

Town of Westminster Tree Removal Ordinance

I. Purpose

It is the purpose of this policy to promote and protect the public health, safety, and general welfare by providing for the regulation of maintenance and removal of trees, shrubs, and other plants within the public rights-of-way, and trees on private property when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the Town.

II. Authority

The Town of Westminster has authority to adopt ordinances and to enforce ordinances or rules for any purpose authorized by law, 24 V.S.A. §§ 1971-1973, specifically including certain powers to regulate trees and shrubbery within the Town's right-of-way (19 V.S.A. §§ 901-904) and to regulate diseased, dying or dead trees which create a hazard to public health and safety (24 V.S.A. §§2501-2511).

III. Policy

A. Trees and Shrubbery On Town Property or Within Town Right-of-Way

The Selectboard, in consultation with the Tree Warden, may immediately remove or cause to be removed any tree, or part thereof, that is located on Town property or within the Town's right-of-way, provided such tree is in an unsafe condition or by reason of its nature constitutes a potential hazard to public safety or to the municipal infrastructure or other public improvements, or if affected with any injurious disease, insect, or other pest.

If, in the opinion of the Tree Warden, a tree located on Town property or within the Town's right-of-way constitutes no hazard to public safety or any municipal property and is determined to be healthy but needs to be removed, then the Tree Warden shall hold a public meeting pursuant to 24 V.S.A § 2509. The Tree Warden will provide notice of such public meeting by mail to an affected property owner, as well as posting the notice in three places in town for at least fifteen days (15) before the meeting. Written appeals must be submitted to the Tree Warden and Selectboard within 14 calendar days.

B. Trees and Shrubbery On Private Property

It shall be the responsibility of each property owner of any tree or shrub overhanging any Town property or right-of-way to ensure that all trees and shrubs on that property are maintained in a manner that will not create a potential hazard to public safety or obstruct: street lights from illuminating street level, the passage or visibility of vehicles or pedestrians, vision of traffic signs and signals, or the view of any intersection. If said Owner fails to comply, the Town shall have the right to prune or remove any tree or shrub on private property.

The Town shall have the right to remove or cause to be removed any dead, diseased, or hazard tree or shrub on private property within the Town, when such tree or shrub constitutes a potential hazard to public safety or property, or harbors insect or disease which constitutes a potential threat to other trees or shrubs within the Town. The Tree Warden will notify in writing the owners of such trees or shrubs, and provide the owners sixty (60) days to remove such trees or shrubs at the owner's expense. In the event the owners fail to remove such trees or shrubs within the sixty (60) days provided, the Town shall have the authority to enter the property and remove such tree or shrub and charge the owner with the cost of removal.

C. Permission of Tree Warden Required

No tree or shrub located on Town property or within a Town right-of-way shall be pruned, removed or harmed in any way, and no person shall plant any tree or shrub on Town property or within a Town right-of-way without the prior written permission of the Tree Warden.

D. Violations, Penalties

A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. 1974a and 1977 et.seq. A civil penalty of not more than \$500.00 may be imposed for a violation of this civil ordinance, and the waiver fee shall be set at \$100.00 for the first offense, \$150.00 for the second offense within a six-month period, and \$500.00 for all subsequent offenses within a six-month period. Each day of a violation shall constitute a separate violation of this ordinance.

E. Permission for Town to Use Wood

The owner of any shrub or tree that has been cut or pruned under this Policy may grant the Town permission to remove such tree or shrub from the property and to allow the Town to use such tree or shrub for Town purposes including as firewood.

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Adoption/Effective Date: This ordinance is hereby adopted by the Selectboard of the Town of Westminster, VT on this the twenty third day of May, 2016 and shall, unless a petition is filed as provided by law, become effective sixty (60) days from this date.

 Chair

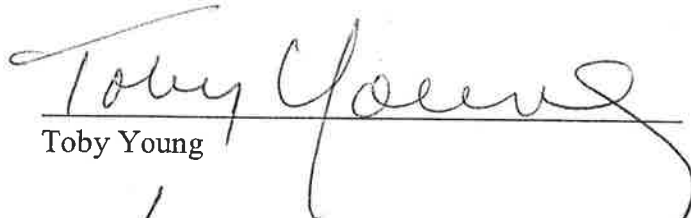
K. Sheldon Beebe – Chair



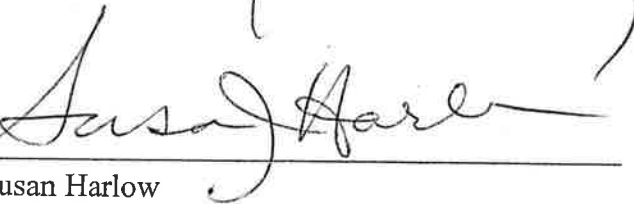
Craig Allen – Vice Chair



Nancy Dalzell – Clerk



Toby Young



Susan Harlow

