

Town of Highgate

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August 26, 1992

PUBLIC NOTICE

HIGHGATE TREE ORDINANCE

Pursuant to 24 V.S.A., Chapter 59, Section 1972, the Town of Highgate Board of Selectmen will hold a public hearing on Tuesday September 15 at 8:45 PM in the Municipal Building to consider the following proposed HIGHGATE TREE ORDINANCE.

A concise summary is as follows whereas the complete document is available at the Town Clerk's Office during normal business hours.

THIS ORDINANCE IS ADOPTED UNDER THE PROVISIONS OF V.S.A. 24, CHAPTER 67, SECTIONS 2502-2655.

- SECTION 1. PURPOSE
- SECTION 2. DEFINITIONS
- SECTION 3. JURISDICTION
- SECTION 4. APPOINTMENT
- SECTION 5. RESPONSIBILITY
- SECTION 6. TREE PRESERVATION
- SECTION 7. TREE PROTECTION
- SECTION 8. COMPENSATION
- SECTION 9. SEVERABILITY

FOR THE BOARD OF SELECTMEN



RAYMOND LAROCHE, CHAIRMAN

TOWN OF HIGHGATE

TREE ORDINANCE

SECTION 1.0 PURPOSE

The Board of Selectmen of the Town of Highgate hereby ordains the following Tree Ordinance to provide for the preservation of trees in the right of ways and on town property in accordance with the provisions of 24 V.S.A. Chapter 67, Sections 2502-2655.

SECTION 2.0 DEFINITIONS

- 2.1 Person. Any institution, public or private corporation, individual, partnership, or other entity.
- 2.2 Public Property. Land owned by the Town of Highgate.
- 2.3 Private Property. Land owned by an institution, corporation, partnership, or other entity in which the use is not available for public use, control, or participation.
- 2.4 Right of Way. Land over which facilities such as highways, railroads, or power lines are built.
- 2.5 Tree. A woody plant with a single main stem which may be either coniferous or deciduous. Plants of all species are hereby included.
- 2.6 Tree Warden. An individual appointed by the Board of Selectmen responsible for the administration of the ordinance.
- 2.7 All other terms assume the common meaning.

SECTION 3.0 JURISDICTION

The tree warden has the responsibility over any and all trees on public rights of ways or on any public property in the Town of Highgate. Trees so located shall be deemed town trees and are under the control of the Board of Selectmen.

SECTION 4.0 APPOINTMENT

The Board of Selectmen shall appoint a person to be the tree warden who may or may not be an employee of the town.

SECTION 5.0 RESPONSIBILITY

It is the responsibility of the tree warden to make recommendations to the Board of Selectmen in order to provide:

- 5.1 For the care, protection, preservation, and removal of municipal shade trees, and to provide or make recommendations for the treatment of pest infestation of town trees.
- 5.2 Information on trees which may cause a hazard to nearby trees in right of way or public property when said tree is located on private property.
- 5.3 Immediate notification to designated town employees when an impending situation exists which will cause personal property damage when Board of Selectmen can not be contacted.

SECTION 6.0 TREE PRESERVATION

The tree warden, subject to the approval of the Board of Selectmen may:

- 6.1 Plan and implement a tree preservation program for the purpose of shading and beautifying the right of way and public property.
- 6.2 Design a program to maintain the health, appearance, and safety of existing trees through feeding, pruning, and protection from noxious insects and disease.
- 6.3 Organize the removal of trees detrimental to public safety and general well being of surrounding trees and property.
- 6.4 Enter in agreement to encourage and affect town tree ordinance through financial arrangements with adjoining land owners.
- 6.5 Act as the liaison with federal, state, and local groups and organizations in the administration of the town tree ordinance.
- 6.6 Issue permits and oversee the removal of designated trees from the right of way or public property to public or private individuals and organizations.

SECTION 7.0 TREE PROTECTION

The tree warden, subject to the approval of the Board of Selectmen may take action necessary for the preservation of the town tree ordinance to be sure that:

- 7.1 No person cuts, climbs, trims, removes, or injures any tree on the right of way and public property.
- 7.2 No person shall plant any tree in the right of way without obtaining permission from the Town Highway Commissioner. Persons requesting trees to be planted or removed in the state right of way shall receive permission from District 8 of the State Agency of Transportation or other appropriate agency.
- 7.3 No person shall plant a tree in the right of way to include power line, telephone, or other utility without written approval of such utility or Board of Selectmen.
- 7.4 During construction nearby town trees are protected by erecting devices or taking the necessary precautions to prevent damage.
- 7.5 To inform and order corrective action for person(s) who by the placement of substances produces negative effects upon the health of shade trees.
- 7.6 To ensure that no person interferes with the duties of the tree warden or town employees in the administration of the town tree ordinance.

SECTION 8.0 COMPENSATION

The tree warden, subject to the approval of the Board of Selectmen may or may not be compensated for services rendered or may authorize the employment of persons to perform work necessary for the maintenance of the tree ordinance accordingly.

- 8.1 Cost of removal for a shade tree in the right of way at the request of the adjoining land owner shall be set at 50% if the tree trunk emerges from the ground on the line of right of way.
- 8.2 Cost of removal of a tree by a decision of the town shall be paid in full by the town subject to budget appropriation or necessitating conditions.
- 8.3 The landowner may be billed for work performed on tree limbs or branches which are located on private property under the following procedures:
 - a. The limbs or branches will cause a hazard to public safety and the landowner is so notified in person, by telephone, or first class mail.

- b. Notice is sent certified mail to the landowner indicating that a hazard exists when initial notice renders no response.
- c. The landowner can appeal the decision to the Board of Selectmen within 30 days of notice.
- d. Under the above conditions the landowner bears 100% of incurred costs of trimming or removal of tree.
- e. Discretion is exercised during emergency situations.

SECTION 9.0 SEVERABILITY

IF ANY PORTION OF THIS ORDINANCE IS HELD UNCONSTITUTIONAL OR INVALID BY A COURT OF COMPETENT JURISDICTION, THE REMAINDER OF THIS ORDINANCE SHALL NOT BE AFFECTED.

THIS INSTRUMENT WAS ADOPTED ON _____

BOARD OF SELECTMEN:

RAYMOND LAROCHE _____

DENNIS FEELEY _____

RICHARD NOEL _____

ATTEST:

CORA BAKER _____ TOWN CLERK