

ORDINANCE NO. 1831

AN ORDINANCE to amend and reordain Sections 39-1, 39-2, 39-3, 39-5, 39-6, 39-7, 39-8, 39-11 and 39-13 of Chapter 39 of The Code of the City of Alexandria, Virginia, 1963, as amended; which Chapter 39 relates to TREES, SHRUBS, PLANTS AND VEGETATION, which Section 39-1 relates to MANAGEMENT AND SUPERVISION, which Section 39-2 relates to PERMIT TO PLANT, REMOVE, ETC., IN PUBLIC PLACES--REQUIRED, which Section 39-3 relates to SAME--ISSUANCE; INFORMATION TO BE SHOWN, which Section 39-5 relates to PERMITTED TREES, ETC., which Section 39-6 relates to MASTER PLAN, which Section 39-7 relates to RESPONSIBILITY OF DIRECTOR OF RECREATION AND CULTURAL ACTIVITIES FOR PLANTING, TRIMMING, REMOVAL, ETC., which Section 39-8 relates to RESTRICTIONS ON REMOVAL FROM PUBLIC PROPERTY BY DIRECTOR OF RECREATION AND CULTURAL ACTIVITIES, which Section 39-11 relates to SAME--FINAL ACTION BY CITY UPON FAILURE TO COMPLY WITH SECTION 39-10, and which Section 39-13 relates to DANGEROUS TREES, SHRUBS, ETC., DECLARED NUISANCE; TRIMMING OR REMOVAL.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 39-1 of Chapter 39 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 39-1. Management and supervision.

The director of recreation and cultural activities or his duly authorized representative, under the city manager, shall have general management and supervision of all trees, shrubs, plants and vegetation embraced by this chapter.

Section 2. That Section 39-2 of Chapter 39 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 39-2. Permit to plant, remove, etc., in public places--Required.

It shall be unlawful for any person, except the director of recreation and cultural activities or his duly authorized representative, to plant, trim, or prune any tree, shrub, plant or vegetation on or to remove any tree, shrub, plant or vegetation from any dedicated street, alley or highway, public right of way or easement, public land lying between property lines on either side of a public street, highway or alley, public parking strip, public street, sidewalk or divider, public median strip or planting strip or other land or public place owned by the city, except public school sites, without first applying for and obtaining a permit from the director of recreation and cultural activities; provided, however, that nothing contained in this section shall prohibit the trimming or cutting of grass in the public right of way.

Section 3. That Section 39-3 of Chapter 39 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 39-3. Same--Issuance; information to be shown.

The director of recreation and cultural activities shall issue a written permit, as required by the preceding section, to any applicant without charge, only when he finds that the action proposed is necessary or desirable, will not be contrary to any city master plan for trees, shrubs, plants or other vegetation, is not contrary to the provisions of this chapter, and will be performed in a workmanlike manner.

Any permit issued pursuant to the preceding section shall contain the location approved, the action allowed to be performed, the duration of the permit, and any other requirements deemed necessary or desirable by the director of recreation and cultural activities to regulate the proper planting, trimming or cutting or removal of trees, shrubs, plants and vegetation within the city, and all work done under a permit issued by the director of recreation and cultural activities shall be performed in strict accordance with the terms thereof.

Section 4. That Section 39-5 of Chapter 39 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 39-5. Permitted trees, etc.

No permit shall be issued for and it shall be unlawful to plant in any place designated in section 39-2 of this Code any tree, shrub, plant or vegetation except only the following:

MAJOR TREES

COMMON NAME	BOTANICAL NAME
Amur Maple	Acer ginnala
Norway Maple	Acer platanoides
Columnar Norway Maple	Acer platanoides "Columnare"
Crimson King Norway Maple	Acer Platanoides "Crimson King"
Columnar Red Maple	Acer rubrum "Columnare"
Sugar Maple	Acer Saccharum
Columnar Sugar Maple	Acer saccharum "Columnare"
Sentry Sugar Maple	Acer Saccharum "Monumentale"
Pyramidal European Hornbeam	Carpinus betulus "Fastigiata"
Sugar Hackberry	Celtis Laevigata
Lobb Cryptomeria	Cryptomeria japonica lobbi
Green Ash	Fraxinus pennsylvanica lanceolata
Modesto Ash	Fraxinus velutina glabra
Sentry Ginkgo	Ginkgo biloba "Fastigiata"
Dawn Redwood	Metasequoia glyptostroboides
Sourgum	Nyssa Sylvatica
American Hophornbeam	Ostrya virginiana
Sourwood	Oxydendrun arboreum
Amur Cork Tree	Phellodendron amurense (seedless variety)
Bradford Pear	Pyrus calleryana "Bradford"
Red Oak	Quercus borealis
Scarlet Oak	Quercus coccinea
Willow Oak	Quercus phellos
Japanese Pagodatree	Sophora Japonica
Littleleaf Linden	Tilia cordata
European Linden	Tilia europaea
Silver Linden	Tilia tomentosa
Japanese Zelkova	Zelkova serrata

MINOR TREES

COMMON NAME	BOTANICAL NAME
Eastern Redbud	Cercis canadensis
White Eastern Redbud	Cercis canadensis alba
American Yellowwood	Cladrastis lutea
Flowering Dogwood	Cornus florida

Red Flowering Dogwood
Japanese Dogwood
Washington Thorn
Carolina Silverbell
American Holly
Goldenraintree
Goldenchaintree
Kobus Magnolia
Star Magnolia
Siberian Crabapple
Parkman Crabapple
Tea Crabapple
Midget Crabapple
Redbud Crabapple
Sargent Cherry
Kwanzan Oriental Cherry
Mt. Fuji Oriental Cherry
Naden Oriental Cherry
Yoshino Oriental Cherry
Akebono Oriental Cherry
European Mountain Ash

Cornus florida rubra
Cornus kousa
Crataegus phaenopyrum cordata
Halesia carolina
Illex Opaca
Koelreuteria paniculata
Laburnum wateri
Magnolia kobus
Magnolia stellata
Malus baccata
Malus halliana "Parkman"
Malus hupehensis
Malus micromalus
Malus zumi "Calocarpa"
Prunus sargentii
Prunus serrulata "Kwanzan"
Prunus serrulata "Shirotae"
Prunus sieboldi
Prunus yeodensis
Prunus yeodensis "Akebono"
Sorbus aucuparia

SHRUBS, VEGETATION AND EXCEPTIONS

Any shrub under thirty inches in height which does not and is not likely to obscure vision.

Standard lawn or park grass.

No permit shall be issued for and it shall be unlawful to plant a tree in any place designated in section 39-2 unless there is at least one foot of unobstructed earth extending from the tree trunk on all sides.

The director of recreation and cultural activities or his duly authorized representative may plant trees and shrubs not permitted above in parks only.

Section 5. That Section 39-6 of Chapter 39 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 39-6. Master plan.

The director of recreation and cultural activities, in order to promote an orderly attractive, economical and nuisance-free planting system for the city, may, within the funds at his disposal, devise, place in force and carry out a master tree, shrub, plant and vegetation plan for all or any portion of the public places within the city, except public school sites.

Section 6. That Section 39-7 of Chapter 39 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 39-7. Responsibility of director of recreation and cultural activities for planting, trimming, removal, etc.

The director of recreation and cultural activities, under the city manager, shall be responsible for the planting, trimming, removal and care of trees, shrubs, plants or other vegetation in all public places in the city, except public school sites. He or his duly authorized representative is hereby authorized to trim, prune, spray, water, cultivate, maintain, plant or remove trees, shrubs, plants or other vegetation in such places subject to the restrictions of this chapter.

Section 7. That Section 39-8 of Chapter 39 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 39-8. Restrictions on removal from public property by director of recreation and cultural activities.

The director of recreation and cultural activities shall not remove or permit removal of all or any part of any tree, shrub, plant or other vegetation from any public place unless he has determined that such tree, shrub, plant or vegetation:

- (a) Is infected with a disease.
- (b) Is infected with injurious insects or pests.
- (c) Should be removed to make room for public improvement.
- (d) Is endangering or is likely to endanger streets, highways, sidewalks, sewers, utility installations, property, vehicles or the traveling public.
- (e) Is dead or unsightly.

Section 8. That Section 39-11 of Chapter 39 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 39-11. Same--Final action by city upon failure to comply with Section 39-10.

The director of recreation and cultural activities, or his duly authorized representative, may trim or prune the trees, shrubs, plants or other vegetation described in the notice in section 39-10 of this Code in the event there is no appeal and there is failure to comply with the notice when the time limit prescribed therein has expired. Such action by the director of recreation and cultural activities shall not preclude any criminal proceeding for the violation.

Section 9. That Section 39-13 of Chapter 39 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 39-13. Dangerous trees, shrubs, etc., declared nuisance; trimming or removal.

Notwithstanding any other provision of this chapter, any tree, shrub, plant or other vegetation or part thereof, located on private property which is an immediate and serious danger to any public street or highway or vehicle or person thereon, any public sidewalk or person thereon or any public property or the traveling public, is hereby declared a public nuisance and may be immediately trimmed or removed by the director of recreation and cultural activities when the person in control fails to do so; provided, that the director of recreation and cultural activities shall attempt to give the owner, operator, occupant or other person responsible or in control at least four hours' notice.

Section 10. That this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The Clerk of the Council shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

CHARLES E. BEATLEY, JR.
Mayor

Final Passage: January 24, 1973