

# Develop a tree ordinance or policy



Well-developed and active tree ordinances and policies are effective tools to aid towns in attaining and supporting healthy community trees.

A *policy* is a general statement of principles, while an *ordinance* is an adopted decree that has legal authority. A policy is easier to change than an ordinance but is less enforceable. When thoughtfully crafted, tree ordinances define ambiguous terms with language that reflects the goals and perspectives of each town. They clarify processes regarding tree planting, removal, and maintenance that act as a reference for the entire town, often reducing conflicts. They can also address management of specific tree species, including invasive species.

No municipal body can remove or plant trees on private property outside of the right-of-way without

the jurisdiction to do so. A tree ordinance or policy can provide that authority. Some communities have enacted tree ordinances that give the municipality the authority to request that the landowner remove a hazard tree that could affect the public right-of-way. Such an element of an ordinance can also specify that if the landowner does not remove the tree in a certain amount of time — for example, within 60 days — the municipality can remove the tree and seek payment from the landowner. Like any situation regarding private property and public safety, the town can work with the landowner to assess the level of risk posed by trees on private property and reach a mutually agreeable decision before taking any legal action.

## Recommendations

**Identify the right-of-way widths in your town** by checking with the town clerk or road foreman. This will inform which roadside trees are managed by the town.

**Know when a public hearing is necessary**<sup>1</sup> for tree removal.

**Review the Vermont Tree Warden Statutes**.<sup>2</sup> Understand which trees are governed by the tree warden and when a public hearing is required before removal of a tree.

**Learn more about tree ordinances and policies**<sup>3</sup> and review sample ordinances and policies from other towns. Engage your town tree warden, tree board, road crew, or selectboard to discuss if a tree policy or ordinance will clarify the intent of the town regarding the care of its roadside vegetation.

**Utilize the *Guide to Tree Ordinances and Policies for Vermont Municipalities***<sup>4</sup> to draft your town's legislative language.

1. Vermont Urban & Community Forestry, *Guidelines for Public Hearings for Tree Removals*, [bit.ly/VTUCF\\_PublicHearing](https://bit.ly/VTUCF_PublicHearing).

2. Vermont Tree Warden Statutes, V.S.A. Title 24 § 2502–§ 2512, [bit.ly/VT\\_TreeWardenStatutes](https://bit.ly/VT_TreeWardenStatutes).

3. "Public Policy," Vermont Urban & Community Forestry, [bit.ly/VTUF\\_PublicPolicy](https://bit.ly/VTUF_PublicPolicy).

4. Vermont Urban & Community Forestry, *Guide to Tree Ordinances and Policies for Vermont Municipalities*, [bit.ly/VTUCF\\_TreeOrdinanceGuide](https://bit.ly/VTUCF_TreeOrdinanceGuide).