

Ordinance No. 902

AN ORDINANCE to amend The Code of the City of Alexandria, Virginia, 1953, as amended, by adding a new chapter thereto numbered 32A, which new Chapter 32A relates to REGULATING THE PLANTING, MAINTENANCE, PROTECTION, CONTROL, AND REMOVAL OF TREES, SHRUBS, PLANTS AND VEGETATION in the City of Alexandria, Virginia, and provides penalties for violations.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That The Code of the City of Alexandria, Virginia 1953, as amended, be and the same hereby is amended by adding a new chapter thereto numbered 32A to read as follows:

CHAPTER 32A TREES, SHRUBS, PLANTS AND VEGETATION

Sec. 32A-1—ADMINISTRATION

The director of Public Works 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.

Sec. 32A-2—PERMIT TO PLANT TREES, SHRUBS, PLANTS AND VEGETATION IN PUBLIC PLACES REQUIRED

It shall be unlawful for any person, firm, or corporation, except the Director of Public Works, 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 of Alexandria, except public school sites and public parks, without first applying for and obtaining a permit from the Director of Public Works, provided, however, that nothing herein contained shall prohibit the trimming or cutting of grass in the public right-of-way.

Sec. 32A-3—ISSUANCE OF PERMIT

The Director of Public Works shall issue a written permit 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 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 Public Works to regulate the proper planting, trimming or cutting or removal of trees, shrubs, plants and vegetation within the City of Alexandria, Virginia, and all work done under a permit issued by the Director of Public Works shall be performed in strict accordance with the terms thereof.

Sec. 32A-4—PERMIT, RIGHT RESERVED TO CITY TO TRIM OR REMOVE

Whenever a permit is granted to plant a tree, shrub, plant, or vegetation on any of the property enumerated in Sec. 32A-2, the right is reserved to the City at any time to trim, prune, or

remove such tree, shrub, plant, or other vegetation without notice to any abutting property owner but subject to the restrictions contained in this chapter.

Sec. 32A-5—PROHIBITED TREES, SHRUBS, PLANTS AND VEGETATION

No permit shall be issued for and it shall be unlawful to plant in any place designated in Sec. 32A-2 any tree, shrub, plant or vegetation except only the following:

Major Trees

Sugar maple, *Acer saccharum*
 London Plane tree, *Platanus acerfolium*
 Norway maple, *Acer platanoides*
 Red maple, *Acer rubrum*
 Pin oak, *Quercus palustris*
 Scarlet oak, *Quercus coccinea*
 Willow oak, *Quercus phellos*
 Northern red oak, *Quercus rubra borealis*
 Little leaf linden, *Tilia cordata*
 Moraine honeylocust, *Gleditsia triacanthos* (Moraine)
 American elm, *Ulmus americana*
 Augustine elm, *Ulmus augustine*
 Winged elm, *Ulmus alata*
 Sweetgum, *Liquidambar styraciflua*
 Green ash, *Fraxinus lanceolata*
 Ginkgo, *Ginkgo biloba* (male)
 Goldenrain tree, *Koelreuteria paniculata*

Minor Trees

Crape myrtle, red, watermelon pink and white
 Althea, any color
 Flowering crabs, *malus eleyi* & *floribunda*
 European mountain ash, *Sorbus aucuparia*
 Hawthorn, *Crataegus cordata*
 Dogwood, white and pink
 Modran, white bark tree (California)
 Magnolia, *stellata* and *soulangiana*
 Sour wood, *Oxydendrum arboreum*
 American hornbeam, *Carpinus caroliniana*
 Japanese flowering cherries, *Kwanzan* and *Akebono*
 American red bud, *cercis canadensis* and *can. alba*

Shrubs and other Vegetation

Any shrub under 30 inches in height
 Standard lawn or park grass

Sec. 32A-6—MASTER PLAN

The Director of Public Works, 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 and park sites.

Sec. 32A-7—DIRECTOR OF PUBLIC WORKS, CARE OF TREES, SHRUBS, PLANTS, AND VEGETATION

The Director of Public Works, 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 and park sites, and 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.

Sec. 32A-8—RESTRICTIONS ON REMOVAL OF TREES, SHRUBS, PLANTS AND VEGETATION FROM PUBLIC PROPERTY BY DIRECTOR OF PUBLIC WORKS

The Director of Public Works 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.

Sec. 32A-9—TREES, ETC. ON PRIVATE PROPERTY INTERFERING WITH PUBLIC OR PUBLIC PROPERTY

It shall be the duty of any person growing or permitting to be grown any tree, shrub, plant, or other vegetation on private property abutting on or near public property to trim or prune such tree, shrub, plant, or other vegetation so it does not and is not likely to interfere with, endanger, or cause a hazard to any public street, or highway, or vehicle or person thereon, public sidewalk, or person thereon, public property, or the public.

Sec. 32A-10—PROCEDURE TO CORRECT VIOLATIONS OF SEC. 32A-9

When a violation of Sec. 32A-9 is observed, the City Manager shall have a written notice to correct the condition served upon the owner, operator, occupant or other person growing or permitting the growth of any such tree, shrub, plant or other vegetation. Personal service of such notice or mailing such notice to the last known address of the owner of the premises, by registered mail, shall be deemed sufficient service. Any such notice shall describe the violation, describe the corrective measures necessary, and set forth a time limit for compliance, dependent upon the hazard created, which time limit shall however not be less than seven days nor more than thirty days from the service of the notice.

Sec. 32A-11—APPEALS

Any person concerned, shall have the right to appeal to the Council of the City of Alexandria, Virginia, provided a notice of appeal in writing is filed with the City Clerk within ten days from the receipt of the City Manager's notice. The City Clerk

shall immediately notify the City Manager of any such appeal and the City Manager shall docket the appeal for hearing at the next regular meeting of the City Council and notify the appellant of the hearing date. After a hearing on the matter, the City Council shall determine the action to be taken.

Sec. 32A-12—FINAL ACTION UPON FAILURE TO COMPLY WITH Sec. 32A-9

The Director of Public Works, or his duly authorized representative, may trim or prune the trees, shrubs, plants, or other vegetation described in the notice in Sec. 32A-10 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 Public Works shall not preclude any criminal proceeding for the violation.

Sec. 32A-13—IMMEDIATE DANGER FROM TREES, SHRUBS, PLANTS, OR OTHER VEGETATION ON PRIVATE PROPERTY

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, public sidewalk, or person thereon, public property, or the traveling public, be and hereby is declared a public nuisance and may be immediately trimmed or removed by the Director of Public Works when the person in control fails so to do, provided the Director of Public Works attempts to give the owner, operator, occupant, or other person responsible or in control at least four hours notice.

Sec. 32A-14—ABUSE OR MUTILATION OF TREES

It shall be unlawful for any person to abuse, destroy, or mutilate any tree, shrub, or plant in or on any public place, or to attach or place any rope or wire (other than one used to support a young or broken tree), sign, poster, handbill or other thing to or on any tree growing in a public place, or to cause or permit any wire charged with electricity to come in contact with any such tree, or to allow any gaseous, liquid, or solid substance which is harmful to such trees to come in contact with their roots or leaves.

Sec. 32A-15—PENALTY FOR VIOLATION

Any person violating any of the provisions of this chapter or failing to comply with any duty herein or any action of the Council hereunder shall upon conviction thereof be punished by a fine not to exceed fifty dollars (\$50.00) or by imprisonment in the City Jail not to exceed twenty days or both such fine and imprisonment.

Section 2. That this ordinance shall be published in a newspaper of general circulation 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 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.

LEROY S. BENDHEIM
Mayor