

# Vermont Tree Warden Statutes

## TITLE 24: Municipal and County Government

### CHAPTER 033: MUNICIPAL OFFICERS GENERALLY

#### § 871. Organization of selectmen; appointments

Forthwith after their election and qualification, the selectmen shall organize and elect a chairman and, if so voted, a clerk from among their number, and file a certificate of such election for record in the office of the town clerk. Such selectmen shall thereupon appoint from among the legally qualified voters the following officers who shall serve until their successors are appointed and qualified, and shall certify such appointments to the town clerk who shall record the same:

1. Three fence viewers;
  2. A poundkeeper, for each pound; voting residence in the town need not be a qualification for this office provided appointee gives his consent to the appointment;
  3. One or more inspectors of lumber, shingles and wood;
  4. One or more weighers of coal; and
  5. A tree warden. (Amended 1963, No. 74, § 2.)
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## TITLE 24: Municipal and County Government

### CHAPTER 067: PARKS AND SHADE TREES

#### § 2502. Tree wardens and preservation of shade trees

Shade and ornamental trees within the limits of public ways and places shall be under the control of the tree warden. The tree warden may plan and implement a town or community shade tree preservation program for the purpose of shading and beautifying public ways and places by planting new trees and shrubs; by maintaining the health, appearance and safety of existing trees through feeding, pruning and protecting them from noxious insect and disease pests and by removing diseased, dying or dead trees which create a hazard to public safety or threaten the effectiveness of disease or insect control programs. (Amended 1969, No. 238 (Adj. Sess.), § 1.)

#### § 2503. Appropriations

A municipality may appropriate a sum of money to be expended by the tree warden, or if one is not appointed, by the mayor, aldermen, selectmen or trustees for the purpose of carrying out this chapter. (Amended 1969, No. 238 (Adj. Sess.), § 2.)

#### § 2504. Removal of trees, exception

The tree warden may remove or cause to be removed from the public ways or places all trees and other plants upon which noxious insects or tree diseases naturally breed. However, where an owner or lessee of abutting real estate shall annually, to the satisfaction of such warden, control all insect pests or tree diseases upon the trees and other plants within the limits of a highway or place abutting such real estate, such trees and plants shall not be removed. (Amended 1969, No. 238 (Adj. Sess.), § 3.)

#### § 2505. Deputy tree wardens

A tree warden may appoint deputy tree wardens and dismiss them at pleasure.

### **§ 2506. Regulations for protection of trees**

A tree warden shall enforce all laws relating to public shade trees and may prescribe such rules and regulations for the planting, protection, care or removal of public shade trees as he deems expedient. Such regulations shall become effective pursuant to the provisions of chapter 59 of this title. (Amended 1969, No. 238 (Adj. Sess.), § 4.)

### **§ 2507. Cooperation**

The tree warden may enter into financial or other agreements with the owners of land adjoining or facing public ways and places for the purpose of encouraging and effecting a community wide shade tree planting and preservation program. He may cooperate with federal, state, county or other municipal governments, agencies or other public or private organizations or individuals and may accept such funds, equipment, supplies or services from organizations and individuals, or others, as deemed appropriate for use in carrying out the purposes of this chapter. (Amended 1969, No. 238 Adj. Sess.), § 5.)

### **§ 2508. Cutting shade trees; regulations**

Unless otherwise provided, a public shade tree shall not be cut or removed, in whole or in part, except by a tree warden or his deputy or by a person having the written permission of a tree warden.

### **§ 2509. - Hearing**

A public shade tree within the residential part of a municipality shall not be felled without a public hearing by the tree warden, except that when it is infested with or infected by a recognized tree pest, or when it constitutes a hazard to public safety, no hearing shall be required. In all cases the decision of the tree warden shall be final except that when the tree warden is an interested party or when a party in interest so requests in writing, such final decision shall be made by the legislative body of the municipality. (Amended 1969, No. 238 (Adj. Sess.), § 6.)

### **§ 2510. - Penalty**

Whoever shall, willfully, mar or deface a public shade tree without the written permission of a tree warden or legislative body of the municipality shall be fined not more than \$50.00 for the use of the municipality. Any person who, willfully, critically injures or cuts down a public shade tree without written permission of the tree warden, or the legislative body of the municipality shall be fined not more than \$500.00 for each tree so injured or cut, for the use of the municipality. (Amended 1969, No. 238 (Adj. Sess.), § 7.)

### **§ 2511. Control of infestations**

When an insect or disease pest infestation upon or in public or private shade trees threatens other public or private trees, is considered detrimental to a community shade tree preservation program or threatens the public safety, the tree warden may request surveys and recommendations for control action from the commissioner of agriculture, food and markets. On recommendation of the commissioner of agriculture, food and markets, the tree warden may designate areas threatened or affected in which control measures are to be applied and shall publish notice of the proposal in one or more newspapers having a general circulation in the area in which control measures are to be undertaken. On recommendation of the commissioner, the tree warden may apply measures of infestation control on public and private land to any trees, shrubs or plants thereon harboring or which may harbor the threatening insect or disease pest. He may enter into agreements with owners of such lands covering the control work on their lands, but the failure of the tree warden to negotiate with any owner shall not impair his right to enter on the lands of said owner to conduct recommended control measures, the cost of which shall be paid by the municipality. (Amended 1969, No. 238 (Adj. Sess.), § 8.)

### **§ 2512. Repealed. 1969, No. 238 (Adj. Sess.), § 9.**

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## **TITLE 32: Taxation and Finance**

### *CHAPTER 017: FEES AND COSTS*

#### **§ 1680. Tree warden**

When a town or incorporated village fails to fix the compensation of a tree warden or his deputies, they shall receive such compensation as the selectmen or trustees determine.



## **Other Statutes Related to Trees**

### TITLE 30: Public Service

#### *CHAPTER 071: TELEGRAPH, TELEPHONE AND ELECTRIC WIRES*

##### **§ 2506. Trees not to be injured; exception; penalty**

A tree within a street or highway shall not be cut or injured in constructing, maintaining or repairing a line of wires, without the written consent of the adjoining owner or occupant, unless the transportation board or the selectmen of the town in which the tree is situated, after due notice to the parties and upon hearing, shall decide that such cutting or injury is necessary. A person or corporation cutting or injuring such trees shall pay the damages, if any, awarded on such hearing, before cutting or injuring the trees. A person or corporation that violates a provision of this section shall be fined not more than \$50.00 nor less than \$5.00 for each tree so cut or injured. (Amended 1989, No. 246 (Adj. Sess.), § 31.)

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### TITLE 13: Crimes and Criminal Procedure

#### *CHAPTER 077: TREES AND PLANTS*

##### **§ 3606. Treble damages for conversion of trees or defacing marks on logs**

If a person cuts down, destroys or carries away any tree or trees placed or growing for any use or purpose whatsoever, or timber, wood, or underwood standing, lying or growing belonging to another person, without leave from the owner of such trees, timber, wood, or underwood, or cuts out, alters or defaces the mark of a log or other valuable timber, in a river or other place, the party injured may recover of such person treble damages in an action on this statute. However, if it appears on trial that the defendant acted through mistake, or had good reason to believe that the trees, timber, wood, or underwood belonged to him, or that he had a legal right to perform the acts complained of, the plaintiff shall recover single damages only, with costs. (Amended 1959, No. 61, eff. March 26, 1959.)

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### TITLE 19: Highways

#### **CHAPTER 009: REPAIRS, MAINTENANCE AND IMPROVEMENTS**

##### **§ 901. Removal of roadside growth**

A person, other than the abutting landowner, shall not cut, trim, remove or otherwise damage any grasses, shrubs, vines, or trees growing within the limits of a state or town highway, without first having obtained the consent of the agency for state highways or the board of selectmen for town highways. (Added 1985, No. 269 (Adj. Sess.), § 1.)

##### **§ 902. Penalty for removal**

A person who willfully or maliciously cuts, trims, removes or otherwise damages grasses, shrubs, vines or trees within highway limits in violation of section 901 of this title shall be fined not more than \$100.00 nor less than \$10.00, for each offense. (Added 1985, No. 269 (Adj. Sess.), § 1.)

### **§ 903. Agreements for planting**

The agency or the board of selectmen may enter into agreements with individuals or organizations who wish to plant grasses, shrubs, vines, trees or flowers within highway limits. (Added 1985, No. 269 (Adj. Sess.), § 1.)

### **§ 904. Brush removal**

The selectmen of a town, if necessary, shall cause to be cut and burned, or removed from within the limits of the highways under their care, trees and bushes which obstruct the view of the highway ahead or that cause damage to the highway or that are objectionable from a material or scenic standpoint. Shade and fruit trees that have been set out or marked by the abutting landowners shall be preserved if the usefulness or safety of the highway is not impaired. Young trees standing at a proper distance from the roadbed and from each other, and banks and hedges of bushes that serve as a protection to the highway or add beauty to the roadside, shall be preserved. On state highways, the secretary shall have the same authority as the selectmen. (Added 1985, No. 269 (Adj. Sess.), § 1.)