distinguishing characteristics.

(Ord. No. 11-11, 3-28-11)

Sec. 28-158. - Planting trees in public places.

(a) To contribute to the urban forest of Hartford, members of the public shall be encouraged to [plant Trees in public places in the City] support the planting of Trees in public places and in areas which fill in gaps in the Tree line in or near the right-of-way, as long as they follow the procedures outlined in this Article.

(b) [Any organization or person wishing to plant a Tree in a Public Place or a right-of-way must submit to the City Forester the location, species, and size of the proposed Tree(s) and must obtain a permit from the City Forester or his/her designee prior to planting.] Except for the planting of Trees resulting from the granting of zoning permits by the Planning and Zoning Commission, no organization or person shall plant a Tree in a public place or a right-of-way without first obtaining the written permission of the City Forester or his/her designee.

(c) Once such a Tree is planted in a public place or right-of-way, the Tree shall become the property of the City of Hartford.

(d) No plaque or other commemorative object on, at, near or relating to any tree in any public place shall be permitted unless and until such plaque or other commemorative object has been approved by the process in Section 2-197 of this Municipal Code, as the same may be amended from time to time.

(Ord. No. 11-11, 3-28-11)

Sec. 28-159. - Altering or damaging [trees in a public place or right-of-way.] certain Trees.

(a) No person shall alter or damage a City Tree without a permit from the City Forester.

(b) ~~(a)~~ Any person wishing to [A]alter or [D]damage a City Tree [that is subject to subsection (a) of this Section] shall apply in writing for a permit to the City Forester prior to taking such action. There shall be a ten-dollar (\$10) processing fee, per City Tree, for each application to alter or damage a City Tree.

(c) After reviewing such application, [T]he City Forester shall determine whether such action is in the best interest of the City's urban forest and shall notify the applicant of the decision by first-class mail within [twenty (20) business days] forty-five (45) days of receiving a complete application.

(d) ~~[(b)-A]~~ An affected person may appeal the decision of the City Forester [within forty-five (45) days of the postmarked date of the City Forester's reply in writing to the Tree Advisory Commission.] regarding an application under this Section to the Tree Advisory Commission, pursuant to the procedure established in Section 28-156(i).

(e) ~~[(e)]~~ Any person who violates the provisions of this Section, including but not limited to altering or damaging a City Tree without a permit, shall be subject to a fine up to two hundred fifty dollars (\$250.00) per Tree, per violation. The City Forester or his or her designee shall have the authority to issue a citation for violations. All claims regarding citations shall be processed pursuant to Section 1-5 of the Municipal Code, as the same may be amended from time to time.

(f) It shall be an affirmative defense that it was necessary to [take action] alter or damage a Tree without a permit from the City Forester because a super hazard existed such that action was required due to the threat of imminent harm.

(g) This Article shall not apply to any alteration or damage that has been ordered by the City Forester or other officials of the City of Hartford on an emergency basis because the Tree is a Super Hazardous Tree that represents so immediate a hazard to public safety or structure integrity that alteration or damage cannot be deferred and that such Super Hazardous Tree cannot be protected, secured, or stabilized by reasonable temporary measures; or to any alteration or damage that has otherwise been properly noticed and authorized pursuant to Connecticut General Statutes section 23-59; or to any alteration or damage that has otherwise been permitted and/or authorized pursuant to the applicable provisions of Section 23-65 of the Connecticut General Statutes.

(Ord. No. 11-11, 3-28-11)

Sec. 28-160. - Tree removal.

(a) No person shall remove a City Tree, or a Tree on private property with a DBH of thirteen (13) inches or more, or a Grove of Trees without a permit from the City Forester, except the City Forester, who may remove a City Tree or a Tree pursuant to Connecticut General Statutes section 23-59, and except for any removal that has been permitted pursuant to the applicable provisions of Section 23-65 of the Connecticut General Statutes. To grant permission to any other person to remove a Tree, the City Forester must determine within forty-five (45) days of receiving a complete application that either (1) the tree is in poor health or diseased with an expected life span of less than 2 years; (2) the tree's removal is unavoidable because the tree poses a threat to human health, safety, and welfare, or (3) the negative impact on the urban canopy caused by the tree's removal can be mitigated.

(b) Any person wishing to remove a City Tree, Tree, or Grove that is subject to subsection (a) of this Section shall apply in writing for a permit to the City Forester. There shall be a ten dollar (\$10.00) per Tree processing fee for each permit application.

(c) After reviewing such application, [T]he City Forester shall determine whether ~~[R]~~removal of the City Tree, Tree, or Grove is in the best interest of the City's urban forest and shall notify

the applicant of the decision by first-class mail within [twenty (20)] forty-five (45) days of receiving the application.

[(c) There shall be a ten dollar (\$10.00) per Tree processing fee for each permit application.]

(d) An affected [A] person may appeal the decision of the City Forester regarding an application under this Section to the Tree Advisory Commission pursuant to the procedure established in Section 28-156(i). [Any person denied may be granted a hearing on the matter before the Tree Advisory Commission. Such person shall file with the City Forester a written petition requesting such hearing and setting forth a brief statement of the grounds therefore, within three (3) business days after the date notice was served. Upon receipt of such petition, the Tree Advisory Commission shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given the opportunity to be heard and to show why such decision of denial should be overturned. After such hearing, the Tree Advisory Commission shall sustain or overturn the decision of the City Forester, Any and all rights of appeal shall be deemed abandoned if a petition for hearing is not filed with the City Forester within three (3) days after such notice of decision is served.]

(e) Any individual who removes a City Tree without a permit shall replace the Tree in accordance with Section 28-162 of this Article.

(f) It shall be an affirmative defense that it was necessary to remove a Tree without a permit from the City Forester because a super hazard existed such that action was required due to the threat of imminent harm.

(g) This Article shall not apply to any removal that has been ordered by the City Forester or other officials of the City of Hartford on an emergency basis because the Tree is a Super Hazardous Tree that represents so immediate a hazard to public safety or structure integrity that removal cannot be deferred and that such Super Hazardous Tree cannot be protected, secured, or stabilized by reasonable temporary measures; or to any removal that has otherwise been properly noticed and authorized pursuant to Connecticut General Statutes section 23-59; or to any removal that has otherwise been permitted pursuant to the applicable provisions of Section 23-65 of the Connecticut General Statutes.

(Ord. No. 11-11, 3-28-11)

§ 28-161. - Protection during construction.

(a) [All Trees on or near the grounds of any construction or excavation project shall be protected using] Property owners and other persons responsible for construction and excavation projects shall adhere to all relevant provisions of the latest edition of the American National Standards Institute, Inc., Standards for Tree Care Operations—Tree, Shrub, and other Woody Plant Maintenance—Standard Practices (Management of Trees and Shrubs During Site Planning, Site Development, and Construction) for the duration of the construction or excavation project. A copy of these standards shall be available to the public in the City Forester's office [and be made available to the public].

(b) The City Forester or his or her designee shall have the authority to issue a municipal citation to a property owner and other person responsible, in the amount of two hundred fifty dollars (\$250.00) per day, per Tree affected, for each instance of an action inconsistent with the tree care standards referred to in subsection (a) of this Section. All claims regarding citation shall be processed pursuant to Section 1-5 of the

Municipal Code, as the same may be amended from time to time. [Any person or entity found in violation of subsection (a) of this Section shall be subject to a fine up to two hundred fifty (\$250.00) per day that the violation persists. The City Forester or his or her designee shall have the authority to issue citations All claims regarding citation shall be processed pursuant to Section 1-5 of the Municipal Code.]

(c) Any person found in violation of subsection (a) of this Section for which the City Forester determines there is substantial danger of damage to a Tree or Grove shall post a five (5) year bond in the amount of the replacement value of such Tree or Grove. Such bond shall be forfeited if the City Forester determines that the Tree or Grove is dead or moribund within the five (5) year period.

(d) Replacement value for Trees or Groves damaged or killed through negligent construction practices may be determined in accordance with Section 28-162 of this Article.

(Ord. No. 11-11, 3-28-11)

Sec. 28-162. - Tree replacement.

(a) A property owner or other person responsible for replacement of a Tree pursuant to this Article shall follow the provisions of this Section. A property owner or other person responsible for the removal of any Tree with DBH of four (4) inches or more, whether public or private, may be required to replace such Tree, at the discretion of the City Forester, and if so, such person or persons shall also follow the provisions of this Section.

[If any person removes any Tree on private land with a DBH of thirteen (13) inches or more that is removed without a permit from the City Forester or any Tree on public land with a DBH of four (4) inches or more, regardless of permission, shall be replaced by the property owner or person responsible for removal. Trees with DBH of four (4) inches or more removed in the course of any development project, public or private, are also subject to replacement at the discretion of the City Forester.]

(b) The acceptable methods of replacement for a Tree other than a Legacy Tree are:

(1) Replacement of the Tree with a Tree of equal or greater DBH at the location of the Tree being replaced or at a different location identified or approved by the City Forester [and to be maintained for at least a period of two (2) years from the date of planting by the owner. The owner shall replace any tree that dies during this time period.];

(2) An inch-for-inch replacement of the Tree with a number of replacement Trees with DBH of two (2) inches or more totaling the DBH of the original Tree at a location or locations identified or approved by the City Forester. For example, if a Tree with a DBH of twenty-four (24) inches is removed, it may be replaced with six (6) Trees with DBHs of four (4) inches; or

(3) A payment to the Hartford Tree Account, established in Section 28-164 of this Article, in the amount of the Tree's assessed value. The assessed value shall be based on the recommendation of the City Forester using as reference the latest revision of The Guide for Plant Appraisal, as published by the International Society of Arboriculture, Urbana, Illinois.

(c) [If a Legacy Tree is removed without a permit it shall be replaced by Trees that are equivalent to four (4) times the Legacy Tree's assessed value.] The acceptable method of replacement for a Legacy Tree is:

(1) Replacement of the Legacy Tree with a number of replacement Trees with DBH of two (2) inches or more totaling four (4) times the DBH of the original Tree at a location or locations identified or approved by the City Forester; or

(2) A payment into the Hartford Tree Account of four (4) times the assessed value of the Legacy Tree.

(d) Any replacement Tree planted in accordance with this section must be maintained for at least a period of five (5) years from the date of planting by the responsible party. The responsible party, or the property owner if there is no responsible party, shall replace any Tree that dies during this time period, and such replacement Tree shall be maintained for at least a period of five (5) years from the date of planting by the responsible party.

[The siting of any replacement tree or trees shall require the approval of the City Forester.]

(Ord. No. 11-11, 3-28-11)

§ 28-163 - Planting requirement

(a) The City Forester shall review plans for Trees associated with zoning permits submitted to the Planning and Zoning Commission, upon receipt of such plans, and shall advise Commission on such plans, in accordance with the Hartford Zoning Regulations.

(b) Any activity that requires a zoning permit shall include Tree planting that complies with the Hartford Zoning Regulations. Variances to this requirement shall be submitted to the Zoning Board of Appeals in compliance with the Hartford Zoning Regulations.

(c) Any activity, such as an individual Tree planting or Tree removal, which does not require a zoning permit shall comply with applicable portions of the Hartford Zoning Regulations on excavation, installation, maintenance, species type, tree removal, spacing, and similar provisions. Variances from compliance for activities not requiring a zoning permit shall be submitted to the City Forester, who may allow persons to pay four hundred dollars (\$400.00) per instance of a Tree planted in a manner that does not comply with the applicable portions of the Hartford Zoning Regulations or best practices as determined by the City Forester, in exchange for granting the responsible party to proceed without such compliance. Any such payments collected shall be deposited in the Hartford Tree Account.

(d) All Tree planting permitted by a zoning permit or City Forester permit must be maintained for five (5) years from the conclusion of the permitted work.

(e) The City Forester or his or her designee shall have the authority to issue a municipal citation to a property owner and other person responsible, in the amount of two hundred fifty dollars (\$250.00) per day, per Tree affected, for each instance of an action inconsistent with this Section, including failure to maintain a Tree in accordance with a permit. Any such payments collected shall be deposited in the Hartford Tree Account.

(f) An affected person may appeal the decision of the City Forester regarding an application under Section 28-163(c) to the Tree Advisory Commission, pursuant to the procedure established in Section 28-156(i). For appeals of applications under Section 28-163(a), consult the Hartford Zoning Regulations.

{All new public and private development project plans shall include plans for Tree planting and protection. No such Tree development project plan may be approved by the Planning and Zoning Commission unless the plan for Tree planting and protection has first been approved by the City Forester.

(b) These public and private development project plans shall require the creation and maintenance of canopy coverage of at least fifty (50%) percent after fifteen (15) years over those areas of the site to be developed that will not have buildings on them.]

[(c) All new public and private parking lots shall develop plans for Tree planting that will create and maintain a canopy coverage of at least sixty-six (66%) percent after fifteen (15) years over the areas of the lot that do not have buildings on them. The City Forester may grant variances or exceptions to this rule for extenuating circumstances. In such a case, in lieu of planting new Trees, the City Forester may permit payment at the price of four hundred dollars (\$400.00) per Tree not included in the plan that would otherwise be necessary to achieve the desired canopy cover. The payment in lieu of planting shall be deposited to the Hartford Tree Account.]

{(d) Properties out of compliance with their planting plans may be charged eight hundred dollars (\$800.00) per Tree for each Tree not planted in accordance with the plan approved by the City Forester and Planning and Zoning Commission. This money shall be deposited in the Hartford Tree Account.]

[(e) A person may appeal the decision of the City Forester to the Tree Advisory Commission pursuant to the procedure established in Section 28-160(d).]

{(f) From time to time the Tree Advisory Commission and City Forester shall review the aforementioned fee structure and report any recommendations regarding changes to the fee structure to the Court of Common Council for approval.]

Sec. 28-164. - Hartford Tree Account.

(a) There is hereby established a Demand Deposit Account known as the Hartford Tree Account. Such Account is established under authority of the Connecticut General Statutes and pursuant to Section 2-484 for the exclusive purpose of funding activities that implement or promote the purposes of this Article, as expressed in Section 28-152.

(b) The principal of the Hartford Tree Account shall consist of the following:

(1) Up to five (5%) percent of the investment income from the Hartford Park's Trust Fund received on an annual basis;

(2) [All fines paid pursuant to Sections 28-159 and 28-161, all processing fees paid pursuant to Section 28-160, all payments made pursuant to Section 28-162 and all payments in lieu of planting made pursuant to Section 28-163;] **All fines, processing fees, payments in lieu of planting, and other monies collected pursuant to this Article;**

(3) All gifts and grants from any source, public or private, made to the City and designated for Trees or improvements to the urban forest;

(4) Any funds from any source designated by the Court of Common Council to be added to the Account; and

(5) All investment income earned by the Account.

(c) Expendable money in the Account may be spent for the purposes authorized by this Section upon recommendation of the Mayor and with the approval of the Court of Common Council. Expenditures may be made as follows:

(1) All moneys received by the Account under subsection (b)(2) of this Section shall be used only for the purchase and planting of Trees.

(2) Any restricted moneys received by the Account shall be expended in accordance with their restrictions.

(3) At least half of the remaining unrestricted funds shall be expended for the purchase and planting of Trees.

(4) All other unrestricted funds may be spent for any activity that is consistent with the purpose of the Account.

(d) Any budget proposed by the Mayor or approved by the Court of Common Council, and any appropriation made for the purchase and planting of Trees, must not be reduced, ratably or otherwise, in consideration of any moneys in the Account. Expenditures from the Account shall add to and not replace budgets and appropriations which also serve the purposes of the Account.

(e) Any remaining investment income shall be held in reserve for future transfer and appropriation.

(Ord. No. 11-11, 3-28-11)

Sec. 28-165. – Enforcement.

(a) Any person who violates any of the provisions of this Article shall be notified by the City Forester of the specific violation by certified or registered mail, return receipt requested, or by hand delivery. The notice shall explain the nature of the violation and shall provide a reasonable time period within which compliance must be achieved.

(b) Upon verbal or written notice from the City Forester that work is being performed contrary to any provision of this Article, such work shall be immediately stopped by the person doing the work. Within seven (7) days of any verbal or written notice, a stop work order shall be provided to the owner of the subject lot, or to the owner's agent, or to the person doing the work, and the stop work order shall state the conditions under which work is permitted to resume, provided that if any such stop work order is not issued within seven (7) days, the owner of the subject lot may ask the Tree Advisory Commission for a hearing and decision in accordance with § 28-156(i). Any person who shall continue work after having been served with

a stop work order, except such work as that person is directed by the City Forester or other City officials to perform to remove a violation or unsafe condition, shall be liable for a daily fine not exceeding two hundred fifty dollars (\$250.00) per violation, per Tree affected.

(c) Whenever there is reasonable cause to believe that a person is violating any applicable Article provision, the City may institute a civil action in a court of competent jurisdiction for a mandatory or prohibiting injunction ordering the defendant to either correct the unlawful use of the property or cease the unlawful use.

(d) Each failure to replace a Tree or make a payment into the Hartford Tree Account or to post and maintain a bond in accordance with Section 28-161(c) equal to tree replacement value, or to follow any of the provisions of this Article shall constitute a separate violation of this Article for which there shall be a fine in the amount of two hundred fifty dollars (\$250.00). Each day such violation continues shall constitute a separate offense.

(e) As an alternative or in addition to any fine stated in this Section, citations may be issued pursuant to the Hartford Zoning Regulations.

(f) The Commissioner of Public Works or his or her designee, the City Forester, and employees of the Department of Public Works shall be the authorized enforcement personnel.

(Ord. No. 11-11, 2-1-17)

Sec. 28-[165]166 - Cumulative effect and severability.

This Article shall be subject to all applicable State and Federal laws and shall not impede compliance with such laws. The provisions of this Article are in addition to and not in place of any powers, requirements, sanctions or other provisions of State or Federal law. If any provision of this article is held to be invalid by a court of competent jurisdiction, then such provision shall be considered separate and apart from the remaining provisions, which shall remain in full force and effect.

(Ord. No. 11-11, 3-28-11)

Sec. 28-167. - Public utilities.

(a) Except as otherwise provided in any settlement agreement by and between the City and any public utility, any public utility maintaining any overhead wires or underground pipes or conduits shall obtain a public utilities permit from the City Forester before performing any maintenance work on the wires, pipes, or conduits which would cause injury to a City Tree. The public utility shall not injure, deface, prune, or scar any City Tree until its plans and procedures have been approved by the City Forester.

(b) When maintaining City Trees, a public utility must observe American National Standards Institute, Inc., Standards for Tree Care Operations—Tree, Shrub, and other Woody Plant Maintenance—Standard Practices and other standards noted in the Hartford Zoning Regulations and as articulated by the City Forester from time to time.

(c) The Metropolitan District, also known as the Metropolitan District Commission, is not exempt from the requirements in this section and, notwithstanding anything in this section that may be to the contrary, shall comply with the requirements in this section.

Secs. 28-[166]168—28-169. - Reserved.

This ordinance shall take effect upon adoption.

Introduced by: **Glendowlyn L. H. Thames, Council President**

Co-Sponsored by: John Q. Gale, Assistant Majority Leader
Thomas J. Clarke II, Councilman
Jo Winch, Councilwoman

HEADING
AND
PURPOSE

AN ORDINANCE AMENDING CHAPTER 28 OF THE MUNICIPAL CODE OF THE CITY OF HARTFORD FOR THE PURPOSE OF ESTABLISHING THE COLUMBIA STREET/PARK TERRACE SPECIAL SERVICES DISTRICT CHAPTER 28, Article XV

COURT OF COMMON COUNCIL,
CITY OF HARTFORD

October 9, 2018

Be it ordained by the Court of Common Council of the City of Hartford

That Chapter 28, Article XV be established in the Hartford Municipal Code as follows:

Sec. 241 - Establishment.

There is hereby established a Columbia Street/ Park Terrace Special Services District as a body politic and corporate, in accordance with the powers vested in the city under Chapter 105a of the Connecticut General Statutes.

Sec. 242 - Definitions.

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

Assessed value of property for each fiscal year shall be the value of property shown on the grand list of the city effective October 1 of the prior year.

Board of commissioners shall be the executive body of the district elected by a majority vote of the members of the district.

Commissioner shall be any member of the board of commissioners.

District shall be the special services district established according to Chapter 105a of the Connecticut General Statutes, whose boundaries are delineated in Section 245 of this article.

Fiscal year shall be from July 1 through June 30.

Holder of record of the taxable interest in real property shall be an individual, corporation, partnership; unincorporated association, trustee, fiduciary, guardian, conservator, or other legal entity or any combination thereof as identified in the city land records.

Property shall be real property within the district that is identified in the tax records of the city as a parcel of land and/or building or which constitutes an individual condominium unit as shown on the records of the city assessor's office.

Property owner shall be the holder of record of the taxable interest in property as defined in this section.

Sec. 243 - Purpose.

The Columbia Street/Park Terrace Special Services District is created under Chapter 105a of the Connecticut General Statutes to promote the economic and general welfare of the residents of Hartford, and especially the property owners and residents of the district as defined by this article, through the preservation, maintenance, improvement, protection, and development of the common areas, utility installations, and lanes of the district.

Activities of the district to pursue this purpose shall include but not be limited to the preparation of economic or physical studies and plans, contracting, and property management and maintenance.

Sec. 244 - Powers of the district.

(a). Subject to the limitation set forth in subsection (b) of this section, the district shall have the following powers:

(1) To acquire, hold and convey any estate, real or personal;

(2) To enter into contracts;

(3) To borrow money provided any obligation incurred for this purpose shall be discharged not more than three (3) years after it is incurred, and such district may pledge any tax levies received against such obligations;

(4) To recommend to the council the imposition of a special tax levy upon a taxable interest in real property within the district, the revenues from which shall be used in carrying out any of the powers of the district;

(5) To construct, own, operate or maintain public improvements;

(6) To provide, within such district, some or all of the services which the city is authorized to provide in the district in accordance with Chapter 105a, Section 7-339t and other

Connecticut General Statutes and provided that there be a formal agreement for providing such services between the district and the City

(7) To retain legal counsel;

(8) To receive and use gifts and donations, including but not limited to, goods and services, for the activities necessary to meet the purpose of the district or to carry out the powers of the district;

(9) To operate revenue producing and promotional events and to use the revenues for district purposes otherwise permitted under this article;

(10) To carry out any functions or provide any services reasonable and necessary to carry out the aforementioned powers or to otherwise meet the purposes of the district;

(11) To sue and be sued.

(b) The district shall not enter into or make any contract, agreement, lease, commitment, pledge or undertaking of any sort for a period or term of longer than three (3) years, provided that, with the written approval of the city's mayor, said three-year limit may be extended to up to five (5) years. If any provision of this article requires a shorter period or term, such more restrictive provision shall govern.

Sec. 245 - Boundary of the district.

(a) The geographic boundaries of the district shall include the following parcels:

Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 Columbia Street;

Numbers 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24 Park Terrace;

Numbers 245, 247, and 249 Putnam Street; and

Numbers 447-449-451-453, 461, 489-491 Capitol Avenue.

(b) All of the land area included in the above list of properties shall constitute the geographic area of the district, and any changes to the parcels' shape or address or parcel identification number shall not eliminate any of the land from the district. For the purpose of establishing the district, the owners of tax-exempt property within the district will not be eligible to vote nor will they be subject to any tax levies unless the tax-exempt status changes. If the tax-exempt status changes the property shall be subject to the district tax levy in accordance with this article. Such levies shall be prorated to cover the period from the change in the tax status to the end of the fiscal year during which the tax status changes.

Sec. 246 - Procedures for the referendum; establishing the district.

(a) This article shall not take effect unless, within sixty (60) days of the enactment of this article by the council, a referendum thereon shall be held and approved.

(b) The referendum shall be held among all holders of record of taxable interests in real property in the district on the question of whether this article shall take effect. The city clerk shall determine the identity of such holders from the city's tax records and shall give notice of the referendum to such holders.

(c) The referendum question shall appear on a ballot created by the city clerk. Each ballot shall be accompanied by a copy of the ordinance from which this article is derived and a letter explaining how the ballot is to be cast. Only property owners inside the district are eligible to vote in the referendum. Each ballot shall be signed by the property owner or the duly authorized representative of said owner.

(d) In addition to the referendum question the ballot shall contain an identification of the property or properties owned by the property owner which are in the special services district and the assessed value of the real property of those premises as they appear in the city's grand list as of the October first preceding preparation of the ballot. The city administration shall prepare, prior to the mailing of said ballots, a list of the property owners within the district, and the assessed value of the properties and shall post the list in the city clerk's office.

(e) The ballot shall be mailed to the address used by the city assessor for tax collection purposes. The ballots must be returned to the city clerk by not later than 5:00 p.m. on the twenty-first day after the initial mailing.

(f) Each property owner shall be entitled to cast one (1) ballot for each property they own, which will be so counted in determining whether the necessary majority of property owners have voted in favor of the creation of the proposed district. Where there are multiple owners of a property, the property shall be entitled to one (1) vote.

(g) The city clerk shall supervise the referendum and shall certify the results of the referendum.

(h) The referendum shall be approved if a majority of all such holders of record of taxable interests in real property in the district, voting one (1) vote per property, respond affirmatively and if such holders of record of taxable interests in real property in the district, the assessments of which constitute more than one-half (½) of the total dollar amount of assessments for all taxable interests in real property within the district, respond affirmatively.

Sec. 247 - District organization and operations.

1. Commencement of district operations. Within thirty (30) days after the referendum creating the district, the mayor or a designee shall call a general meeting of the members to elect the board of commissioners in accordance with subsection (b) of this section. The board of commissioners shall

meet within twenty (20) business days of the general meeting and establish a schedule of subsequent meetings and a schedule for adopting bylaws for the commission, said bylaws to be adopted within sixty (60) days of the first meeting of the board.

2. (a) Board of commissioners.

(b) There shall be established a board of commissioners consisting of five (5) members. There shall be one (1) alternate commissioner elected to substitute for commissioners absent from any business meeting.

(c) The board of commissioners shall be the executive body governing the day to day operations of the district. The board shall make administrative decisions and establish or interpret policies of the district which are consistent with the purpose, intent and powers of the district. The board may designate such agents, including a district manager, as it deems necessary and advisable to act on its behalf in the conduct of the business of the board.

(d) The board of commissioners shall be elected by a plurality vote of members of the district present and voting at a general meeting. Nominations for candidates for elections to the board of commissioners shall be made at the time of the general meeting. Each member shall be entitled to cast five (5) votes, but shall not be allowed to cast more than one (1) vote for any one (1) candidate. The candidates receiving the highest total vote count shall be elected commissioners. The candidate with the highest vote count after those elected shall be elected alternate. No more than one (1) candidate shall be elected from a street address.

(e) The board of commissioners shall elect officers, the positions to be determined at the first meeting of the board after the district is created and incorporated into the bylaws when written.

(f) The board of commissioners may hire such staff or consultants considered necessary to perform the duties and carry out the obligations of the district as approved in the annual budget.

(g) The terms of the five (5) commissioners and one (1) alternate shall be for two (2) years. Notwithstanding this term limit, each commissioner and alternate shall serve in good standing until replaced by a vote of the members of the district held at an annual meeting.

(h) If any commissioner or alternate shall fail for any reason to serve through the end of the term, the remaining commissioners shall appoint a property owner to fill the remainder of the vacated term.

(i) No commissioner shall receive any compensation for service as such, but may be reimbursed for reasonable expenses incurred on behalf of the district as determined and approved by the board. Travel expenses may not be incurred or reimbursed.

3. Meetings of board of commissioners.

(a) The board of commissioners shall establish a regular schedule of meetings and notify all members in the district of their regular meeting schedule including dates, times, and places for said meetings. The board shall send the schedule to be filed in the town clerk's office within one week

of its adoption.

(b) The board of commissioners may call special meetings from time to time as necessary to conduct the business of the district. The board of commissioners shall notify members of the special meeting setting forth the date, time, place and subject matter of the meeting.

(c) There shall be at least one (1) annual meeting each year of district members to review the activities of the district, to review and make comments on the proposed budget for the district, and to conduct district elections when appropriate.

Sec. 248 Annual budget and tax levy for the special services district; financial reports

(a) The board of commissioners shall prepare and adopt the first annual budget from the district within 60 days of the election and annually thereafter. The budget shall include proposed expenditures, revenues and a recommended tax levy for the district.

(b) The board of commissioners shall recommend to the city administration on or before March 15 of each year a levy upon taxable interest on real property within the district to support the district's annual budget. Said recommended levy shall not exceed a limit to be established periodically by resolution of the city council. The city shall be obliged to impose the recommended levy on the properties in the district as a municipal levy, to collect the revenues, and to deposit the revenues into a special City controlled fund to be used to pay to the district the cost of obligations incurred by the district.

(c) The levy on the taxable interest in real property in the district shall be due and payable in two (2) parts, on July 1 and January 1, following the adoption of the levy for the fiscal year. On or before July 1 and January 1 each year the tax collector of the city shall, accordingly, bill holders of taxable interest in real property in the district.

(d) Delinquent charges shall be assessed on late district tax payments and shall be computed in the same manner and at the same rate used for establishing delinquent charges on regular real property tax bills of the city.

(e) The city treasurer shall disburse funds from the account to the district upon written request of a duly authorized representative of the district, and only upon such request in accordance with the then current approved annual budget of the board of commissioners of the district. The district shall set forth in its bylaws the procedures for approving disbursement of funds and requesting disbursement from the treasurer.

(f) All orders or contracts for expenditures by the board of commissioners or their agents on behalf of the district which are greater than five thousand dollars (\$5,000.00) shall be awarded to the lowest responsible qualified bidder only after a public invitation to bid, which shall be advertised in a newspaper having circulation in the district.

(g) All moneys, including but not limited to levies or any income, proceeds or fees issuing from

the provision of services by the district or other business conducted by the district received by the board or by the city on behalf of the district shall be paid into the general fund of the city where an account shall be maintained of such moneys for the benefit of the district. Any provisions of the General Statutes, Special Acts or Charter to the contrary notwithstanding, the treasurer of the city shall disburse such moneys in accordance with an annual budget adopted by the board of commissioners.

(h) An annual financial report of all district revenues and expenditures shall be submitted to the finance director of the city within sixty (60) days of the end of each fiscal year.

Sec. 249 - Municipal service agreements.

The city may enter into a contract with the district in which the city is excused from providing to the district some or all of the services which the district is authorized to provide pursuant to this article and in which the district agrees to provide all such services from which the city has been excused. Any such contract is pursuant to Section 7-339t of the Connecticut General Statutes. The city and the district may also enter into contracts in which the district is given the right to elect to purchase from the city some or all of the services for which the district has become responsible. Any such contract is pursuant to Section 7-339t of the Connecticut General Statutes.

Sec. 250 - Dissolution of the district.

(a) The district may be dissolved by an ordinance repealing this article or after a referendum is conducted by the board of commissioners among all property owners within the district on the question of whether the district shall be dissolved, provided a majority of property owners shall respond affirmatively or those controlling more than one-half (½) the total dollar amount of assessments for all taxable interest in real property shall respond affirmatively. The referendum shall be conducted in the same manner as the referendum establishing the district as provided herein.

(b) In the event the district is dissolved, the board of commissioners shall proceed to conclude the affairs of the district at the end of the then current fiscal year. If, after dissolution of the district there are outstanding liabilities or obligations, whether fixed or contingent, the council may impose, in addition to the regular municipal levy, a levy on the real property within such district pursuant to Section 7-339s of Chapter 105a of the Connecticut General Statutes for as many years as such liabilities remain outstanding. This levy shall be calculated to produce enough revenue to satisfy and release such liabilities. The revenue collected shall be deposited into the general fund of the city and disbursed at the direction of the city finance director solely for the purposes stated herein. If, after dissolution of the district, there are assets that remain following the conclusion of the affairs of the district, the assets will be transferred to the city.

Sec. 251- Abatement of city property taxes.

The district's interest in real property held in the district, and personal property owned by the district, are subject to property taxes of the city but such tax may be abated prospectively by vote of the council.

Sec. 252 - Insurance and indemnity.

The district shall obtain and maintain, at its own cost and expense, issued by an insurance company licensed to conduct business in the State of Connecticut and having a Best's Key Rating of A-VIII or better, at least the following insurance coverage: commercial general liability, including contractual liability insurance, two million dollars (\$2,000,000.00) combined single limit bodily injury and property damage. The City of Hartford shall be included as an additional insured, ATIMA. The district shall provide to the finance director of the city, prior to the commencement its operations, and thereafter upon renewal of any required insurance hereunder, certificate(s) of insurance evidencing coverage as required by this article. The insurance shall not be cancelled, altered or modified without the express written consent of the city, acting by its finance director. The coverages will not be canceled, non-renewed, or materially altered or changed by endorsement or through issuance of other policy(ies) without sixty (60) days advance written notice to the city finance director.

The district agrees to indemnify and hold the city and its officers, officials, employees, and agents, harmless from any liabilities, obligations, claims, actions, judgments, damages, or debts, amounts paid in settlement, and expenses, including attorney's fees, which are a result of the establishment of the district or of its operations and activities.

The commissioners, officers, agents and employees of the board of commissioners shall be entitled to indemnification against judgments, fines, penalties, amounts paid in settlement and expenses including attorney's fees, in accordance with the standards and provisions of and to the extent that such indemnification is authorized for unpaid voluntary municipal commissioners by the Connecticut General Statutes, as may be amended from time to time. The board shall purchase insurance providing coverage in such amounts and with such coverage as the board may from time to time determine. The right of all indemnification provided for shall be in addition to and not exclusive of all other rights to which any commissioner, officer, agent or employee may be entitled, and such right of indemnification shall inure to the benefit of the heirs and personal representatives of such indemnified person.