



TREE ORDINANCES and POLICIES

What is a tree ordinance?

A tree ordinance is a municipal regulatory tool used by communities to attain 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.

What are the benefits of a tree ordinance?

A tree ordinance provides the opportunity for a municipality to:

- Identify roles and responsibilities;
- Protect the town from liability;
- Define language locally, such as what qualifies as a public shade tree;
- Establish and prioritize procedures for tree plantings, removals, and protection;
- Establish procedures for the prevention and control of damage from forest pests;
- Demonstrate a town's commitment to its community forest; and
- Become eligible for the Tree City USA designation through the Arbor Day Foundation.

What's the difference between a tree policy and a tree ordinance?

In general, 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 but is less enforceable. For ordinances, there is a formal legislative process for adoption and revision and the provisions within are enforceable in court.

But aren't municipalities already covered under the Vermont Tree Warden Statutes?

Under the Vermont Tree Warden Statutes enacted in 1904, each municipality shall appoint a tree warden from among the town's legally qualified voters (24 V.S.A. § 871). The tree warden, among other things, 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 . . . (Amended 1969, No. 238 (Adj. Sess.), § 4)

Vermont's Tree Warden Statutes provide a mechanism for public tree management. However, they are limited in scope and lack specificity including defining key terms such as what is a *public shade tree*. A municipal tree ordinance allows a community to develop local regulations that meet its needs and helps enhance its ability to protect, manage, and grow its urban forest.

Building on the Vermont Tree Warden Statutes



The **town of Brattleboro** included in their ordinance a definition for a public shade tree that uses both their local zoning units to identify areas of the town and the size of a tree - in rural zoning areas, trees need to be at least 9 inches in diameter and in the downtown commercial district trees only need to be 2 inches in diameter. This allows them to manage various tree regulatory processes differently across the town and overcomes the lack of definition for both a public shade tree and residential part of town.

In the **town of Hartford's** tree policy, they not only define what a public tree is, they also define: street tree, park tree, hazardous tree, obstructive tree, heritage tree, and private tree. By defining these terms and the conditions under which a tree could be removed (when it is an obstructive tree and interferes with the flow of traffic and visibility, for example), Hartford's tree policy reduces the circumstances under which a public hearing is necessary.

What makes a tree ordinance effective?

Although each municipality's tree ordinance will vary widely in content and complexity, an effective tree ordinance should meet these basic criteria:

- Establish and define authority and responsibility over public trees;
- Create municipal goals for urban & community forestry management;
- Define a process for managing trees when they constitute a hazard to public safety or infested by a pest or pathogen;
- Set basic performance guidelines, standards and process for tree planting, maintenance, and removal; and
- Define nuisance conditions for both public and private trees.

Tree ordinance planning process

If your community is considering establishing a tree ordinance, the following steps can help:



- 1. Foster community support:** Your first steps should be to determine community interest and sentiment regarding a tree ordinance and develop a working relationship with interested individuals and groups, such as the tree warden, tree groups, garden clubs, and conservation commission.
- 2. Form a tree ordinance team:** Does your town have a tree board or commission? Would this be an opportunity to consider advocating for one? Who are the stakeholders that should be included in developing a tree ordinance? Members of the ordinance development team will work collaboratively to coordinate and communicate information, interact with community members and municipal officials, and draft the tree ordinance. Consider having participation from those involved with road maintenance, public works, planning, and/or parks and recreation.
- 3. Brief the decision makers in your town:** Municipal officials are ultimately responsible for adopting and implementing a tree ordinance in your community. Make sure the appropriate officials are involved in the process from the beginning; these could include selectboard members, mayor and/or the town manager.
- 4. Define the goals of the ordinance:** Establishing a collective vision and defining the goals of the ordinance are important steps; these elements will guide the ordinance's development and should be based on community input as well as realistic assessments of the capacity of your municipality to implement and enforce it, and need.
- 5. Establish a timeline and decide who is responsible for writing the ordinance:** at is a realistic timeline and process for developing, reviewing, and adopting the tree ordinance?
- 6. Refer to our 'Guide to Tree Ordinances for Vermont Municipalities:'** This document will help guide the writing of an ordinance. It outlines the various ordinance components, their purpose and sample wording; allowing you to feel confident that all the ordinance elements are comprehensive and present.
- 7. Solicit community input:** After the draft is complete, how will community members be able to provide feedback? Be prepared for questions and record all public comments for review.
- 8. Formalize and implement the ordinance:** Once revisions are made, how will it become formalized? What are the ordinance adoption procedures in your municipality?

Tree Ordinances Resources

Visit www.vtcommunityforestry.org and go to our 'Tree Ordinance' page for supporting resources including:

- Our 'Guide to Tree Ordinances for Vermont Municipalities'
- Sample municipal ordinances from Vermont communities
- Staff contact information so we can assist you in the process

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