

**Code of Ordinances, City of Alexandria, Virginia
Abstracted April 2016**

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The City Charter

CHAPTER 2 Powers

Sec. 2.03 Powers relating to public works, utilities and properties.

In addition to the powers granted by other sections of this charter the city shall have power:

(a) To lay out, open, extend, widen, narrow, establish or change the grade, or close, vacate, abandon, construct, pave, curb, gutter, grade, regrade, adorn with shade trees, otherwise improve, maintain, repair, clean and light streets, including limited access or express highways, alleys, bridges, viaducts, subways and underpasses, and make and improve walkways upon streets and improve and pave alleys within the city; and the city shall have the same power and authority over any street, alley or other public place ceded or conveyed to the city or dedicated or devoted to public use as over other streets, alleys and other public places; provided, further, that whenever any ground shall have been opened to and used by the public as a street or alley for ten years it shall be considered as dedicated to the public and the city shall have the same authority and jurisdiction over and right and interest therein as it has over other streets.

...

CHAPTER 9 Planning, Zoning, and Subdivision Control

Sec. 9.24 Land subdivisions.

In order to provide for the orderly subdivision of land within the city, there is hereby conferred upon the city, the power to adopt resolutions relative to the subdivision of land in the manner hereinafter provided. Such regulations may prescribe standards and requirements for the subdivision of land which may include but shall not be limited to the following: Location, size and layout of lots so as to prevent congestion of population and to provide for light and air; the width, grade, location, alignment and arrangement of streets and sidewalks with relation to other existing streets, planned streets and the master plan; access for fire fighting apparatus; adequate open spaces; adequate and convenient facilities for vehicular parking; easements for public utilities; suitable sites for schools, parks and playgrounds; planting of shade trees and shrubs; the restriction or regulation of the erection of buildings and structures in areas subject to flood; naming and designation of streets and other public places; laying out, constructing and improving streets, alleys and sidewalks and the installation of storm and sanitary sewers or any other utilities owned by the city and apportioning the cost thereof; and the guarantee of payment by the developer of his proportionate share of such cost; procedure for making variations in such regulations and restrictions; requirements for plats of subdivisions and their size, scale, contents and other matters; for the erection of monuments of specified type for making and establishing property, street, alleys, and other lines and provide penalties for the unauthorized removal of such monuments. (Acts 1966, ch. 12, Sec. 1; Acts 1966, ch. 83, Sec. 1; Acts 1982, ch. 480, § 1)

TITLE 5 Transportation and Environmental Services

CHAPTER 1 Solid Waste Control

ARTICLE A General provisions

Sec. 5-1-2 Definitions.

The following words and phrases, when used in this chapter, shall for the purpose of this chapter have the meanings ascribed to them in this section, except for those instances where otherwise expressly provided.

...

(17) Yard debris. Shrubbery prunings, tree prunings not over two inches in diameter, grass clippings, leaves and similar materials.

...

(Code 1963, 32A-2; Ord. No. 3021, 3/16/85, Sec. 1; Ord. No. 3570, 5/11/92, Sec. 1; Ord. No. 3819, 9/16/95, Sec. 1; Ord. No. 4982, 12/12/15, Sec. 1)

ARTICLE H Recycling

Sec. 5-1-91 Definitions.

The following words and phrases, when used in this article, shall for the purposes of this article have the meanings ascribed to them in this section, except for those instances where otherwise expressly provided.

...

(10) Supplemental recyclable materials (SRMs). Abandoned automobiles, ash, batteries, construction and demolition waste, electronics, fluorescent light bulbs, kitchen grease and fat, sludge (composted), tree stumps, used antifreeze, and used oil filters.

...

(Ord. No. 4438, 2/25/06, Sec. 1; Ord. No. 4475, 2/24/07, Sec. 1)

CHAPTER 3 Underground Utilities

Sec. 5-3-4 Variance or waiver of provisions of article.

(a) The director of transportation and environmental services may waive one or more of the requirements of this article pertaining to new or expanded overhead customer utility services, provided that the director makes the following findings with respect to the customer utility service to which the waiver pertains:

- (i) that the person seeking the waiver has submitted a written application on a form provided by the director;
- (ii) that the person seeking the waiver has paid an application fee of \$100;
- (iii) that one or more of the following criteria are met:
 - a. the city arborist has determined that the new or expanded customer utility service, if placed underground, would endanger an existing mature tree by damaging its root system;

...

...

(Code 1963, Sec. 39A-4; Ord. No. 3575, 5/16/92, Sec. 1; Ord. No. 3587, 6/13/92, Sec. 1)

CHAPTER 4 Erosion and Sediment Control

Sec. 5-4-1 Definitions.

As used in this chapter, and pursuant to 9 VAC 25-840, the following terms shall have the meanings set forth below, unless the context requires a different meaning:

...

(j) "Land-disturbing activity" for the purposes of this chapter shall mean any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land.

...

(Ord. No. 4489, 6/16/07, Sec. 1; Ord. No. 4957, 6/13/15, Sec. 1)

Sec. 5-4-3 Same—change or disturb terrain.

...

(b) Except as provided in section 5-4-5 of this code, it shall be unlawful for any person to remove or destroy trees, shrubs, grass, weeds, vegetation, ground cover or other plant life on any land in the city unless there is in force an approved erosion and sedimentation control plan issued under the provisions of this chapter (Ord. No. 4489, 6/16/07, Sec. 1)

Sec. 5-4-4 Compliance with approved plan.

...

(c) It shall be unlawful for any person to remove or destroy trees, shrubs, grass, weeds, vegetation, ground cover or other plant life on any land in the city for which an approved erosion and sedimentation control plan is required by this chapter except in accordance with the approved plan.

(Ord. No. 4489, 6/16/07, Sec. 1)

Sec. 5-4-5 Exceptions.

The provisions of this chapter shall not apply to any construction, reconstruction, repair or alteration of any building or structure when no land is disturbed and no trees, shrubs, grass or vegetation is destroyed or removed, nor to any of the following:

(a) The construction or erection of any building or structure when the disturbed land area of the site is less than 2,500 square feet in size, provided there is no natural or man-made drainage ditch, swale draining in excess of 2,500 square feet, or storm sewer on the disturbed land and no existing or proposed grade on the disturbed land exceeds 10 percent.

(b) The alteration of any building or structure when the disturbed land area of the site will be less than 2,500 square feet, provided there is no natural or man-made drainage ditch, swale draining in excess of 2,500 square feet, or storm sewer on the disturbed land and no existing or proposed grade on the disturbed land exceeds 10 percent.

(c) The clearing, grading, excavating, filling or changing the contour of, or removing topsoil from, less than 2,500 square feet of land, provided there is no natural or man-made drainage ditch, swale draining in excess of 2,500 square feet, or storm sewer on the disturbed land and no existing or proposed grade on the disturbed land exceeds 10 percent.

(d) The clearing, grading, excavating, filling or changing the contour of, or removing topsoil from, less than 2,500 square feet of land, provided there is no natural or manmade drainage ditch, swale draining in excess of 2,500 square feet or storm sewer on the disturbed land, and further provided the disturbance of the land does not cause sedimentation on land outside the exterior boundaries of the land disturbed.

(e) The removal or destruction of trees, shrubs, grass, weeds, vegetation, ground cover, or other plant life which cover less than 2,500 square feet of land, provided there is no natural or manmade drainage ditch, swale draining in excess of 2,500 square feet, or storm sewer on the disturbed land and no existing or proposed grade on the disturbed land exceeds 10 percent.

(f) The planting, trimming, pruning or removal of trees, shrubs, grass, weeds, vegetation, ground cover or other plant life pursuant to chapter 2 of title 6 of this code.

(g) The removal or destruction of trees, shrubs, grass, weeds, vegetation, ground cover or other plant life which is dead, poisonous or infected with disease or injurious insects or pests.

(h) The gardening and care of lawns.

(i) The removal or destruction of trees, shrubs, grass, weeds, vegetation, ground cover or other plant life from lots of less than 2,500 square feet on which there now exists a dwelling.

(j) The exploration or drilling for oil and gas including the well site, roads, feeder lines and off-site disposal areas.

- (k) The repair or rebuilding of the tracts, right-of-way, bridges, communication facilities and other related structures and facilities of a railroad company.
 - (l) Shore erosion control projects on tidal waters when the projects are approved by local wetlands boards, the Marine Resources Commission and/or the U.S. Army Corps of Engineers and located on tidal waters and within nonvegetated or vegetated wetlands as defined in Title 28.2 of the Code of Virginia. However, any associated land that is disturbed outside of this exempted area shall remain subject to the article and the regulations adopted pursuant thereto.
 - (m) Emergency work to protect life, limb or property, and emergency repairs; provided, that, if the land-disturbing activity would have required an approved erosion and sediment control plan if the activity were not an emergency, the land area disturbed shall be shaped and stabilized in accordance with the requirements of the plan-approving authority.
 - (n) Individual utility service connections.
 - (o) Installation, maintenance, or repair of any underground public utility when such activity occurs on an existing hard surfaced road, street, or sidewalk provided the land-disturbing activity is confined to the area of the road, street, or sidewalk which is hard surfaced.
 - (p) Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system.
 - (q) Surface or deep mining.
 - (r) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation. However, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is forested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of this title or is converted to bona fide agricultural or improved pasture use as described in subsection B of § 10.1-1163.
 - (s) Agricultural engineering operations including, but not limited, to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the provisions of the Dam Safety Act, Article 2 (§ 10.1-604 et seq.) of Chapter 6 of the Erosion and Sediment Control Law, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and irrigation.
 - (t) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles.
- (Ord. No. 4489, 6/16/07, Sec. 1; Ord. No. 4957, 6/13/15, Sec. 1)

Sec. 5-4-8 Erosion and sediment control plans.

(a) Applications for approved erosion and sediment control plans shall be submitted to and filed with the director as part of the plan of development pursuant to the requirements in Article XIII of the Alexandria Zoning Ordinance, on forms prepared by the city, prior to the time any work subject to this chapter is begun on land. Fees for reviewing erosion and sediment control plans, grading plans and performing field inspections for all new structures, exterior alteration, plumbing, electrical, or mechanical building permits where more than 2,500 square feet are disturbed shall be required, the fee to be determined by the director. Five copies of an erosion and sediment control plan or grading plan must accompany any application, parts of which shall also be on forms prepared by the city. Upon receipt of an application and plans, the director shall consider the plan in light of the provisions of this chapter, and Virginia Erosion and Sediment Control Law and attendant regulations, and promptly approve the plan, disapprove the plan or approve the plan with modifications, noting thereon any changes that will be required. The director shall promptly notify the applicant of his or her decision on a plan. Any approved plan shall be issued,

dated, and bear the manual signature of the director or appropriate designee prior to the commencement of land-disturbing activities.

(b) An application shall show the following:

...

(10) A general description of existing trees, shrubs, grass, weeds, vegetation, ground cover and other plant life.

...

(Ord. No. 4489, 6/16/07, Sec. 1; Ord. No. 4957, 6/13/15, Sec. 1)

CHAPTER 6 Water and Sewer

ARTICLE A Water

Editorial Note: Ord. No. 4747, § 1, adopted Jan. 21, 2012, repealed § 5-6-1 and renumbered the remaining sections of Art. A as set out herein. The historical notation has been retained with the amended provisions for reference purposes. The former § 5-6-1 pertained to water use in emergencies and derived from § 40-1 of the 1963 Code.

DIVISION 2 Water Supply Emergency

Sec. 5-6-6 Declaration of water shortage condition.

(a) Whenever the city manager, or designated agent, determines that a water shortage condition exists, a water shortage condition may be declared by the city manager. The city manager, or designated agent, shall notify the general public that a water shortage condition has been declared and that more specific voluntary restrictions of water usage by residents and businesses are requested in order to help preserve the supply of potable water to the city.

(b) Upon the declaration of a water shortage condition, the city manager, or designated agent, may issue voluntary restrictions or recommend water conservation practices to help preserve the supply of potable water to the city. Such voluntary restrictions or conservation practices may include, but shall not be limited to, voluntary restriction of one or more of the following:

(1) Watering of shrubbery, trees, lawns, grass, plants, or other vegetation, except plants of flowers grown by a duly licensed florist;

...

(Ord. No. 4747, § 1, 1-21-12)

CHAPTER 10 Cemeteries

Editorial Note: Ord. No. 2630, § 1, adopted Nov. 14, 1981, added Ch. 7C to the 1963 Code; §§ 7C-1—7C-4 have been codified as tit. 5, ch. 10, §§ 5-10-1—5-10-4, at the editor's discretion.

Sec. 5-10-2 - Injuries to cemeteries, burial grounds, etc.

(a) If any person shall:

...

(2) Willfully or maliciously destroy, remove, cut, break or injure any tree, shrub or plant within any cemetery or lot of any memorial or monumental association;

...

...

(Ord. No. 2630, 11/14/81, Sec. 1)

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.

(Ord. No. 2800, 5/14/83, Sec. 1)

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.

(Ord. No. 2800, 5/14/83, Sec. 1; Ord. No. 3239, 10/19/87, Sec. 1)

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.

(Ord. No. 2800, 5/14/83, Sec. 1; Ord. No. 3239, 10/19/87, Sec. 2)

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 (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 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.

(Ord. No. 2800, 5/14/83, Sec. 1; Ord. No. 3239, 10/19/87, Sec. 3)

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.

(Ord. No. 2800, 5/14/83, Sec. 1; Ord. No. 3239, 10/19/87, Sec. 4)

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.

(Ord. No. 3239, 10/19/87, Sec. 5)

TITLE 6 Parks, Recreation and Cultural Activities

CHAPTER 2 Trees, Shrubs, Plants and Vegetation

ARTICLE A Regulation of Trees, Shrubs, etc., on Public Property

Cross References: Streets and sidewalks, Sec. 5-2-1 et seq.; for duties with respect to landscaping plans for proposed development sites, see Sec. 5-5-9(g)(2).

Sec. 6-2-1 Management and supervision.

The director of recreation, parks and cultural activities (hereinafter "director") 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 article.

(Code 1963, Sec. 39-1; Ord. No. 2699, 6/12/82, Sec. 1; Ord. No. 3283, 4/16/88, Sec. 1)

Sec. 6-2-2 Permit to plant, remove, etc., in public places—required.

It shall be unlawful for any person, except the director 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; provided, however, that nothing contained in this section shall prohibit the trimming or cutting of grass in the public right-of-way.

(Code 1963, Sec. 39-2; Ord. No. 2699, 6/12/82, Sec. 2)

Sec. 6-2-3 Same—issuance; information to be shown.

(a) The director 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.

(b) Any permit issued pursuant to the preceding section shall contain the location approved, the species of tree or shrub, the action allowed to be performed, the duration of the permit and any other requirements deemed necessary or desirable by the director 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 shall be performed in strict accordance with the terms thereof.
(Code 1963, Sec. 39-3; Ord. No. 2699, 6/12/82, Sec. 3)

Sec. 6-2-4 Right reserved to city to trim, remove, etc., trees, shrubs, etc., planted under permit.

Whenever a permit is granted to plant a tree, shrub, plant or vegetation on any of the property enumerated in section 6-2-2 of this code, 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.
(Code 1963, Sec. 39-4)

Sec. 6-2-5 Permitted trees, etc.

(a) No permit shall be issued for and it shall be unlawful to plant, in any place designated in section 6-2-2, any tree, shrub, plant or vegetation except only the following:

(1) Major trees

Common Name	Botanical Name
Amur maple	<i>Acer ginnala</i>
Norway maple	<i>Acer platanoides</i>
Columnar Norway maple	<i>Acer platanoides</i> "Columnare"
Crimson king Norway maple	<i>Acer pseudoplatanus</i>
Red maple	<i>Acer rubrum</i>
Columnar red maple	<i>Acer rubrum</i> "Columnare"
Sugar maple	<i>Acer saccharum</i>
Columnar sugar maple	<i>Acer saccharum</i> "Columare"
Sentry sugar maple	<i>Acer saccharum</i> "Monumentale"
Hornbeams	<i>Carpinus</i> species
Deodar cedar	<i>Cedrus deodara</i>
Hackberries	<i>Celtis</i> species
Lobb cryptomeria	<i>Cryptomeria japonica</i> lobbi
Leyland cypress	<i>Cupressocyparis leylandii</i>
Green ash	<i>Fraxinus pennsylvanica lanceolata</i>
Marshall's seedless ash	<i>Fraxinus pennsylvanica</i> "Marshall's Seedless"
Modesto ash	<i>Fraxinus veutina</i> glabra
Maidenhair tree	<i>Ginkgo biloba</i> (male)
Sentry ginkgo	<i>Ginkgo biloba</i> "Fastigiata"
Thornless honey locust	<i>Gleditsia triacanthos inermis</i>
Sweet gum	<i>Liquidambar styraciflua</i>
Dawn redwood	<i>Metasequoia glyptostroboides</i>
Sourgum	<i>Nyssa sylvatica</i>
American hop hornbeam	<i>Ostrya virginiana</i>
Sourwood	<i>Oxydendron arboreum</i>
Amur cork tree	<i>Phellodendron amurense</i> (seedless variety)
White pine	<i>Pinus strobus</i>
London planetree	<i>Platanus acerifolia</i>
Bradford pear	<i>Pyrus calleryana</i> "Bradford"
Sawtooth oak	<i>Quercus acutissima</i>
Northern red oak	<i>Quercus borealis</i>
Scarlet oak	<i>Quercus coccinea</i>
Willow oak	<i>Quercus phellos</i>
Japanese pagodatree	<i>Sophora japonica</i>
Lindens	<i>Tilia</i> species
Chinese elm	<i>Ulmus parvifolia</i>
Japanese zelkova	<i>Zelkova serrata</i>

(2) Minor Trees

Common Name	Botanical Name
Hedge maple	<i>Acer campestre</i>
Redbuds	<i>Cercis species</i>
American yellowwood	<i>Cladrastis lutea</i>
Flowering dogwood	<i>Cornus florida</i>
Red flowering dogwood	<i>Cornus florida rubra</i>
Japanese dogwood	<i>Cornus kousa</i>
Hawthorns	<i>Crataegus species</i>
Russian olive	<i>Eleagnus augustifolia</i>
Silverbells	<i>Halesia species</i>
American holly	<i>Illex opaca</i>
Golden raintree	<i>Koelreuteria paniculata</i>
Golden chaintree	<i>Laburnum wateri</i>
Kobus magnolia	<i>Magnolia kobus</i>
Star magnolia	<i>Magnolia stellata</i>
Sweet bay magnolia	<i>Magnolia virginiana</i>
Crabapples	<i>Malus species</i>
Flowering cherries	<i>Prunus species</i>
European mountain ash	<i>Sorbus aucuparia</i>
Japanese snowbell	<i>Styrax japonica</i>

(3) Shrubs, vegetation and exceptions:

- a. Any shrub under 30 inches in height which does not and is not likely to obscure vision.
- b. Standard lawn or park grass.

(b) No permit shall be issued for and it shall be unlawful to plant a tree in any place designated in section 6-2-2 unless there is at least one (1) foot of unobstructed earth extending from the tree trunk on all sides.

(c) The director or his duly authorized representative may plant trees and shrubs not permitted above in parks only.

(Code 1963, Sec. 39-5; Ord. No. 2699, 6/12/82, Sec. 4)

Sec. 6-2-6 Master plan.

The director, 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.

(Code 1963, Sec. 39-6; Ord. No. 2699, 6/12/82, Sec. 5)

Sec. 6-2-7 Responsibility of director for planting, trimming, removal, etc.

The director, 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 any places subject to the restrictions of this chapter.

(Code 1963, Sec. 39-7; Ord. No. 2699, 6/12/82, Sec. 6)

Sec. 6-2-8 - Restrictions on removal from public property by director.

The director 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:

- (1) is infected with a disease;
- (2) is infected with injurious insects or pests;
- (3) should be removed to make room for public improvement;
- (4) is endangering or is likely to endanger streets, highways, sidewalks, sewers, utility installations, property, vehicles or the traveling public; and/or
- (5) is dead or unsightly.

(Code 1963, Sec. 39-8; Ord. No. 2699, 6/12/82, Sec. 7)

Sec. 6-2-9 Abuse or mutilation of trees, etc.

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 tree, or to allow any gaseous, liquid or solid substance which is harmful to the trees to come in contact with their roots or leaves.

(Code 1963, Sec. 39-8.1)

ARTICLE B Regulation of Trees, Shrubs, etc., on Private Property Interfering With or Endangering the Public or Public Property

Sec. 6-2-21 Trees, shrubs, etc., on private property interfering with public or public property—trimming required.

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, any public sidewalk or person thereon or any public property or the public.

(Code 1963, Sec. 39-9)

Sec. 6-2-22 Same—procedure to correct violations of preceding section.

When a violation of section 6-2-21 of this code 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 such tree, shrub, plant or other vegetation. Personal service of the notice or mailing the 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 (7) days nor more than 30 days from the service of the notice.

(Code 1963, Sec. 39-10)

Sec. 6-2-23 Same—final action by city upon failure to comply with section 6-2-22.

The director of recreation, parks 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 6-2-22 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 shall not preclude any criminal proceeding for the violation.

(Code 1963, Sec. 39-11; Ord. No. 3283, 4/16/88, Sec. 2)

Sec. 6-2-24 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 when the person in control fails to do so; provided, that the director shall attempt to give the owner, operator, occupant or other person responsible or in control at least four (4) hours' notice. (Code 1963, Sec. 39-12; Ord. No. 2699, 6/12/82, Sec. 9)

ARTICLE C Removal or Destruction of Trees on Private Property

Sec. 6-2-31 - Definitions.

- (a) *Arborist*. The person designated by the city manager to administer the provisions of this article.
 - (b) *Buildable area*. That portion of a parcel of land on which a structure or improvements are planned to be erected as shown on a site plan or a plat submitted (whether simultaneously or subsequently) in conjunction with an application for approval of the subdivision of land.
 - (c) *Covered area*. The area within the outermost portion of the canopy of a tree.
 - (d) *Parcel*. A piece of land, regardless of size, in one ownership.
 - (e) *Tree*. Any self-supporting woody perennial plant which has a trunk diameter of five inches or more when measured at a point six inches above ground level and which normally attains an overall height of at least 10 feet at maturity.
- (Code 1963, Sec. 39-12.1; Ord. No. 3298, 6/18/88, Sec. 1)

Sec. 6-2-32 Applicability of article provisions.

The provisions of this article shall apply to any property within the city which is subject to the requirement for approval of a site plan pursuant to chapter 5, title 5 of this code, and to any property within the city which is subject to the requirement for approval of a plat of subdivision, pursuant to chapter 5, title 7 of this code, in order to subdivide a parcel as defined in section 7-5-1(9) into two or more lots in conjunction with the construction of two or more single-family, two-family or row dwellings; provided, however, that the provisions of sections 6-2-37, 6-2-38 and 6-2-39 shall apply to any property within the city. (Code 1963, Sec. 39-12.2 as amended by Ord. No. 2382, 6/26/79, Sec. 1; Ord. No. 3289, 4/26/88, Sec. 1; Ord. No. 3298, 6/18/88, Sec. 2)

Sec. 6-2-33 Permission to remove or destroy trees on private property—required.

Except as may otherwise be provided by this chapter, it shall be unlawful for any person to destroy or remove trees on any property covered by this article without first applying for and either obtaining a permit from the arborist or, as a part of the securing of a site plan or subdivision approval, obtaining permission of the planning commission. (Code 1963, Sec. 39-12.3; Ord. No. 3298, 6/18/88, Sec. 3)

Sec. 6-2-34 Same—issuance; regulations and procedures.

- (a) An application to the arborist under section 6-2-23 shall be made on such forms as the arborist shall prescribe and provide. No permit shall be issued to cover more than one parcel of land. A separate permit shall be obtained for each parcel of land on which trees are to be removed or destroyed. No application for a permit shall be considered until the applicant shall first have paid to the city a fee of \$10 and this sum shall not be returned to the applicant in the event the arborist revokes or refuses to issue the permit.
- (b) In the case of an application to the arborist, no permit shall be issued until the tree or trees sought to be removed have been inspected by the arborist or the authorized agent thereof. The arborist shall refuse to issue a permit if upon inspection it is found that the removal or destruction of the tree or trees for which the permit is sought would violate any provision of this article or would materially:
 - (1) cause or contribute to soil erosion or flooding;

- (2) cause or contribute to a violation of any provision of chapter 5, title 11 of this code;
 - (3) cause or contribute to the violation of any emission standard promulgated pursuant to the provisions of chapter 1, title 11 of this code; or
 - (4) have a significant detrimental effect on the aesthetics of the surrounding area.
- (c) In the case of an application for site plan approval pursuant to chapter 5, title 5 of this code, the planning commission shall grant permission to destroy or remove any tree which lies within the buildable area, and shall grant such permission as to any tree which lies outside the buildable area if the planning commission determines that the destruction or removal of the tree is reasonably required to develop the parcel in compliance with this code.
- (d) In the case of an application for subdivision approval pursuant to chapter 5, title 7 of this code, the planning commission or its subdivision committee, as the case may be, shall grant permission to remove or destroy any tree which lies within such buildable area as may be shown on a preliminary plat filed under section 7-5-23 and shall grant such permission as to any trees which lie outside the buildable area if it is determined that the destruction or removal of the tree is reasonably required to develop the parcel in compliance with this code. In the event no such buildable area is shown on such preliminary plat, permission to remove or destroy trees shall be obtained from the arborist, who may grant permission, pursuant to subsection (b) of this section, to remove or destroy any tree which lies within such buildable area as may be shown on the plat required by section 7-6-212 to be filed subsequent to the application for subdivision approval and who may grant such permission, pursuant to subsection (b) of this section, as to any tree which lies outside the buildable area.
- (e) In considering and approving site plans and subdivisions subject to the provisions of this article, the planning commission or subdivision committee, as the case may be, or the city council on appeal, shall give due consideration to the preservation and replacement of trees.
- (Code 1963, Sec. 39-12.4; Ord. No. 3298, 6/18/88, Sec. 4)

Sec. 6-2-35 Same—replacement of trees as a condition.

The arborist, or the planning commission, may require an applicant, as a condition of the issuance of a permit as provided by section 6-2-34 of this code, to implement a suitable plan for the replacement of the trees to be removed pursuant to the permit, which plan shall be provided by the applicant and approved by the arborist, or the planning commission, indicating the location, size, quantity and species of replacement trees to be provided. Any plans shall be limited to the parcel to which the permit would pertain. In determining whether such a plan shall be required as a condition of the issuance of the permit, the arborist, or the planning commission shall consider the intended use of the property and evaluate the effect of the removal or destruction of the trees for which the permit is sought, giving consideration to the following factors:

- (1) existing tree coverage, size and type;
- (2) number of trees to be removed on the entire property;
- (3) the area to be covered with structures, parking and driveways;
- (4) the grading plan and drainage requirements; and
- (5) the character of the site and its environs.

(Code 1963, Sec. 39-12.5)

Sec. 6-2-36 Same—exemptions.

The city manager may authorize the removal of any tree for which a permit is required by this article without the issuance of a permit if he determines that the tree constitutes a hazard to the public health or safety and requires immediate removal, or in the event of a

natural disaster, a man-made disaster or local emergency as defined in section 4-3-2 of this code.

(Code 1963, Sec. 39-12.6)

Sec. 6-2-37 Designation of historic trees.

(a) The city manager may designate as an historic tree any tree which she deems to be of notable historic interest because of its age, size, species, condition or historic association. Except as provided by section 6-2-36 of this code, or as may be approved by the city council after a public hearing, no historic tree shall be removed or destroyed.

(b) No historic designation shall be made with respect to any tree or trees on property other than public property except following 21 days written notice by mail to all owners of record of the parcel on which the tree or trees to be designated are located and the owners have been given an opportunity to submit written comments to the city manager.

(c) The city manager shall establish, and thereafter may amend, regulations for the administration of this section. The manager shall transmit such regulations, and any amendments thereto, to city council for its review and approval; provided, that any regulations established by the manager and any amendments thereto shall be effective upon their issuance by the manager and shall remain in effect unless and until disapproved by city council. The regulations established under this section shall at minimum include:

- (1) reasonable criteria for rating the factors of age, size, species, condition and historic association;
- (2) reasonable procedures for identifying the injury to the public health, safety and general welfare which would result from removal or destruction of the tree or trees to be designated and for determining whether such designation would substantially advance the purpose of protecting against the injury identified;
- (3) reasonable procedures for determining the diminution, if any, in the use or value of private property which would be caused by the designation and for determining whether any such diminution would be disproportionate to the injury to the public health, safety and general welfare which would be caused by the removal or destruction of the tree and would result in an unconstitutional deprivation of all or substantial use or value of private property; and
- (4) reasonable procedures for appealing to city council, in the manner provided in section 6-2-51, the manager's decision to designate or not to designate any tree or trees.

(Code 1963, Sec. 39-12.7; Ord. No. 3298, 6/18/88 Sec. 5)

Sec. 6-2-38 Designation of specimen trees.

(a) The city manager may designate as a specimen tree any tree which she deems to be of extraordinary value because of its age, size, species, condition or quality of uniqueness. Except as may be provided by section 6-2-36 of this code, or as may be approved by the city council after a public hearing, no specimen tree shall be removed or destroyed.

(b) No specimen designation shall be made with respect to any tree or trees on property other than public property except following 21 days written notice by mail to all owners of record of the parcel on which the tree or trees to be designated are located and the owners have been given an opportunity to submit written comments to the city manager.

(c) The city manager shall establish, and thereafter may amend, regulations for the administration of this section. The manager shall transmit such regulations, and any amendments thereto, to city council for its review and approval; provided, that any regulations established by the manager and any amendments thereto shall be effective upon their issuance by the manager and shall remain in effect unless and until disapproved by city council. The regulations established under this section shall at minimum include:

- (1) reasonable criteria for rating the factors of age, size, species, condition and quality of uniqueness;

- (2) reasonable procedures for identifying the injury to the public health, safety and general welfare which would result from removal or destruction of the tree or trees to be designated and for determining whether such designation would substantially advance the purpose of protecting against the injury identified;
- (3) reasonable procedures for determining the diminution, if any, in the use or value of private property which would be caused by the designation and for determining whether any such diminution would be disproportionate to the injury to the public health, safety and general welfare which would be caused by the removal or destruction of the tree and would result in an unconstitutional deprivation of all or substantial use or value of private property; and
- (4) reasonable procedures for appealing to city council, in the manner provided in section 6-2-51, the manager's decision to-designate or not to designate any tree or trees.

(Code 1963, Sec. 39-12.8; Ord. No. 3298, 6/18/88, Sec. 6)

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, and the city manager has determined to proceed with designation, 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. Such interim designation shall remain in force and effect for 30 days: provided, however, that no such interim designation shall continue in force and effect beyond the time at which the manager determines to approve or disapprove the designation under the provisions of section 6-2-37 or 6-2-38. 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.

(Ord. No. 3289, 4/26/88, Sec. 2; Ord. No. 3298, 6/18/88, Sec. 7)

TITLE 13 Miscellaneous Offenses

CHAPTER 1 General Offenses

Sec. 13-1-20 Same—gardens and orchards.

It shall be unlawful for any person to enter any enclosed or unenclosed vegetable garden or any orchard located within the city, without the consent of the owner, tenant or agent of the owner or tenant, and there cut down, injure, damage, destroy, eat or carry away any portion of the garden or orchard, including any growing thing, crop, tree, timber, seed, grass, soil, fertilizer, water supply, tool, implement, fence or any other protective device, or any other thing useful for the development, cultivation, maintenance and use of the garden or orchard. Any person violating the provisions of this section shall be guilty of a class 3 misdemeanor.

(Code 1963, Sec. 23-24; Ord. No. 2826, 6/28/83, Sec. 16)

Sec. 13-1-21.1 Prohibition against littering and other improper discard or disposal.

(a) *Definitions.* The following words and terms, when used in this section, shall for the purpose of this section have the following meanings ascribed to them in this section:

...
(12) *Rubbish* means combustible or slowly putrescible discarded materials, which include but are not limited to trees, wood, leaves, straw, hay, trimmings from shrubs or trees, printed matter, plastic and paper products, grass, rags, and other combustible or slowly putrescible materials not included under the term "garbage."
...

...
(Ord. No. 4569, 12/13/08, Sec. 2)

ZONING

ARTICLE XIII. ENVIRONMENTAL MANAGEMENT

13-103 Definitions.

The following words and terms used in this Article XIII have the following meanings, unless the context clearly indicates otherwise.

...
(D) *Best management practice (BMP)*. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices, including both structural and nonstructural practices, to prevent or reduce the pollution of surface water and groundwater systems from the impacts of land-disturbing activities.

(E) *Buffer area*. An area of natural or established vegetation managed to protect other components of a resource protection area and state waters from significant degradation due to land disturbances. To effectively perform this function, the buffer area will achieve a 75 percent reduction of sediments and a 40 percent reduction of nutrients. A 100-foot wide buffer area shall be considered to meet this standard.

(F) *Chesapeake Bay Preservation Act land-disturbing activity*. A land-disturbing activity including clearing, grading, or excavation that results in a land disturbance equal or greater than 2,500 square feet and less than one acre in all areas of the city designated as subject to the regulations adopted pursuant to the Chesapeake Bay Preservation Act, Code of Virginia, § 62.1-44.15:67 et seq.

...
(Q) *Impervious cover*. A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to: roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

...
(T) *Land disturbance or land-disturbing activity*. A manmade change to the land surface that potentially changes its runoff characteristics, including clearing, grading, filling, or excavation.

...

13-107 Development, redevelopment, and uses permitted in RPAs.

The following criteria shall apply in RPAs unless the development, redevelopment, use, or land-disturbing activity is exempted under section 13-123 or granted an exception pursuant to section 13-119. All development, redevelopment, and uses within the RPA must comply with the performance criteria provided in section 13-109.

...

(C) The following, if permitted in the underlying zone, are allowed within the RPA if approved by the director of T&ES and provided that a water quality impact assessment is performed and accepted by the director of T&ES as complete in accordance with section 13-117.

...

(4) Stream restoration projects and shoreline erosion control and stabilization projects, including the removal of trees and woody vegetation, employment of necessary restoration, control, and stabilization techniques, and establishment of appropriate vegetation, may be allowed in accordance with the best available technical advice and applicable permit conditions or requirements if approved by the city arborist.

(D) In order to maintain the functional value of the RPA buffer area, existing vegetation may be removed if approved by the director of T&ES and only to provide for reasonable sight lines, access paths, general woodlot management, and best management practices to prevent upland erosion and concentrated flows of stormwater, as follows:

(1) Trees may be pruned or removed as necessary to provide for sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff. Replacement vegetation shall require the approval of the director of T&ES, in consultation with the department of recreation, parks, and cultural activities and the department of planning and zoning.

(2) Any path shall be constructed and surfaced so as to effectively control erosion.

(3) Dead, diseased, or dying trees or shrubbery and noxious weeds (such as Johnson grass, kudzu, and multiflora rose) may be removed and thinning of trees may be conducted. The director of T&ES may approve a long term management plan for a specific RPA that complies with professionally recognized management practices.

...

13-110 Alexandria water quality improvement fund and alternative stormwater management equivalency options.

...

(D) In determining whether to allow equivalent stormwater options, as well as the appropriate combination of on-site and off-site controls, the director of T&ES shall take into consideration the following:

(2) Whether other environmental and public benefits such as site design, open space, tree preservation, and landscaping can be achieved;

...

...

13-117 Water quality impact assessment.

...

(C) A water quality minor impact assessment is required for development or redevelopment within RPAs or under an exception which involves 5,000 or less square feet of land disturbance; or for any development or redevelopment within the RMA that involves 5,000 or less square feet of land disturbance adjacent to an RPA, if required by the director of T&ES due to the presence or proximity of wetlands, potential for harmful discharge of contaminants from the property, or slopes greater than 15 percent which are proposed to be disturbed. A minor assessment must demonstrate that the undisturbed buffer area, enhanced vegetative plantings, and any required BMPs will result in the removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater runoff and that will retard runoff, prevent erosion, and filter nonpoint source pollution the equivalent of the full undisturbed buffer area. Such an assessment shall include a site plan that shows the following:

...

- (4) Location of existing vegetation on-site, including the number and types of trees and other vegetation to be removed in the buffer to accommodate the encroachment or modification; and
 - (5) Revegetation plan that supplements the existing buffer vegetation in a manner that provides for pollutant removal, erosion, and runoff control. The revegetation plan will incorporate native vegetation to the extent practicable.
- (D) A water quality major impact assessment is required for development or redevelopment within RPAs or under an exception that involves more than 5,000 square feet of land disturbance; or for any development or redevelopment within the RMA which involves more than 5,000 square feet of land disturbance adjacent to an RPA, if required by the director of T&ES due to the presence or proximity of wetlands, potential for harmful discharge of contaminants from the property, or slopes greater than 15 percent which are proposed to be disturbed. The following elements shall be included in a water quality major impact assessment:

...

- (3) A supplement to the landscape plan that:
 - (a) Identifies and delineates the location of all significant plant material, including all trees on site six inches or greater diameter breast height. Where there are groups of trees, stands shall be outlined.
 - (b) Describes the impacts the development or use will have on the existing vegetation. Information should include:
 - (i) General limits of clearing based on all anticipated improvements, including buildings, drives, and utilities;
 - (ii) Clear delineation of all trees which will be removed; and
 - (iii) Description of plant species to be disturbed or removed.
 - (c) Describes the potential measures for mitigation. Possible mitigation measures include:
 - (i) Replanting schedule for trees and other significant vegetation removed for construction, including a list of possible plants and trees to be used;
 - (ii) Demonstration that the proposed plan will preserve to the greatest extent possible any significant trees and vegetation on the site and will provide maximum erosion and overland flow benefits from such vegetation;
 - (iii) Demonstration that indigenous plants are to be used to the greatest extent possible; and
 - (iv) Identification of the natural processes and ecological relationships inherent at the site, and an assessment of the impact of the proposed use and development of the land, including mitigating measures proposed in the water quality impact assessment, on these processes and relationships.

...