

Guide to Tree Ordinances for Vermont Communities

A tree ordinance is a municipal regulatory tool to grow and support healthy, vigorous, and well managed urban & community forests. A municipality's tree ordinance reflects the goals and perspectives of the community and should be based on local management goals, needs, and capacity.

Vermont Urban and Community Forestry Program

Vermont Department of Forests, Parks and Recreation in partnership with University of Vermont Extension

Updated February 2025



INTRODUCTION

A *tree ordinance* is an important tool used by municipalities to grow healthy and well-managed urban and community forests that reach their full potential for people and the environment we live in. An ordinance provides the legal framework, authorization, standards, and processes for tree planting, protection, and management. It also reflects public input, demonstrates a municipality's commitment to its urban and community trees and forests, and identifies roles and responsibilities within a community.

Tree ordinances can include all elements of a *shade tree preservation plan*, an optional document established during the 2020 updates to [24 V.S.A. §2502](#). A shade tree preservation plan is not an ordinance or a law; instead, it is a guiding document as defined and covered by state law. A shade tree preservation plan must include required elements that: establish the standards by which tree planting, maintenance, and removal will be met; outline financial commitments that might be required of the municipality; and specify which municipal committees or boards also possess roles and responsibilities in shade tree stewardship. Additionally, a shade tree preservation plan may include optional elements that designate trees other than those planted by the municipality as municipal shade trees either by location or zones, or by individual trees. For many towns, this designation highlights the importance of certain trees or zones of trees that define the character of its public outdoor spaces. A municipal tree ordinance that includes all elements of a shade tree preservation plan can satisfy the requirements of state law; while a shade tree preservation plan can stand alone, many municipalities choose to wrap their shade tree preservation plan into a tree ordinance.

A *tree policy* is a general statement of principles and guidelines about tree planting, care, growth, and removal in a municipality. It is easier to change than an ordinance but is not enforceable.

Notes On Adoption, Amendment, Or Repeal Of A Municipal Tree Ordinance as published by the Vermont League of Cities and Towns are available as Appendix 1 of this document.

A successful tree ordinance will be specific to each municipality and should be integrated into an overall urban and community forestry management strategy. Therefore, this guide should facilitate the development of a tree ordinance but should not be considered the exact or most appropriate model for each specific municipality. By advocating for a tree board or committee, continuing public outreach, providing opportunities for public feedback, and staying current on best practices to plant and maintain healthy trees, municipalities have an opportunity to cultivate well-informed residents and local decision makers who support healthy urban forests.

Does your municipality need a tree ordinance or shade tree preservation plan?

Before drafting a municipal tree ordinance, make sure that you have read and understand all Vermont statutes related to trees, appointed tree wardens, and municipal roles and

responsibilities as related to trees. A summary of all state statutes pertaining to municipal trees is included as Appendix 2 in this document and available on the Vermont Urban & Community Forestry Program’s Tree wardens webpage (vtcommunityforestry.org/municipal-assistance/tree-wardens). If the provisions in the state statutes are adequate for your community, there is no need to draft a tree ordinance or shade tree preservation plan.

What if your municipality doesn’t adopt a tree ordinance or shade tree preservation plan?

Without a tree ordinance or shade tree preservation plan, your municipality will operate under existing state statutes relating to municipal trees, sometimes referred to as the “Tree Warden Statutes”. These laws set the default system for tree management in Vermont municipalities. State law, boiled down to its most basic bullet points, operates as follows:

- Every municipality must appoint a tree warden per [24 V.S.A. §871](#).
- That tree warden is in control of “shade trees” in the town.
- “Shade trees” are trees *planted by the municipality* on municipally owned land or in municipal rights-of-way.
- Roadside trees, park trees, and other trees growing on municipal land that were **not planted by the municipality** are **not** shade trees.
- Municipalities may adopt a shade tree preservation plan that outlines several required tree management duties and may designate more trees as shade trees. This is the primary way that tree warden jurisdiction may be expanded.
- Municipalities may adopt a tree ordinance that expands or creates new provisions to meet local tree canopy growth and protection goals. A tree ordinance can include the required and optional elements of a shade tree preservation plan. An ordinance codifies how a municipality will plant and maintain trees in municipal rights-of-way and places.

What if your municipality does need or want to create a tree ordinance?

If what your municipality hopes to achieve is not covered in state statute or you see the need to expand or create new provisions to meet your local goals, you may move ahead to drafting a tree ordinance. Starting with the baseline of state law, this guide will offer ideas for how your municipality could build upon that foundation to create a more robust tree program. Any community member or group can volunteer to take on the work of drafting the ordinance for revision and consideration by the legislative body of a municipality.

When creating a tree ordinance, consider the relationship between state statute and local ordinances in Vermont. State law takes precedence over a town charter or local ordinance; for example, a municipality cannot enact a tree ordinance that specifies that the town will NOT have a tree warden. State law requires a tree warden, so this change cannot occur at the municipal level.

In general, a municipal tree ordinance should:

- establish a tree board or committee;
- designate any additional shade trees if desired and create a shade tree preservation plan;
- define authority and responsibility over municipal trees, including designated municipal shade trees and any trees in municipal rights-of-way or places that are not shade trees;
- set standards for tree planting, maintenance, protection and removal to ensure tree quality and site-specific solutions;
- establish planting requirements for development;
- create tree protection protocols involving design review and construction site inspection;
- define “risk” and methods for assessing it, for both municipal and private trees;
- address enforcement, fees, appeals, and fines.

State laws set a standard jurisdiction and role for the appointed tree warden; however, a municipal tree ordinance may expand upon that, adding additional jurisdiction and responsibilities for the tree warden, or specifying other municipal officers that could have some responsibilities over trees in addition to the tree warden.

A tree ordinance does not take any effect until the legislative body of the municipality i.e. City Council, Selectboard, or Village Trustees, (Selectboard hereafter) adopts it officially through their procedures. A shade tree preservation plan does not take effect until adopted by both the tree warden and the Selectboard.

FURTHER RESOURCES

From the Vermont Urban & Community Forestry Program:

- ***Municipal Tree Ordinances and Policies*** webpage at vtcommunityforestry.org/municipal-assistance/municipal-tree-ordinances-and-policies
- ***Tree Wardens*** webpage at vtcommunityforestry.org/municipal-assistance/tree-wardens
- ***Shade Tree Preservation Plan*** webpage at vtcommunityforestry.org/municipal-assistance/ordinances-and-policies/shade-tree-preservation-plans
- ***Updated Tree Warden Statutes*** recorded webinar published October 27, 2020 at <https://www.youtube.com/@VermontUrbanCommunityForestry>

From the Vermont League of Cities and Towns:

- ***Tree Law FAQs*** at vlct.org/resource/tree-law-faqs published June 18, 2021
- ***Tree Law Roles and Responsibilities*** at vlct.org/resource/tree-law-roles-and-responsibilities, published Nov. 19, 2021

From national sources:

- **21st Century Ordinance Builder for Tree Protection Entry-Level Components | Chicago Region Trees Initiative** at chicagorti.org
- **Arbor Day Foundation: How to Write a Tree Ordinance** at arborday.org/tree-resources/how-write-municipal-tree-ordinance
- **Worksheet for Review of Municipal Codes and Ordinances: Vibrant Cities Lab** at vibrantcitieslab.com/resources/worksheet-for-review-of-municipal-codes-and-ordinances/

DISCLAIMER

Note that this document is a guide to help establish draft language and does not constitute legal advice. Each municipality should contact the Vermont League of Cities and Towns' Municipal Assistance Center or their municipal attorney for legal questions and review.

RECOMMENDED SECTIONS OF A TREE ORDINANCE

Outlined below are recommended sections to include in a tree ordinance with a general description, key considerations, and important references to existing state statutes. Before drafting or updating your municipal tree ordinance, make sure you have read **all** state statutes pertaining to municipal trees. Links to existing Vermont municipal tree ordinances are available at vtcommunityforestry.org/municipal-assistance/public-policies-and-ordinances.

SECTION 1: TITLE

The ordinance should have a brief and descriptive title. An example would be *Town of Centerville Tree Ordinance*.

SECTION 2: INTENT & PURPOSE

This section provides the basis for interpreting the ordinance and is essentially the mission statement. It should clearly address these guiding questions:

- What are the overall goals and objectives to be achieved through the ordinance?
- What overall purpose will the ordinance serve?
- What are the benefits of trees that establish them as valuable assets to the community?

It can be most effective to draft this section last, as it is effectively an executive summary of the information included in the ordinance.

SECTION 3: DEFINITIONS

Definitions are important in any ordinance to ensure the intent of the ordinance is understood by people who were not involved in its writing. In a municipal tree ordinance, clearly define any potentially ambiguous terms so that residents and municipal officials know how to comply with the ordinance and so that it will stand up to any legal challenges. The more extensive the definition section, the clearer your ordinance will be. Refer to the current statutes in [Title 24: Municipal and County Government Chapter 67: Parks and Shade Trees, § 2501 - § 2512](#) and all other statutes pertaining to municipal trees to review those terms defined in state statute and compare this list with other terms you may use and define in your tree ordinance.

State law

[24 V.S.A. § 2501a](#). Definitions

As used in this chapter:

- (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:
 - (A) was planted by the municipality; or
 - (B) 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.)

Key considerations

- Use the terms above in the same way they are defined in state law and do so consistently and carefully.
- State law does not define the use of the word “cut” in the case of shade trees. Your municipality should define this, either to mean “cut down” or “fell”, or to mean “prune in accordance with ANSI A300 standards”. The definition of this term distinctly defines when the tree warden must be contacted.
- In addition to terms defined in state statute, consider what other terms should be defined in your ordinance.
- Consider asking a variety of people with and without familiarity with tree management and urban forestry to review your early ordinance drafts and identify terms to define.
- Some municipalities assign different provisions for trees based on town zoning, such as for residential vs. commercial areas. If this is the case for your municipality, make sure to define these zoning designations in your Definitions section.

- Consider defining other designations of trees other than shade trees such as heritage trees, private trees, or creating a designation that is defined for trees that are in public ways and places but are not shade trees.

SECTION 4: JURISDICTION

The state statutes pertaining to municipal trees are the default legislation that assign jurisdiction of municipal shade trees to a municipal tree warden as stated in [24 V.S.A., Chapter 33, § 871c](#). Duties of the tree warden are outlined in [Title 24: Municipal and County Government Chapter 67: Parks and Shade Trees, § 2501 - § 2512](#). A municipality may describe an alternative or addition to this assigned jurisdiction, such as a deputy tree warden or city department or specific staff member who may have some jurisdiction over some trees.

In summary, the tree warden is in control of all shade trees in the municipality, defined above as municipally planted trees on municipal land or in municipal rights-of-way only. Many rural municipalities may have no shade trees. If a municipality wishes to expand this jurisdiction, the way to do so is by adopting a shade tree preservation plan that designates additional trees as shade trees, or by adopting a tree ordinance that expands the duties of the tree warden.

State statutes establish that the tree warden must be appointed by the selectboard, and the tree warden's authority, budget, and jurisdiction flow from the selectboard. The tree warden and their deputies serve at the pleasure of the selectboard, so they cannot spend town funds independently, or in opposition to the legislative body. Note that the tree warden is not required to have any special training or background. This is a requirement that could be added in a tree ordinance.

A note regarding jurisdiction from the Vermont League of Cities and Town, www.vlct.org/resource/tree-law-faqs

“If a tree was not planted by the town or designated as a shade tree and it is located on town property then it is either under the control of the library trustees if it is located on library property, the cemetery commissioners if on cemetery property, the town manager, or the selectboard for those towns without the town manager form of government.”

SECTION 5: ADMINISTRATIVE RESPONSIBILITIES

This section of the ordinance should take a step beyond jurisdiction to designate authority and responsibility to enact the provisions detailed in the tree ordinance itself. The document may establish provisions for a municipal tree board or committee and its operations or may provide more details about the role of the tree warden and deputy tree warden, if there is one.

A municipal tree ordinance can serve as a shade tree preservation plan if the required elements fulfilling a shade tree preservation plan are included. The five required elements and two optional

elements are outlined in [24 V.S.A. §2502b-d](#). Learn more about [shade tree preservation plans](#) from the Vermont Urban & Community Forestry Program to decide if these elements should be included in your municipal tree ordinance.

Key considerations

- Will this tree ordinance establish a municipal tree committee or board? What will be the role of that body?
- Read the municipality’s master plan and other pre-existing municipal documents to find references to trees either in images, drawings, designs, or in writing.
- Will a shade tree preservation plan be established within the ordinance or separately?
 - A shade tree preservation plan shall provide details for the planting, maintenance, removal, cost apportionment, and outside approval of maintenance or removal of municipal shade trees.
 - The plan may map shade tree locations, as well as designate shade trees within a public right-of-way, guided by the tree warden and legislative body.
 - Read [shade tree preservation plan templates and examples](#) provided by the Vermont Urban & Community Forestry Program.
- Who is responsible for overseeing all tree related activities outlined in the ordinance?
 - As per [24 V.S.A §2506](#), the tree warden must be designated as an enforcement officer but the legislative body of the municipality may designate others as additional officers. A municipal arborist or forester may be designated here if they are not the tree warden.
- Sub-sections under this heading might specifically address the following topic areas:
 - Prerequisites of training, education, or experience for tree wardens and any staff overseeing the care of trees.
 - Term of Office of members of a board or committee. Consider referring to other ordinances that lay out details for other similar town officials or explicitly seek to make the structure of a tree board the same as other municipal boards.
 - Operation of the tree board or committee (meeting schedule, if and where meeting minutes are posted, etc.). Again, refer to other municipal standards to align with existing requirements or expectations of boards and committees.
 - Duties, responsibilities, and any compensation for the tree warden, tree board or committee members, or other municipal staff managing for trees in public ways and places.

SECTION 6: PROVISIONS FOR THE MANAGEMENT OF COMMUNITY TREES

This section should establish the guiding principles that achieve the goals of the tree ordinance. This includes regulations and specific performance and implementation standards regarding the planting, protection, maintenance, and removal of the municipality’s trees.

As you draft this section, keep in mind that vague standards and policies may not be enforceable and could be legally challenged. However, this section should not be so full of technical details that the basic performance standards are lost. Do not include information that can quickly become outdated. Refer to industry-adopted practices such as the [ANSI A300 Tree Care Standards](#).

Key Considerations

TREE PLANTING

- What are your municipality’s specifications for tree plantings? Considerations should include an approved planting species list, spacing and buffer distances, stock selection, and who will conduct planting.
 - The [Vermont Tree Selection Guide](#) and [Vermont Tree Selection Tool](#) are comprehensive guides to planting trees in managed landscapes Vermont. They list recommended species and include information such as mature height and spread, needed soil volume and planting area, and reactions to certain environmental conditions. The printed guide was last updated in 2022 and the Vermont Tree Selection Tool was last updated in 2024.
 - The following publication provides insight on street tree planning: ‘[The Road to a Thoughtful Street Tree Master Plan](#)’ by Ken Simons and Gary Johnson. Issues no. 5 and 7 give guidance to tree arrangement and distance from utilities and buildings, which should both be considered in your ordinance.
- Be sure to review and cross-reference any other municipal documents that may address planting, such as public works specifications, recreation or open space plans, and development or zoning ordinances. Consider whether the cumulative effect of multiple municipal codes and ordinances make tree planting restrictive, or if and where revisions are needed to make tree planting requirements less stringent.

TREE PROTECTION

- Grade change, compaction, and damage to tree roots, trunk, and branches are threats to trees in proximity to construction. Will your ordinance address municipal shade trees only or will it include provisions for protection of trees on private property affected by construction, maintenance, or renovation?
- Tree protection is only possible if a qualified person (such as an International Society of Arboriculture Certified Arborist) is designated as a responsible individual who is given access to proposed projects and can require tree protection before permits are issued. Wording this section with exemptions or with optional rather than mandatory tree protection could be effective to protect the most important trees while quickly approving other high-priority municipal projects when desired.
- State statutes pertaining to municipal trees include deterrents to willful harming of shade trees or removal of shade trees ([24 V.S.A. §2510](#)) without permission of the tree warden. Your tree ordinance may establish further protections through regulating or prohibiting

activities that may harm trees, such as improper pruning, failure to remove staking materials of newly planted trees, and construction projects. Consider what activities within your municipality pose the highest risk to tree health and outline effective deterrent to those activities.

TREE MAINTENANCE

- In state statutes pertaining to municipal trees, the word “cut” is not defined. If your municipality clarifies “cut” to include pruning, note that pruning of shade trees occurs at the discretion of the tree warden. If the pruning of shade trees is not being done to mitigate pests or risk, it must be notified and therefore could be appealed. Much tree pruning and maintenance is more about long term value of a tree, long term survival, preventing conflicts with infrastructure such as clearance over roads and sidewalks, and preventing tree problems before they begin. As such, defining “cut” as “prune” may be fairly limiting for your town if you intend to be more proactive with tree maintenance.
- Tree maintenance is an ongoing component of any tree program but state laws pertaining to municipal trees do not define the quality of pruning. Specify which trees are maintained by the municipality and identify any maintenance standards that the municipality will follow. These standards could include pruning, irrigation, and mulching guidelines, frequency of maintenance, and/or prohibited actions such as tree topping or flush pruning cuts. They may also refer to a guide such as the [ANSI A300 Tree Care Standards](#).
- Tree maintenance sections within a tree ordinance may also address any responsibilities for maintenance of trees, either municipal or private, assigned to property owners.

REMOVAL OF TREES POSING NO KNOWN RISK

- What is the process for the removal of municipal trees for reasons other than risk management? Shade tree removal and any subsequent appeals must be processed following [24 V.S.A. § 2509](#). In an ordinance, municipalities may also include standards or requirements for the replacement of removed trees that are not posing a safety risk.
- Notably, a healthy shade tree can still be removed if the removal follows the hearing requirements of [24 V.S.A. § 2509](#) (i.e. a 15-day posting period, and a public hearing occurs only if the removal is appealed). Consider if further guidance could inform the tree warden’s role in an appeal. Ultimately, the decision about removal at a public hearing is made by the selectboard or legislative body of the municipality.

SECTION 7: CONTROL OF RISK TREES & TREES INFESTED WITH A PEST OR PATHOGEN

State statutes pertaining to municipal trees address control of infestations in [24 V.S.A. § 2504](#) and [24 V.S.A. § 2511](#). Consider if this is sufficient for your municipality or if your municipal tree

ordinance should further define process and provisions regarding risk trees and infestations. Specifically, this section should address the ability to enter private property for inspection, order the removal or abatement of diseased or infested trees, and should define who is responsible for paying for any tree removals deemed necessary.

Key Considerations

- Municipalities must define the characteristics of a risk tree or to give discretion to the tree warden or other clearly articulated parties to designate risk trees as they see fit. When establishing this section, consider how a risk tree is defined.
- Consider including provisions for hiring an [International Society of Arboriculture Tree Risk Assessment Qualification](#) (ISA TRAQ) arborist or requiring such a qualification for municipal staff or volunteers assessing trees.
- [24 V.S.A. § 2511](#) outlines exceptions to the removal of shade trees, which is a primary duty of a tree warden. The tree warden can decide, with or without public process, to approve removal of a shade tree that hosts a pest, poses a hazard, or must be removed to comply with a state or federal permit. If your tree ordinance expands the number of shade trees, then this function of the tree warden to dictate risk management practices would be expanded to include all new shade trees as well.

CONTROL & ABATEMENT ON PUBLIC PROPERTY

- The municipality has discretion to direct the abatement (i.e. reduction or decrease in number) of risk trees in public spaces. Abatement could include tree removal, replacement, and/or treatment with insecticides. The default processes for shade tree removals are outlined in [24 V.S.A. § 2504](#) and [24 V.S.A. § 2509](#).
- State statutes pertaining to municipal trees do not mandate public notification of the detection of invasive pests or removal or abatement activities linked to invasive pests. However, municipalities may create or require processes for public notification of these activities.

CONTROL & ABATEMENT ON PRIVATE PROPERTY

- Removal of risk trees on private property is an important consideration in the tree ordinance, as these trees can negatively impact the community as a whole. Management of trees on private property that may impact municipal spaces can be controversial if not addressed ahead of time. A successful tree ordinance will outline a process that is clear and reflects both municipal and private landowner capacity and interests. Questions to consider are:
 - What parameters determine that a privately owned tree must be removed? These could include proximity to municipal right-of-way or municipal property, access to tree risk assessment and monitoring, or tree species or condition.
 - What is the procedure for property owner notification and appeal?

- Which party is responsible for covering the costs of removal?
- Are there provisions for the movement of woody material/firewood in the case of an infection or infestation?
 - Consult the [Vermont Agency of Agriculture PHARM program](#) for information regarding current regulations.

SECTION 8: APPEALS

This section should establish a procedure by which decisions made by the authority can be appealed.

Key considerations

- What types of decisions are subject to appeal? What is the procedure for filing appeals? Are there time limits for appeals and responses to appeals?
- As per [24 V.S.A. § 2509](#), the removal of municipal shade trees may be appealed. Municipalities may add additional appeal procedures as they wish.
- The tree warden may deny permission to remove a shade tree; however, there is no procedure in state statute that outlines an appeal process for that decision. Municipalities may clarify the process of appealing a tree warden’s decision NOT to remove a shade tree.

SECTION 9: PENALTY FOR VIOLATION

The default process outlined in the state statute pertaining to penalties in municipal tree law is within [24 V.S.A. §2510](#). Removing a shade tree without permission of the tree warden carries a penalty consistent with [13 V.S.A. § 3602](#) for each tree. Additionally, state law outlines a penalty of not more than \$50 to anyone that willfully harms a shade tree.

This section of a tree ordinance should establish specific penalties for violations and a position or person responsible for enforcement. By state law, enforcing these penalties and any additional penalties created in the tree ordinance is the responsibility of the tree warden. Additional officers may be designated in this section.

Key considerations

- What kinds of penalties are enforced and what are the penalties beyond the requirements of state law? Consider that young shade trees (less than 6” DBH) cost more to replant than the required fine of \$50 issued if the tree is removed without permission of the tree warden.
- Who will assist the tree warden with enforcement of these penalties if the tree warden is not a municipal staff member?

SECTION 10: SEVERABILITY

The Severability section prevents the whole ordinance from becoming invalid if a court declares any part of it invalid. The municipal attorney or legal counsel will likely complete this section.

In summary, a municipal tree ordinance can be a powerful tool to guide a community towards healthy urban and community forests through realistic descriptions of roles and responsibilities, clear standards surrounding tree planting and maintenance, and thoughtful consideration of where and how a municipality supports (financially, logistically, and otherwise) trees in public places. Learn more about municipal tree ordinances at vtcommunityforestry.org/municipal-assistance/municipal-tree-ordinances-and-policies.

APPENDIX 1

Notes On Adoption, Amendment, Or Repeal Of A Municipal Tree Ordinance
Updated June 18, 2021

From the Vermont League of Cities and Town, www.vlct.org/resource/tree-law-faqs

APPENDIX 1

From the Vermont League of Cities and Town, www.vlct.org/resource/tree-law-faqs

Notes On Adoption, Amendment, Or Repeal Of A Municipal Tree Ordinance

“A public shade tree ordinance, like any other ordinance (other than zoning ordinances), is governed by [24 V.S.A. §§ 1972, 1973](#). The process starts with the selectboard’s review of the draft ordinance and then its adoption of a final draft.

- The selectboard must formally adopt the ordinance, by a majority vote of its members at a duly warned selectboard meeting and must ensure that the action and a copy of the proposed ordinance are entered into the minutes of the meeting.
- The ordinance must be posted in at least five conspicuous places in town and published in a newspaper of general circulation within 14 days of the selectboard's vote to adopt the ordinance. The information published in the newspaper must include the following:
 - the town’s name;
 - the name of its website, if it is actively updated on a regular basis;
 - the title or subject of the ordinance or rule;
 - the name, telephone number, and mailing address of a town official designated to answer questions and receive comments on the proposal; and where the full text of the ordinance may be examined.
 - The notice must also explain citizens’ rights to petition for a vote on the ordinance or rule at an annual or special meeting, as provided in [24 V.S.A. § 1973](#).
- If a petition signed by at least five percent of the voters of the town is received by the town clerk within 44 days following the date of adoption of the ordinance, the selectboard must either:

(1) call a special town meeting within 60 days from the date of receipt of the petition; or

(2) if the annual town meeting falls within the 60-day period, include an article asking the voters whether they will disapprove of the ordinance in the warning for that annual meeting. [24 V.S.A. § 1973\(c\)](#).”

APPENDIX 2

Vermont Statutes Pertaining to Municipal Trees

Updated January 2021

From the Vermont Urban & Community Forestry Program,

vtcommunityforestry.org/sites/default/files/2025-01/State-Statutes-Municipal-Trees.pdf

Vermont Statutes Pertaining to Municipal Trees

Updated January 2021

TITLE 24: Municipal and County Government

CHAPTER 033: MUNICIPAL OFFICERS GENERALLY

§ 871. Organization of selectmen; appointments

(a) Forthwith after its election and qualification, the selectboard shall organize and elect a chair and, if so voted, a clerk from among its number, and file a certificate of such election for record in the office of the town clerk.

(b) The selectboard shall appoint a tree warden, who need not be a resident of the municipality, and may appoint from among the registered voters the following officers who shall serve until their successors are appointed and qualified and shall certify the 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 or her consent to the appointment;
- (3) one or more inspectors of lumber, shingles, and wood;
- (4) one or more weighers of coal;
- (5) one town service officer; and
- (6) one grand juror.

(c) After the selectboard appoints a tree warden, the selectboard shall certify the appointment to the Commissioner of Forests, Parks and Recreation. The certification shall include contact information for the appointed tree warden. (Amended 1963, No. 74, § 2; 2007, No. 121 (Adj. Sess.), § 18; 2015, No. 71 (Adj. Sess.), § 2; 2017, No. 93 (Adj. Sess.), § 2; 2019, No. 171 (Adj. Sess.), § 1, eff. Nov. 1, 2020.)

TITLE 24: Municipal and County Government

CHAPTER 067: PARKS AND SHADE TREES

§ 2501a. Definitions

As used in this chapter:

(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:

(A) was planted by the municipality; or

(B) 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.)

§ 2502. Tree wardens and preservation of shade trees

- (a) The tree warden shall control all shade trees within the municipality.
- (b) The tree warden and the legislative body of the municipality may adopt a shade tree preservation plan. The plan shall:
- (1) describe any program for the planting of new trees and shrubs;
 - (2) provide for the maintenance of shade trees through feeding, pruning, and protection from noxious insect and disease pests;
 - (3) determine the apportionment of costs for tree warden services provided to other municipal corporations;
 - (4) determine whether tree maintenance or removal on specific municipal property shall require the approval of another municipal officer or legislative body; and
 - (5) determine the process, not inconsistent with this chapter, for the removal of:
 - (A) diseased, dying, or dead shade trees; and
 - (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.
- (c) The shade tree preservation plan may:
- (1) map 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
 - (2) 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.
- (d) The tree warden and legislative body of the municipality shall hold a minimum of one public hearing concerning the shade tree preservation plan for the purpose of soliciting public input. The legislative body shall publish the proposed plan 10 days prior to the public hearing.
- (e) For the purpose of promoting the public health, safety, welfare, and convenience, a municipality shall have authority to adopt an ordinance that is not inconsistent with this chapter for the administration of the shade tree preservation plan and the regulation of shade trees. The tree ordinance shall be adopted pursuant to chapter 59 of this title. (Amended 1969, No. 238 (Adj. Sess.), § 1; 2019, No. 171 (Adj. Sess.), § 2, eff. Nov. 1, 2020.)
-

§ 2503. Appropriations

A municipality may appropriate a sum of money to be expended by the tree warden, mayor, aldermen, selectboard, or trustees for the purpose of carrying out this chapter. (Amended 1969, No. 238 (Adj. Sess.), § 2; 2019, No. 171 (Adj. Sess.), § 2, eff. Nov. 1, 2020.)

§ 2504. Removal of shade trees; exception

(a) The tree warden may remove or cause to be removed from the public ways or places any trees that are infested with or infected by a tree pest or that constitute a public hazard. The notice and hearing requirements of section 2509 of this chapter shall not apply to the removal of infested or infected trees.

(b) The tree warden may determine that an owner or lessee of abutting property has sufficiently controlled all insect pests or tree diseases upon the trees within the limits of a public way or place abutting the property and may determine that it is not necessary to remove the trees. (Amended 1969, No. 238 (Adj. Sess.), § 3; 2019, No. 171 (Adj. Sess.), § 2, eff. Nov. 1, 2020.)

§ 2505. Deputy tree wardens

The legislative body of the municipality may appoint deputy tree wardens who shall serve under the direction of the tree warden and shall have the same duties and authority as the tree warden. The legislative body of the municipality may dismiss a deputy tree warden at its pleasure. (Amended 2019, No. 171 (Adj. Sess.), § 2, eff. Nov. 1, 2020.)

§ 2506. Regulations for protections of shade trees

A tree warden shall enforce all laws relating to shade trees and may propose to the legislative body of the municipality the rules, ordinances, or regulations for the planting, protection, care, or removal of public shade trees as he or she deems expedient. The legislative body of the municipality may adopt the rules, ordinances, or regulations pursuant to the provisions of chapter 59 of this title. (Amended 1969, No. 238 (Adj. Sess.), § 4; 2019, No. 171 (Adj. Sess.), § 2, eff. Nov. 1, 2020.)

§ 2507. Cooperation

With consent of the legislative body of the municipality, the tree warden may:

- (1) 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 the shade tree preservation plan;
 - (2) enter into agreements with other municipal corporations to provide tree warden services or training; and
 - (3) cooperate with federal, State, county, or other municipal governments, agencies, or other public or private organizations or individuals and may accept on behalf of the municipality any 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; 2019, No. 171 (Adj. Sess.), § 2, eff. Nov. 1, 2020.)
-

§ 2508. Cutting shade trees prohibited

Except as otherwise provided in 19 V.S.A. chapter 9, a shade tree shall not be cut or removed, in whole or in part, except by a tree warden or his or her deputy or by a person having the written permission of a tree warden. (Amended 2019, No. 171 (Adj. Sess.), § 2, eff. Nov. 1, 2020.)

§ 2509. Cutting shade trees; notice and hearing

(a) The tree warden shall post public notice of the intent to cut or remove a shade tree. The notice shall be posted a minimum of 15 days prior to cutting or removing the tree. If the cutting or removal is appealed pursuant to subsection (c) of this section, the legislative body of the municipality shall hold a public hearing. This subsection shall not apply to the cutting or removal of a shade tree or trees that:

- (1) are infested with or infected by, or at risk to become infested with or infected by, a tree pest and are located in an infestation area designated by the Agency of Agriculture, Food and Markets and Department of Forests, Parks and Recreation;
- (2) are a hazard to public safety; or
- (3) must be removed for the municipality to comply with State or federal law or permitting requirements.

(b)(1) The tree warden shall post public notice of the intent to cut or remove a shade tree or group of shade trees pursuant to subsection (a) of this section in at least two conspicuous locations within the municipality. The tree warden shall post the public notice in or near the office of the clerk of the municipality.

- (2) When the shade tree or group of shade trees are located on property held in fee by another, the municipality shall notify each abutting landowner at the landowner's address of record.

(c)(1) Within 15 days after the posting of public notice, a resident or landowner may appeal in writing to the legislative body of the municipality to object to the cutting or removal of a shade tree. The legislative body of the municipality shall give notice of the appeal to the tree warden.

- (2) Within 10 business days after receipt of an appeal, the legislative body of the municipality shall hold a public hearing with the tree warden to receive public comment on the proposed cutting or removal of the shade tree. The tree warden shall stay action on the proposed removal until the legislative body of the municipality renders a final decision on the appeal.

(d) In all cases, the decision of the legislative body of the municipality shall be final. (Amended 1969, No. 238 (Adj. Sess.), § 6; 2017, No. 74, § 100; 2019, No. 171 (Adj. Sess.), § 2, eff. Nov. 1, 2020.)

§ 2510. Penalty

(a) Whoever shall willfully mar or deface a 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.

(b) Any person who willfully and critically injures or cuts down a shade tree without written permission of the tree warden or the legislative body of the municipality shall be fined pursuant to 13 V.S.A. § 3602 for each tree so injured or cut, for the use of the municipality. (Amended 1969, No. 238 (Adj. Sess.), § 7; 2019, No. 171 (Adj. Sess.), § 2, eff. Nov. 1, 2020.)

§ 2511. Control of infestations

When an insect or disease pest infestation upon or in shade or private trees threatens other public or private trees, is considered detrimental to a municipal shade tree preservation program, or threatens the public safety, the tree warden may request surveys and recommendations for control action from the Secretary of Agriculture, Food and Markets or Commissioner of Forests, Parks and Recreation in accordance with 6 V.S.A. chapter 84. (Amended 1969, No. 238 (Adj. Sess.), § 8; 2003, No. 42, § 2, eff. May 27, 2003; 2019, No. 171 (Adj. Sess.), § 2, eff. Nov. 1, 2020.)

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

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.)

TITLE 13: Crimes and Criminal Procedure

CHAPTER 077: TREES AND PLANTS

§ 3602. Valuation of trees or timber

Any person who is entitled to damages pursuant to section 3606 of this title or who is entitled to restitution for a violation of section 3606a of this title may provide an assessment of the value, based upon the kind, condition, location, and use of the timber cut down, destroyed, removed, injured, damaged, or carried away or, in the alternative, may assess the value of the timber as follows:

- (1) if a tree is no more than six inches in stump diameter or DBH, \$50.00;
- (2) if a tree is more than six inches and not more than ten inches in stump diameter or DBH, \$100.00;
- (3) if a tree is more than 10 inches and not more than 14 inches in stump diameter or DBH, \$300.00;
- (4) if a tree is more than 14 inches and not more than 18 inches in stump diameter or DBH, \$750.00;
- (5) if a tree is more than 18 inches and not more than 22 inches in stump diameter or DBH, \$1,500.00;
- (6) if a tree is greater than 22 inches in stump diameter or DBH, \$2,000.00;
- (7) for a bush or shrub, \$50.00. (Added 2009, No. 147 (Adj. Sess.), § 4; amended 2015, No. 106 (Adj. Sess.), § 1.)

§ 3606. Trespass; civil action

(a) In addition to any other civil liability or criminal penalty allowed by law, if a person cuts down, fells, destroys, removes, injures, damages, or carries away any timber placed or growing for any use or purpose whatsoever, or forest products standing, lying, or growing belonging to another person, without permission

from the owner of the timber or forest product, or cuts out, alters, or defaces the mark of a log or other valuable forest product, the party injured may recover of such person, in an action on this statute, treble damages for the value of the timber or forest product, and any damage caused to the land or improvements thereon as a result of such action. The injured party or landowner may rely on an assessment of damages based on the kind, condition, location, and use of the timber or forest product by the injured party or landowner, or alternatively, may elect to rely on the values established under section 3602 of this title.

(b) If the defendant in an action brought pursuant to subsection (a) of this section establishes by a preponderance of the evidence that he or she had good reason to believe that the timber or forest products belonged to him or her, or that he or she had a legal right to perform the acts complained of, the plaintiff shall recover single damages only, with costs.

(c) As used in this section, "damages" shall include any damage caused to the land or improvements thereon as a result of a person cutting, felling, destroying, removing, injuring, damaging, or carrying away timber or forest products without the permission of the owner of the property on which the timber stands. (Amended 1959, No. 61, eff. March 26, 1959; amended 2009, No. 147 (Adj. Sess.), § 5; 2015, No. 106 (Adj. Sess.), § 1.)

TITLE 19: Highways

CHAPTER 009: Repairs, Maintenance, And Improvements

§ 901. Removal of roadside growth

Except for work that is part of the Transportation Program under section 10g of this title:

(1) A person shall not remove shade trees, as defined in 24 V.S.A. § 2501a, without prior approval of the tree warden pursuant to 24 V.S.A. chapter 67.

(2) A person, other than the abutting landowner or municipality, shall not cut, trim, remove, or otherwise damage any grasses, shrubs, vines, or trees growing within the limits of a town highway without first having obtained the consent of the legislative body.

(3) A person, other than the Agency or the abutting landowner, shall not cut, trim, remove, or otherwise damage any grasses, shrubs, vines, or trees growing within the limits of lands subject to any ownership interest held by the Agency without first obtaining the Agency's written consent. (Added 1985, No. 269 (Adj. Sess.), § 1; amended 2019, No. 171 (Adj. Sess.), § 3, eff. Nov. 1, 2020.)

§ 902. Penalty for removal

(a) A person, other than the Agency, the abutting landowner, the municipality, or the tree warden, who willfully or maliciously cuts, trims, removes, or otherwise damages trees within the limits of a State highway or municipal right-of-way shall be fined pursuant to 13 V.S.A. § 3602, unless the person has obtained prior written consent from the Agency, municipality, or tree warden.

(b) A person, other than the Agency, the abutting landowner, the municipality, or the tree warden, who willfully or maliciously cuts, trims, removes, or otherwise damages grasses, shrubs, or vines 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, unless the person has obtained prior written consent from the Agency or municipality. (Added 1985, No. 269 (Adj. Sess.), § 1; amended 2019, No. 171 (Adj. Sess.), § 3, eff. Nov. 1, 2020.)

§ 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. Tree and brush removal

The legislative body of a municipality, if necessary, shall cause to be cut and burned, or removed from within the limits of the highways under their care, trees and bushes that obstruct the view of the highway ahead or that cause damage to the highway or that are objectionable from a material or scenic standpoint. Trees that have been set out or marked by the abutting landowners and shade trees that have been designated pursuant to 24 V.S.A. chapter 67 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 legislative body. (Added 1985, No. 269 (Adj. Sess.), § 1; amended 2019, No. 171 (Adj. Sess.), § 3, eff. Nov. 1, 2020.)

Vermont Statutes Online

References

[24 V.S.A. § 871](#)

[24 V.S.A. § 2501a](#)

[24 V.S.A. § 2502](#)

[24 V.S.A. § 2503](#)

[24 V.S.A. § 2504](#)

[24 V.S.A. § 2505](#)

[24 V.S.A. § 2506](#)

[24 V.S.A. § 2507](#)

[24 V.S.A. § 2508](#)

[24 V.S.A. § 2509](#)

[24 V.S.A. § 2510](#)

[24 V.S.A. § 2511](#)

[32 V.S.A. § 1680](#)

[30 V.S.A. § 2506](#)

[13 V.S.A. § 3602](#)

[13 V.S.A. § 3606](#)

[19 V.S.A. § 901](#)

[19 V.S.A. § 902](#)

[19 V.S.A. § 903](#)

[19 V.S.A. § 904](#)
