

Bristol Town Administrator

From: Vermont Local Roads Program <VT-LOCALROADS@LISTSERV.VERMONTLOCALROADS.ORG> on behalf of Johnson, Stu <Stu.Johnson@VERMONT.GOV>
Sent: Tuesday, October 13, 2020 9:10 AM
To: VT-LOCALROADS@LISTSERV.VERMONTLOCALROADS.ORG
Subject: FW: Amended Vermont Tree Warden Statutes

This would be an opportunity to learn and understand the new tree warden rules and how they will affect your roadside vegetation management operations.

From: VT Urban & Community Forestry Program <Elise.schadler@vermont.gov>
Sent: Friday, October 9, 2020 5:48 PM
To: Johnson, Stu <Stu.Johnson@vermont.gov>
Subject: Amended Vermont Tree Warden Statutes

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Vermont Urban & Community Forestry Program

Amended Tree Warden Statutes

The Vermont Urban & Community Forestry Program would like to inform you, as your municipality's acting tree warden, that new legislation to clarify and modernize [Vermont's tree warden statutes](#) was signed by Governor Scott yesterday, October 8th. The bill, H.673, represents broad agreement among stakeholders after several years of feedback and consideration of a diversity of interests and perspectives.

Our program staff will be updating existing and creating new resources to support you and your community in understanding and adhering to the new bill. We will be in touch soon with more details, but in the meantime wanted to make sure you were aware that the bill had passed.

Highlights of the new bill include:

- *definition of key terms,*
- *consistent language across several state statutes,*
- *an established public hearing process for shade tree removals,*
- *the addition of a reporting element, and*
- *language to support proactive management of invasive forest pests.*



[View the Bill, FAQ & More](#)

Webinar: October 27th, 11am-12pm

Join the VT Urban & Community Forestry Program for a section-by-section review of the new tree warden bill, H.673. Staff will read through the bill, highlight changes, and answer questions (to the best of our ability!) about this new legislation. This webinar will be recorded.

[Ask your questions in advance here](#), and register for this webinar at the link below.

[Register for the Webinar](#)

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H.673 – An act relating to tree wardens

Section-by-Section Bill Overview

Sec. 1 24 V.S.A. § 871: Appointments

What the language fixes:

- Municipalities can appoint town staff who do not live in town, or a volunteer from another municipality, as the tree warden.
 - Adds a reporting element to the Department of Forests, Parks & Recreation to enhance communication with tree wardens to offer technical assistance, resources, notification of changes in tree pest infestations, and educational workshops and networking opportunities.
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Sec. 2 24 V.S.A. chapter 67: Parks and Shade Trees

§ 2501: Definitions

What the language fixes:

- Adds a definitions section in the existing statutes.
 - **Public places** and **public ways** are explicitly established as being municipal properties (parks, recreation areas, and buildings) and rights-of-way.
 - **Public places** are explicitly established to exclude municipal forestland (town forests, for example).
 - **Shade trees, over which tree warden will have jurisdiction**, are defined as those that have been planted by a municipality or that are otherwise designated by the municipality through an established process – development of a shade tree preservation plan.
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§ 2502: Tree Wardens and Preservation of Shade Trees

What the language fixes:

- Establishes the shade tree preservation plan as a mechanism for documenting a community's tree program, the jurisdiction of the tree warden, and any municipality-specific processes for shade tree removal.
 - Municipalities may, but are not required to, adopt a shade tree preservation plan. If they choose to do so, the bill's language provides clear guidelines about what should be included in the plan.
 - For a municipality to adopt a shade tree preservation plan, there must be at least one public hearing to gather public input about the plan and the plan will need to be published at least ten days before the hearing.
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§ 2503: Appropriations

What the language fixes:

- Removes language about appropriations if a tree warden is not appointed.
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§ 2504: Removal of Shade Trees; Exception

What the language fixes:

- Clarifies if the tree warden determines that a shade tree constitutes a public hazard, or if it is infested with or infected by a tree pest, the tree warden can remove the shade tree without posting public notice or holding a public hearing.
 - Clarifies the process by which a tree warden may work with landowners in situations where the abutting landowner is controlling a tree pest or disease to preserve the tree.
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§ 2505: Deputy Tree Wardens

What the language fixes:

- Gives authority to the legislative body of the municipality to appoint and dismiss deputy tree wardens (opposed to the tree warden, in the existing statutes).
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§ 2506: Regulations for Protection of Shade Trees

What the language fixes:

- Requires the involvement of the legislative body of the municipality in the establishment of rules, ordinances, and regulations for local tree programs.
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§ 2507: Cooperation

What the language fixes:

- In order to implement the municipality's shade tree preservation plan, requires the consent of the legislative body of the municipality in any financial or other agreements into which the tree warden may enter with landowners; municipal corporations; or federal, State, county, or other municipal governments, agencies, or other public or private organizations or individuals.
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§ 2508: Cutting Shade Trees Prohibited

What the language fixes:

- Aligns 24 V.S.A. chapter 67 (Tree Wardens) with 19 V.S.A. chapter 9 (Town Highways) and eliminates conflicts between the statutes.
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§ 2509: Cutting Shade Trees; Notice and Hearing

What the language fixes:

- Establishes a process and the rules for public notice and hearing regarding shade tree removal in a municipality.
 - Clarifies that a public hearing is only required if triggered by an appeal to the public notice of shade tree removal.
 - Clarifies that an appeal to the planned removal of a shade tree can only be received from landowners or residents of the municipality.
 - Transfers the authority of final decision about shade tree removals from the tree warden in the existing statutes to the legislative body of the municipality.
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§ 2510: Penalty

What the language fixes:

- Establishes penalties for unauthorized shade tree removal based on the size of the tree, opposed to a static fee (\$500.00 in existing statutes).
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§ 2511: Control of Infestations

What the language fixes:

- Updates state governance to be consistent with other statutes by adding the Commissioner of Forests, Parks and Recreation to the tree warden statutes.
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Sec. 3 19 V.S.A. chapter 9, subchapter 1: General Duties of Towns

§ 901: Removal of Roadside Growth

What the language fixes:

- Addresses a conflict in language between Title 19 (Town Highways) and Title 24 (Tree Wardens) to recognize shade trees and requiring involvement with the tree warden to remove them.

- Maintains the municipality and the abutting landowner's ability to maintain and remove trees that are not designated as shade trees without the consent of the tree warden.
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§ 902: Penalty for Removal

What the language fixes:

- Establishes consistent penalties for unauthorized shade tree removal based on the size of the tree.
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§ 904: Tree and Brush Removal

What the language fixes:

- Recognizes that designated shade trees along town highways should not be removed, pursuant to the tree warden statutes, in regular road maintenance practices.