



## **Chapter 29 - Trees**

### **ARTICLE I - PURPOSE**

It is the purpose of this ordinance is to promote, protect, and enhance public health, safety, and general welfare of the citizens of the City of Winooski (hereafter referred to as “City”) by providing a mechanism for governing the planting, maintenance, protection, and removal of trees on public streets, parks, and city-owned properties.

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### **ARTICLE III - DEFINITIONS**

*Certified Arborist*: A person certified by the International Society of Arboriculture as having specialized knowledge, experience, and training related to arboriculture.

*Diseased Tree*: Any tree with a combination of structural defects and/or a health condition which make it subject to a high probability of failure



Hazardous Tree: Any tree with visibly defined structural defects likely to cause failure of all or part of the tree and be a danger to public safety

Public Tree: All trees on City-owned property including by not limited to: The Public Right of Way and public parks.

Public Right of Way: The public “Right of Way” (ROW) is an area of land owned or controlled by the City for the purposes of constructing, operating, and maintaining transportation routes such as highways, streets, alleys, sidewalks, medians, bike paths, etc. The ROW is measured from the centerline of the aforementioned routes and varies by street. This information is available at the Department of Public Works.

Diameter at Breast Height (DBH) - The diameter of tree trunks measured at a height 4.5 feet from finished grade at the base of the tree.

Private Tree: Any tree located on private property. If the majority of a tree trunk at DBH is on private property, it will be deemed a Private Tree.

Street Tree: Any tree located on either side of a transportation route and within the designated Right of Way. If the majority of a tree trunk at DBH is within the right-of-way it will be deemed a street tree.

Tree: Any woody plant together with its root system growing upon the earth with one trunk at least two inches in diameter at a height of four and one-half feet above the ground, or a multi-stemmed trunk system with a definitely-formed crown.

#### **ARTICLE IV - AUTHORITY**

The City Council shall appoint a Tree Warden, under 24 V.S.A. § 871. The Tree Warden may appoint a Deputy Tree Warden, under 24 V.S.A. § 2505. With oversight from the City, the Tree Warden will have control and authority over all trees and plants and the right to plant, maintain, protect, and remove vegetation on City-owned lands. When possible, the appointed Tree Warden should have training and/or experience in forestry, horticulture, or a closely-related field. When necessary, the Director of the Department of Public Works



will serve as Tree Warden.

## **ARTICLE V - APPLICABLE REGULATIONS**

The Winooski Municipal Code and the Uniform Land Use and Development Regulations both contain provisions related to the care of Public trees. In addition, the Department of Public Works maintains a Public Works Standards and Specifications document that provides details on tree planting, maintenance, and removal.

## **ARTICLE VI - ADMINISTRATIVE RESPONSIBILITIES**

### **SECTION 29.01 - TREE ADVISORY COMMITTEE**

The City Council may appoint a Tree Advisory Committee for specific purposes related to urban tree management. In general, the Committee shall facilitate the implementation of the Winooski public tree management plan and revise the plan as needed to support its mission to 1) protect and enhance the vigor of Winooski's urban forest, and 2) educate the public about the importance of this work and develop opportunities to get involved. In concert with City staff or partner agencies, the Committee may apply for grants to accomplish goals established in the Urban Tree Management Plan. A subcommittee of the Public Works Commission may be formed to facilitate the implementation of the Plan during such times that a formal Tree Advisory Committee cannot be established or appointed by the City Council.

### **SECTION 29.02 - TREE WARDEN**

The Tree Warden (see Authority above) shall have complete power and authority over all Public Trees planted and growing, or hereafter to be planted and grown, on City-owned or managed land, including Public Right of Ways. The Tree Warden shall have all powers granted under 24 V.S.A. Chapter 67 or successor provisions. He or she may refer violations of this ordinance or that chapter to the City Attorney or State's Attorney for prosecution. The Tree Warden will advise the Tree Advisory Committee or acting Public Works Commission Tree Committee and any other departments or regulatory boards



of the City in matters of tree health, care and maintenance as needed. All activities performed and taken by the Tree Warden will be reported to the Tree Advisory Committee and/or Public Works Commission.

## **ARTICLE VII PROVISIONS FOR TREE MANAGEMENT**

The City retains the right to plant, maintain, protect, and remove Public Trees as may be

necessary to ensure public safety or to preserve and enhance the symmetry and beauty of City property, in accordance with the following guidelines:

### **SECTION 29.03 - PUBLIC TREE PLANTING**

- i. No tree shall be planted on City-owned property including Public Right of Ways unless approved by the Tree Warden, who reserves the right to prescribe planting specifications including but not limited to how trees will be planted, at what distance apart, and of what variety.
- ii. All Public Trees shall be planted in accordance with the American National Standards Institute (ANSI) A300 Standards for Tree Care Operations, or most current version.
- iii. The Tree Warden will be consulted on the selection of any outside firm contracted to plant Public Trees in the City, and that firm must retain a Certified Arborist on their staff.
- iv. All Public Trees shall be selected from the most up to date version of the “Vermont Tree Selection Guide” published by the Vermont Urban and Community Forestry Program. This can be downloaded at [www.vtcommunityforestry.org](http://www.vtcommunityforestry.org).
- v. Public Trees should be sited based on above and below ground conditions. Minimum planting offsets for various infrastructure are as follows:
  - a. Light standard - 18 feet
  - b. Utility pole: 10-18 feet depending on cross arm size
  - c. Hydrant: 15 feet
  - d. Driveway: 10 feet
  - e. Crosswalk: 5 feet
  - f. Transformer/connection box: 6 feet
  - g. Underground utility connection: 15 feet



h. Street sign: 6 feet

Exceptions may be granted only with approval from the Tree Warden or Public Works Director. A written request for an exception from the above-listed requirements will be responded to within 30-days of receipt. Dig Safe must inspect the site prior to digging.

- vi. All newly-planted Public Trees are required to carry a one-year maintenance and replacement guarantee

#### **SECTION 29.04 - PUBLIC TREE MAINTENANCE AND PROTECTION**

- i. No Public Tree shall be cut or removed without the written permission of the Tree Warden. The Tree Warden will be consulted before performing any tree pruning or maintenance work.
- ii. All Public Tree care shall be performed in accordance with ANSI A300 Standards for Tree Care operations.
- iii. The Tree Warden will be consulted prior to the selection of any outside firm contracted to prune or maintain Public Trees in the City, and that firm must retain a Certified Arborist on their staff.
- iv. Any construction on City-owned land within 10 lateral feet of a Public Tree canopy drip line requires consultation with the Tree Warden, who will be consulted for specific written requirements for the protection of the tree.

#### **SECTION 29.05 - PUBLIC TREE REMOVAL**

- i. In accordance with 24 V.S.A. § 2502, the Tree Warden may remove any Public, Hazardous Tree that is deemed a danger to public safety or threaten the effectiveness of disease or insect control programs.
- ii. If in the opinion of the Tree Warden, a Public Tree constitutes no hazard to public safety and is determined to be healthy but needs to be removed, then the Tree Warden will warn a public hearing in accordance with 24 V.S.A. § 2509.
- iii. Two weeks before the scheduled removal of the tree the public will be notified via the Tree Advisory Committee meeting and/or paper of record and a sign will be posted on the Public Tree of the proposed action to be taken and the Public Hearing time, date, and place.
- iv. Anyone contesting the removal of a Public Tree must do so to the Tree



Warden between the time of posting the tree removal notice and the hearing, at the hearing or within 24 hours of the decision having been made. After informing the Tree Warden, a written appeal must be submitted within two weeks to the Tree Warden and the City Council. The Tree Warden will notify the appellant by certified mail of the hearing with the Tree Advisory Committee; the decision of the Tree Advisory Committee will be final.

- v. A no net loss policy of Public Trees will be maintained in the City. When a Public Tree is removed the Tree Warden will approve a replacement tree with at least 2" caliper tree planted in accordance with section V1. a. The replacement tree must be planted to within two years of the Public Tree removal date.

**SECTION 29.06 - CONTROL OF HAZARDOUS TREES AND TREES INFECTED WITH A PEST OR PATHOGEN**

- i. It shall be the responsibility of any person owning property bordering City-owned land or Public Right of Way to ensure that Private trees that are dead, diseased, or injured do not pose an unreasonable risk of property damage or bodily injury.
- ii. In consultation with the Tree Warden, the City may remove or cause to be removed any Public or Private Tree or part thereof which is hazardous or which by reason of its nature is injurious to public safety, City infrastructure or other public improvements, or is affected with any injurious disease, insect, or other pest, in accordance with 24 V.S.A. § 2511. In such cases that the Tree Warden determines with reasonable certainty upon inspection or examination that any hazardous tree herein defined exists in or upon any private premises within the City, and may damage or cause injury in the City ROW, he/she shall notify the owner of such premises, or their agent, in writing that said hazardous tree must be treated, trimmed, removed, or otherwise abated. Said written notice shall specify the nature and exact location of the hazardous tree, the manner in which the hazard shall be abated, and the time-limited in which the hazard shall be abated which shall not be less than sixty (60) days after issuance of said notice unless the Tree Warden shall determine that immediate action is necessary for public safety. In the event of failure of the owners to comply with such provision, the City shall have the authority to remove such trees and charge the owner for the cost of removal.

**ARTICLE VIII - PENALTIES**



## **Winooski Municipal Code Chapter 29 – Trees**

Unless otherwise stated, any violation of this chapter shall be a civil violation and subject to civil penalties and enforcement as provided for in Chapter 1, Section 1.11 of Winooski City Code