Shade Tree Preservation Plan

Town of \_\_\_\_\_\_\_\_\_\_

DRAFT – Dated \_\_\_\_\_\_\_\_\_\_\_\_\_

The Town of \_\_\_\_\_\_\_\_\_\_, Vermont recognizes the amendments to the Vermont tree warden statutes as made effective on Nov. 1, 2020. [Bill H.673](https://legislature.vermont.gov/Documents/2020/Docs/ACTS/ACT171/ACT171%20As%20Enacted.pdf) passed in the house and the senate as Act 171 in September of 2020 and was signed into law on Oct. 8, 2020. The bill amended [24 V.S.A. § 871](https://legislature.vermont.gov/statutes/section/24/033/00871), [24 V.S.A. chapter 67](https://legislature.vermont.gov/statutes/chapter/24/067) and  [19 V.S.A chapter 9](https://legislature.vermont.gov/statutes/chapter/19/009), § 901-904.

For consistency and clarity, the Town of \_\_\_\_\_\_\_\_\_ Shade Tree Preservation Plan references legal definitions as provided in [24 V.S.A. §2501](https://legislature.vermont.gov/statutes/section/24/067/02501a) and referenced below:

1. "Public place" means municipal property, including a municipal park, a recreation area, or a municipal building. "Public place" shall not include any municipal forestland or property that is subject to any ownership interest held by the Agency of Transportation.
2. "Public way" means a right-of-way held by a municipality, including a town highway.
3. "Shade tree" means a shade or ornamental tree located in whole or in part within the limits of a public way or public place, provided that the tree:
   1. was planted by the municipality; or
   2. is designated as a shade tree pursuant to a municipal shade tree preservation plan pursuant to section 2502 of this title. (Added 2019, No. 171 (Adj. Sess.), § 2, eff. Nov. 1, 2020.)

The Shade Tree Preservation Plan as follow is pursuant to [24 V.S.A. §2502](https://legislature.vermont.gov/statutes/section/24/067/02502) and is composed of five required elements and two optional elements. The Town of \_\_\_\_\_\_\_\_\_\_\_ adopts the following Shade Tree Preservation Plan that expands the duties of the tree warden in the municipality and specifies the processes by which municipal shade trees are managed and governed.

1. Programs for the planting of new trees and shrubs.
2. Programs for the maintenance of shade trees.
3. Apportionment of costs for tree warden services provided to other municipal corporations.
4. Approval requirements for tree maintenance or removal on specific municipal property as granted by municipal officers or legislative bodies other than the tree warden.
5. Processes, not inconsistent with [24 V.S.A. chapter 67](https://legislature.vermont.gov/statutes/chapter/24/067), for removal of:

(A) diseased, dying, or dead shade trees

(B) any shade trees that create a hazard to public safety, impact a disease or insect control program, or must be removed to comply with State or federal law or permitting requirements

The Town of \_\_\_\_\_\_\_\_\_ designates additional municipal trees as shade trees by:

* a map of locations or zones within the municipality where all trees in whole or in part within a public way or place shall be designated as shade trees, and
* designate as a shade tree any tree in whole or in part within a public way, provided that the tree warden and legislative body of the municipality find that the tree is critical to the cultural, historical, or aesthetic character of the municipality.