

ORDINANCE NO. 3289

AN ORDINANCE to amend and reordain Section 6-2-32, Article C, and to amend said Article C by adding thereto Section 6-2-39, Chapter 2, Title 6 of The Code of the City of Alexandria, Virginia, 1981, as amended; which Title 6 relates to PARKS, RECREATION AND CULTURAL ACTIVITIES, which Chapter 2 relates to TREES, SHRUBS, PLANTS AND VEGETATION, which Article C relates to REMOVAL OR DESTRUCTION OF TREES ON PRIVATE PROPERTY, which new Section 6-2-39 pertains to INTERIM DESIGNATION OF HISTORIC OR SPECIMEN TREES and which Section 6-2-32 pertains to APPLICABILITY OF ARTICLE PROVISIONS.

WHEREAS, the City Council of the City of Alexandria finds and determines that:

1. By Ordinance No. 2290, adopted October 24, 1978, the city council determined that it is in the interest of the public health, safety and welfare to provide for the protection of trees within the city;

2. Included within Ordinance No. 2290 are provisions, now codified as section 6-2-37 and 6-2-38 of The Code of the City of Alexandria, Virginia, 1981, as amended, for the designation of historic and specimen trees which may not be removed or destroyed without the opportunity for administrative review by the city;

3. Several persons desiring and intending to obstruct and frustrate the orderly administration of the governmental process for the designation of historic and specimen trees have undertaken in a deliberate and wanton manner to destroy and remove trees which have been nominated and are under consideration for designation as historic or specimen trees, all to the injury of the public health, safety and welfare;

4. Based upon the foregoing findings and all other facts and circumstances of which the city council may properly take notice in its capacity as the local legislative body of the City of Alexandria, adoption of this ordinance is necessary and desirable to effectuate the purposes of Ordinance No. 2290 and to further the public health, safety and welfare of the residents of the city; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 6-2-32 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. 6-2-32. Applicability of article provisions.

The provisions of this article shall apply to any area within the city which is subject to the requirement for approval of a site plan pursuant to title 5, chapter 5 of this code; provided, however, that the provisions of sections 6-2-37, 6-2-38 and 6-2-39 shall apply to any area within the city.

Section 2. That Article C, Chapter 2, Title 6 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained by adding thereto Section 6-2-39 to read as follows:

Sec. 6-2-39 Interim designation of historic or specimen trees.

Whenever the arborist has determined that any tree should be protected by designation as an historic or specimen tree under the provisions of section 6-2-37 or 6-2-38 of this chapter, and the city manager has determined to propose such designation for consideration by the city council, the city manager shall forthwith issue an interim designation of such tree as an historic tree or a specimen tree, as the case may be. No tree so designated shall be removed or destroyed except as provided in section 6-2-36 of this code. Such interim designation shall remain in force and effect for 30 days, or until the next regular meeting of city council, whichever period is longer; provided, however, that no such interim designation shall continue in force and effect beyond the time at which city council determines to approve or disapprove the designation under the provisions of sections 6-2-37 or 6-2-38 of this code. Notice of such interim designation shall be posted in a prominent and secure fashion on or about any tree or group of trees so designated. No such notice shall be removed or destroyed other than pursuant to the directive of the city manager, and the unauthorized removal of such notice shall constitute a separate offense under the provisions of this chapter. Such notice shall clearly state that removal or destruction of such tree or trees, and/or removal or destruction of such notice, constitutes a violation of this chapter and shall set forth the penalty provided by law upon conviction of such offense. Such notice shall also state the date and time at which city council will consider the proposed designation of the tree or trees.

Section 3. 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 upon the date of its final passage.

JAMES P. MORAN, JR.  
Mayor

Final Passage: April 26, 1988