

**Chapter 20 -- TREE ORDINANCE****Art. I. In General, Sub. Sec. 20-1-20-2****Art. II. City Tree Board, Sub. Sec. 20-3-20-6****Art. III. Regulations, Sub. Sec. 20-7-20-18****ARTICLE I. IN GENERAL****Sec. 20-1. Purpose.**

It is the purpose of this ordinance to promote and protect the public health, safety and general welfare by providing for the regulation and control of the planting, care, maintenance, and removal of trees, shrubs, and other plants within the City of Barre, Vermont.

**Sec. 20-2. Definitions.**

**Street trees:** "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, and ways within the City.

**Park Trees:** "Park Trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

**ARTICLE II. CITY TREE BOARD.****Sec. 20-3. Creation and Establishment of a City Tree Board.**

The City Cemetery and Parks Commission shall assume the duties and responsibilities authorized in this ordinance. It shall consist of five members appointed by the Mayor with the approval of the City Council. The City Tree Warden and the City Engineer shall be members of the Commission, Ex Officio.

**Sec. 20-4. Term of Office.**

Current status of term on Cemetery and Parks Commission.

**Sec. 20-5. Duties and Responsibilities.**

It shall be the responsibility of the Board or Commission to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City of Barre, Vermont. The Board or Commission when requested by the City Council, shall consider,

investigate, making finding, report and recommend upon any special matter of question coming within the scope of its work.

**Sec. 20-6. Operation.**

The Board or commission shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be quorum for the transaction of business.

**Sec. 20-7. Street Tree Species to be planted.**

Trees to be planted under the terms of this ordinance shall be selected from the Recommended Street Tree List as adopted, and periodically modified, by the Vermont Urban & Community Forestry Council. The list shall be included in Appendix A of this ordinance, as well as be on file in the Clerk's & Managers office.

**Sec. 20-8. Appointment of Tree Warden.**

The Board of Commission shall appoint a City Tree Warden who shall be a trained and experienced person, skilled in the arts and science of municipal arboriculture. The City Tree Warden shall receive compensation in accordance with appropriate City employment policies.

**ARTICLE III. REGULATIONS.**

**Sec. 20-9. Public Tree Care.**

The Board or Commission shall adopt the standards of protocol and arboricultural specifications of the National Arborists Association governing the planting, care, maintenance, and removal of trees in the City of Barre. These standards shall be included in Appendix B of this ordinance.

**Sec. 20-10. Authority of Tree Warden.**

The City Tree Warden shall have the authority to supervise and enforce the provisions of the specifications and standards adopted by the Board or Commission.

**Sec. 20-11. Jurisdiction of Tree Warden.**

The Tree Warden shall have the authority and jurisdiction of regulating the planting, maintenance, and removal of trees on streets and other public property to ensure safety, preservation, and aesthetics of such public sites.

The Tree Warden shall have the authority to supervise and inspect all work done under a permit issued in accordance with the terms of this ordinance. Permits shall be required for the planting, maintenance, removal, and replacement of trees on the City's streets and public places.

**Sec. 20-12. Landscaping.**

In new subdivisions or where the development of a commercial property occurs, the City Tree Warden will review landscaping plans and may require street trees and or shrubs to be planted on any of the streets, parking lots, parks and other public places abutting lands henceforth developed and/or subdivided.

**Sec. 20-13. Private Trees.**

The City Tree Warden, and/or official designee, has the authority to enter on to private property whereon there is located a tree, shrub, plant or plant part suspected of being a public nuisance. (Public nuisance: Any tree, shrub, or plant with an infectious disease or insect problem; dead or dying trees: a tree or limb(s) that obstruct street lights, traffic signs, the free passage of pedestrians or vehicles; a tree that poses a threat to safety.)

**Sec. 20-14. Costs of Maintenance or Removal.**

Costs of maintenance and/or removal of trees within the City right-of-way shall be the responsibility of the City. Any private tree which impacts the public right-of-way and is determined to present a hazard to the public may be ordered maintained or removed by the City Tree Warden at the property owner's expense. Costs for trees located on property lines shall be shared equally by the owners.

**Sec. 20-15. Protection of City Trees.**

Unless specifically authorized by the City Tree Warden, no person shall intentionally damage, cut, carve, transplant, or remove any tree, attach any rope, wire, fencing, nails, advertising posters, or other contrivance to any tree; or allow any gaseous liquid or solid substance which is harmful to such trees to come in contact with any trees; or to set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any trees.

All city trees shall be protected and guarded from damage near any excavation or construction of any building, structures, or street work. No person shall deposit, store, place or maintain on any public place of the City any stone, brick, sand, concrete, or other materials which may damage or kill any tree growing therein, except by written permission of the Tree Warden.

**Sec. 20-16. Penalty.**

Any person, firm or corporation violating or failing to comply with any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined a sum no less than Fifty (\$50.00) dollars but no more than three-hundred (\$300.00) dollars appropriate to the purpose of replacing said trees.

**Sec. 20-17. Validity.**

Should any section, clause, or provision of this ordinance be declared by courts to be invalid, the same shall not affect the validity of the Ordinance on a whole, or parts thereof, other than the

part so declared to be invalid.

**Sec, 20-18. Terms.**

This Ordinance is hereby declared to be of immediate necessity for the preservation of public peace, health, and safety, and shall be in full force once effective from and after its passage and publication as provided by law.