



Amended Tree Warden Statutes

Amendments to the existing Vermont tree warden statutes and other state statutes related to public trees and roadside vegetation were made effective on November 1, 2020. The updated statutes represent several years of effort and broad agreement among stakeholders with a diversity of interests and perspectives.

Where Should I Start?

This guide was developed by the Vermont Urban & Community Forestry Program (VT UCF) and is intended to help support tree wardens in understanding the changes and comply with the updated statutes. Municipalities are responsible to comply with the updated statutes. VT UCF does not enforce state statutes and cannot address specific legal questions, which should be directed to a municipality's attorney or the Vermont League of Cities and Towns.

1. READ THE AMENDED STATUTES

The original Vermont tree warden statutes were established in 1904 and last amended in 1969. The ecological landscape and intricacies of municipal governance changed significantly since the statutes were adopted. The amended legislation addresses previous conflicts in statutes and the lack of clarity regarding key terms and governance issues. Highlights of the new bill include:

- defines key terms
- establishes an optional shade tree preservation plan
- provides consistent language across several state statutes
- establishes a public hearing process for shade tree removals
- adds a reporting element
- includes language to support proactive management of invasive forest pests

[View Tree Warden Bill](#)

The bill can be read at the button above or [at this link](#). Please note that a clean version of the bill has not yet been made available by the state legislature. VT UCF will post a copy when it becomes available.

2. APPOINT A TREE WARDEN

A tree warden must be appointed by the municipality's legislative body. This person may serve until a successor is appointed; no yearly re-appointment necessary. In many Vermont municipalities, the selectboard serves as the tree warden. This continues to be permissible under state statutes. Other updates include:

- An appointed tree warden no longer needs to be a resident of the municipality for which they serve.
- Municipalities can share a tree warden (must be addressed in shade tree preservation plan, see #5).

3. REPORT TREE WARDEN CONTACT INFORMATION

The selectboard must report the appointment of a tree warden to the Commissioner of Forests, Parks and Recreation and include contact information of the tree warden. It is up to a municipality to decide on how to comply with this requirement. VT UCF and VT Department of Forests, Parks, and Recreation are currently working on a reporting mechanism that will be available online.

4. REVIEW TREE WARDEN JURISDICTION

The new amendments allow municipalities flexibility to expand the jurisdiction of the tree warden by designating additional trees as shade trees. At minimum, tree wardens are responsible for trees planted by the municipality in public ways or places (definitions below). In some municipalities, there may be few or no trees knowingly planted by the municipality, therefore the role of the tree warden is limited. If it is unclear if the municipality planted a given tree, and a municipality would like the tree to be under the jurisdiction of the tree warden, then the tree must be identified in a shade tree preservation plan (see #5 below).

SHADE TREE

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 is either:

- (a) planted by the municipality or
- (b) is designated as a shade tree pursuant to a municipal Shade Tree Preservation Plan (below).

PUBLIC PLACE

Municipal property, including a municipal park, a recreation area, or a municipal building. *This excludes town forests, or land owned by Agency of Transportation.*

PUBLIC WAY

A right-of-way held by a municipality, including a town highway.

5. ADOPT A SHADE TREE PRESERVATION PLAN (OPTIONAL)

If a municipality would like to expand the role and jurisdiction of the tree warden, a Shade Tree Preservation Plan must be adopted and include the five requirements below. A municipality must hold at least one public hearing to solicit public input and the proposed plan must be published 10 days prior to the public hearing. As example plans are developed, they will be made available at vtcommunityforestry.org.

Components of a Shade Tree Preservation Plan

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;
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.

Shade Tree Preservation Plans may also include the following components:

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.
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.

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