

ORDINANCE NO. 3239

AN ORDINANCE to amend and reordain Sections 5-11-2, 5-11-3, 5-11-4, 5-11-5, and to add a new Section 5-11-6, Chapter 11, Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended; which Title 5 relates to TRANSPORTATION AND ENVIRONMENTAL SERVICES, which Chapter 11 relates to GYPSY MOTH CONTROL, which new Section 5-11-6 relates to CITY ACTION TO CONTROL GYPSY MOTHS ON PRIVATE PROPERTY; NOTICE OF ACTION, which Section 5-11-5 relates to ACTION BY CITY; BILLING AND COLLECTION OF CHARGES; UNPAID BILL A LIEN, which Section 5-11-4 relates to NOTICE TO OWNER TO ATTEMPT TO SUPPRESS OR CONTROL, which Section 5-11-3 relates to DUTY OF OWNER TO SUPPRESS OR CONTROL and which Section 5-11-2 relates to GYPSY MOTHS ON PRIVATE PROPERTY; PUBLIC NUISANCE.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That section 5-11-2 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 5-11-2. Gypsy moths on private property; public nuisance; entry on private property.

Gypsy moths present on any private property which have reached a level which has been determined by the city manager or the designee of the manager to pose a danger to trees on public or other private property are hereby declared to constitute a public nuisance. To determine whether the level of gypsy moth infestation on any private property has become a danger to trees on public or other private property so as to constitute a public nuisance, the manager or the designee of the manager may enter upon the property to measure the infestation level.

Section 2. That Section 5-11-3 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

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

It shall be the duty of the owner of real property located within the city to suppress or control gypsy moths which have been determined by the city manager or the designee of the manager to pose a danger to trees on public or other private property.

Section 3. That Section 5-11-4 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 5-11-4. Notice to owner.

The city manager or the designee of the manager shall give notice in writing to the owner of any real property which has been determined to contain a level of gypsy moth infestation which poses a danger to trees on public or other private property that, within seven days from receipt of the notice, the owner must act to suppress or control the gypsy moths by a method approved by the city and that, if the owner fails to so act, the city will undertake the appropriate suppression or control activities, will bill the owner for the costs of such activities and will, in the event of nonpayment, collect the costs in the same manner as unpaid city taxes. The methods employed by a property owner to suppress or control gypsy moths shall be subject to inspection and approval by the city after implementation by the property owner. Mailing to the last known post office address shall constitute sufficient service upon owners who cannot be found after a reasonably diligent search or who are nonresidents.

Section 4. That Section 5-11-5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

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

Whenever an owner of real property who has received a notice under section 5-11-4 refuses, neglects or fails to act to suppress or control the gypsy moths on his/her property, the city may act to suppress or control the gypsy moths. The costs of such city action shall be forthwith computed, and a bill for such costs shall be prepared by the department of finance and mailed to the owner at his/her last known address within a reasonable time after the city has acted. In the event the city does not receive payment of the billed costs within 30 days after mailing the bill, the director of finance shall see that the costs are charged to the owner and collected in the same manner as unpaid city taxes. In addition, all such costs which remain unpaid shall constitute a lien against the owner's property.

Section 5. That The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended by adding a new Section 5-11-6 to read as follows:

Sec. 5-11-6. City action to control gypsy moths on private property; notice of action.

Notwithstanding any other provision of this chapter, if the city manager or the designee of the manager determines that the level of gypsy moth infestation in an area of the city equals or exceeds the infestation level established by the Virginia Department of Agriculture and Consumer Services for the sharing of

costs in gypsy moth suppression programs, the city manager or the designee of the manager may undertake on public and private property within and adjacent to the infested area any of the suppression or control methods in section 5-11-1. At least 10 days prior to undertaking any such methods, the city shall send notice of the city's intended action to all owners and occupants of real property within the area to be treated. Such notice shall specify the suppression or control method to be used, shall state the date or dates on which the method is expected to be applied, and shall be mailed or hand-delivered to the last known post office address of the owners and occupants of such real property.

Section 6. 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 requests. 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 on the date of its final passage.

JAMES P. MORAN, JR.
Mayor

Final Passage: October 19, 1987