

ORDINANCE NO. 2800

AN ORDINANCE to amend Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended, by adding a new chapter numbered 11; which Title 5 relates to TRANSPORTATION AND ENVIRONMENTAL SERVICES and which new Chapter 11 relates to GYPSY MOTH CONTROL.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended by adding a new chapter numbered 11 to read as follows:

CHAPTER 11

Gypsy Moth Control

Sec. 5-11-1. Definitions.

(a) The word "gypsy moth" as used in this chapter shall mean the moth known as *Lymantria Dispar*.

(b) For the purposes of this chapter the methods or means employed in an attempt to suppress or control gypsy moths shall include mechanical, biological and chemical suppression methods including but not be limited to chemical spraying, use of biological insecticides, use of systemic insecticide implants, burlap banding and aerial spraying.

Sec. 5-11-2. Gypsy moths on private property--Public nuisance.

Gypsy moths present on any property which has reached a level which has been determined by the director of transportation and environmental services to pose a danger to other trees on public or private property are hereby declared to constitute a public nuisance.

Sec. 5-11-3. Duty of owner to suppress or control.

It shall be the duty of owners of real property located within the city to suppress or control gypsy moths which have been determined by the director of the department of transportation and environmental services to pose a danger to other trees on public or private property.

Sec. 5-11-4. Notice to owner to attempt to suppress or control.

The director of the department of transportation and environmental services or his duly authorized agent shall give notice in writing to the owner of land in the city upon which it has been determined that the level of gypsy moths poses a problem to trees

on public or private property that within seven (7) days from receipt of the notice the owner must act to suppress or control the gypsy moths by a method approved by the city, or the city will so act, and bill the owner for the costs and collect the costs like taxes in the event of nonpayment by the owner. The methods employed by a property owner to suppress or control gypsy moths are subject to inspection and approval by the city after implementation. Mailing to the last known post office address shall constitute sufficient service upon owners who cannot be found after a reasonable diligent search or who are nonresidents.

Sec. 5-11-5. Action by city; billing and collection of charges; unpaid bill a lien.

Whenever the owner refuses, neglects or fails to act in an attempt to suppress or control the gypsy moths on his property in the manner prescribed by section 5-11-4 above, the city shall act in an attempt to suppress or control the gypsy moths. The expense thereof shall be forthwith computed, and a bill for such expense shall be prepared by the department of finance and mailed to the owner at his last known post office address within a reasonable time after the city has acted.

In the event the city does not receive payment of the bill within 30 days after mailing, the director of finance shall see that the expense is charged to the owner and collected in the same manner as city taxes. Every charge with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property.

Section 2. That the title of and an informal memorandum explaining 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 city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk 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: May 14, 1983