

TOWN OF HAWLEY
BOARD OF SELECTMEN
POLICY FOR TREE REMOVAL FROM PRIVATE LAND

Per order of the Board of Selectmen:

1. This policy applies to cases where a tree falls from Town owned land onto a parcel of privately owned property.
2. The landowner owning the property onto which the tree falls shall be permitted to use or dispose of the tree in any lawful manner that he or she sees fit, provided doing so is safe at the time (i.e. the tree is not in contact with utility lines, etc.).
3. The landowner may request the Highway Superintendent/Tree Warden to assist in removing the tree. At his or her sole discretion, the Highway Superintendent/Tree Warden shall be permitted to enter onto the property and assist the landowner in removing the tree or to direct other Town employees to do so; however only where the Highway Superintendent/Tree Warden finds that doing so is safe and practicable; the landowner gives express permission for the Highway Superintendent/Tree Warden or those under his or her direction to do so; and the landowner signs a written release of liability against the Town and its employees. In the event that the Town does take action, it may dispose of the tree or the parts thereof in any lawful manner decided by the Highway Superintendent/Tree Warden, which may include without requirement or limitation, giving the wood to the landowner if he or she so desires; however the Town shall not be responsible for further cutting the log(s) into firewood.
4. In determining whether or not to render assistance, the Highway Superintendent/Tree Warden shall take into account factors relating to health and safety and may take into account the difficulty and expense the landowner would face in removing and or disposing of the tree on his or her own; the difficulty and expense the Town would face in doing the same; the availability of other options; and the current workload of the Highway Department.
5. This policy is promulgated as a public service to help landowners with nuisance trees. Nothing in this policy shall be construed to create any liabilities, obligations, or responsibilities for the Town and/or its employees not existing prior to the adoption of this policy. This policy does not require the Highway Superintendent/Tree Warden or Town to remove trees in any particular instance or to pay for others to do so. However, the Town shall not discriminate on the basis of any category prohibited by law in rendering this assistance.

Hussain A. Hamdan
Chair

Robert Root

Sarah J. Rich

Adopted: