

County Code, Arlington, Virginia

Abstracted April 2016

<http://countyboard.arlingtonva.us/county-code/>

<http://environment.arlingtonva.us/trees/trees-shrubs-ordinance/>

Chapter 8.1 FIRE PREVENTION CODE

ARTICLE II. FIRE PREVENTION CODE

Sec. 8.1-22. Incorporation Amendments, Additions and Deletions to the Virginia Statewide Fire Prevention Code.

508.5.5. Clear space around hydrants and fire department connections.

Clear space shall be maintained around the circumference of any fire hydrant or fire department connection. No person shall plant anything or erect any obstruction within four (4) feet of any fire hydrant or ten (10) feet of any fire department connection and shall not be obstructed by trees, shrubs, plants, structures or any other object.

901.11. Obstruction of fire hydrants and fire department connections.

Fire hydrants and fire department connections shall have a minimum of four (4) feet of clear space maintained in all directions and shall not be obstructed by trees, shrubs, plants, structures or any other objects.

CHAPTER 10 GARBAGE, REFUSE AND WEEDS

Article I. Residential Refuse and Recycling

Sec. 10-2. Definitions.

The following words and terms, when used in this article, shall have the following meanings unless the context clearly indicates otherwise:

"Bundled brush" means tree branches, shrubbery trimmings, and similar plant items that are securely tied in bundles, each bundle not exceeding four (4) feet in length, twenty-four (24) inches in diameter and fifty (50) pounds in weight.

"Unbundled brush" means trees, tree branches, shrubbery trimmings and similar plant material not exceeding ten (10) feet in length and eighteen (18) inches in diameter.

"Yard waste" means decomposable waste materials generated by general residential yard and lawn care and includes leaves, grass trimmings, brush, wood chips, and shrub and tree trimmings. Yard waste shall not include roots or stumps that exceed 12 inches in diameter nor does yard waste include any materials resulting from land clearing or development activities.

(Ord. No. 83-22, 7-13-83; Ord. No. 92-19, 7-1-92; Ord. No. 96-9, 6-29-96; Ord. No. 03-07, 3-29-03; Ord. No. 10-21, 12-11-10, effective 1-1-11, Ord. No. 15-08, 11-14-15)

Sec. 10-6. Storage, Removal, and Maintenance.

...

B. Responsibilities of owners and occupants of dwellings required to participate in the County residential collection system:

1. It shall be the responsibility of the owner, or occupant if different from the owner, of each dwelling receiving County residential collection service, to adhere to the following practices:

...

f. At occupant's expense, privately dispose of:

...

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(4) Trees, tree branches, shrubbery, or other plant material that exceed ten (10) feet in length or eighteen (18) inches in diameter or that are the result of the clearing of multiple trees from a property.

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ARTICLE II. CONDITION OF PRIVATE PROPERTY

Sec. 10-12. Definitions.

The following words and terms, when used in this article, shall have the following meanings unless the context clearly indicates otherwise:

"Danger or hazard to public health or safety" means a condition, as determined by the County Manager or his designee, in which it is reasonably certain or foreseeable that the healthful or sanitary condition or safety of the general body of people in the County is being or will be reduced or that the healthful or sanitary conditions or safety of persons whom it is in the general County interest to protect is being reduced. Dangers to health or safety may include, by way of illustration and not limitation, trees or parts thereof in danger of falling on the County right-of-way or other public lands, and conditions which may cause disease (including allergic reactions), harbor vermin and other animals, provide shelter or cover for unlawful activities, or be a source for the spread of litter or weeds to the property of others.

"Yard waste" means decomposable waste materials generated by general residential yard and lawn care and includes leaves, grass trimmings, brush, wood chips, and shrub and tree trimmings. Yard waste shall not include roots or stumps that exceed 12 inches in diameter nor does yard waste include any materials resulting from land clearing or development activities

(2-21-81; 4-24-82; Ord. No. 85-43, 2-1-86; Ord. No. 96-7, 5-11-96; Ord. No. 12-08, 6-16-12)

Sec. 10-13. Duty of Property Owner to Cut Grass, Weeds, Maintain Lawns, Etc.

A. It shall be the duty of each owner of vacant property to cut grass, weeds, and other foreign growth (which may include trees or parts thereof) on such property when such growth on such property creates a health or safety hazard.

B. It shall be the duty of each owner of occupied residential real property to cut the grass or lawn area of less than one-half (1/2) acre on such property within ten (10) days after notice from the County Manager or designee when the growth on such grass or lawn area exceeds twelve (12) inches in height. The County may, if the grass or lawn is not cut, after thirty (30) days' notice, have such grass or lawn area cut by the County's agents or employees and the cost thereof shall be charged to and paid by the owner of such property and may be collected by the County as taxes and levies are collected.

(2-21-81; 4-24-82; Ord. No. 93-18, 9-22-93; Ord. No. 96-7, 5-11-96)

Sec. 10-15. Duty of Each Property Owner or Occupant of Property to Cut Back Obstructing Vegetation.

It shall be the joint and several duty of each owner or occupant of property to cut back or remove trees or parts thereof, hedges, shrubs, vines and other vegetation which encroaches upon any sidewalk, alley, roadway, street or highway and which impairs or obstructs any pedestrian or vehicular traffic. Such growth higher than ten (10) feet above the surface of a walk or roadway need not be removed unless such growth creates a health or safety hazard.

(2-21-81; 4-24-82; Ord. No. 96-7, 5-11-96)

Chapter 17 MISCELLANEOUS OFFENSES AND PROVISIONS

Sec. 17-1. Display of Signs, Advertisements, Etc., on County Property.

It shall be unlawful for any person to display any sign, placard, political poster or other form of advertisement in any office, room, space, corridor, grounds or in any location whatsoever in or

upon any land, including on trees and other vegetation, and buildings under the control of the County Board; provided, that there shall be excepted from the terms of this section the following:

- A. Legal advertisements and notices pursuant to court order and the State statutes.
- B. Advertisements and notices of a governmental nature pertaining to the government of the United States, the government of the State and the government of the County.
- C. Advertisements and notices of a patriotic or charitable nature, signs necessary for the maintenance of the buildings and grounds, or such signs as may be determined as rendering a service to the County upon written authority of the County Manager.

Any person who shall be convicted of a violation of this section shall be punished by a fine of not more than fifty dollars (\$50.00) or by confinement in the County Jail for not more than ten (10) days, or both.

(10-25-51; Ord. No. 96-7, 5-11-96)

Chapter 22 STREET DEVELOPMENT AND CONSTRUCTION

Sec. 22-3. Specifications.

Specifications covering the type of work that is proposed to be done according to the plans are available from Arlington County. These specifications with plans will cover excavation, drainage, curb and gutter, sidewalks, road surface from curb to curb, storm sewers, planting and street trees and all other incidental construction such as utility facilities and street lighting as shown on plans or as given in written instructions. Standards, specifications, regulations and special provisions of the Department of Environmental Services shall be followed unless otherwise specified.

(5-23-61; 2-7-70; Ord. No. 88-7, 7-1-88; Ord. No. 04-25, 10-2-04)

Sec. 22-6. Acceptance of County Streets.

No dedicated street, highway, public right-of-way or any part thereof hereafter will be accepted unconditionally as a County street or highway, unless and until the same shall have been constructed according to plans, specifications and written instructions of and approved by the County Manager. No street or highway shall hereafter be accepted unless it is at least one (1) block long, unless it intersects the boundary of the subdivision of which it is a part or on account of unusual conditions, upon the approval of the County Manager. But this provision shall not be construed as to defeat or deny any right which the County, or the public at large, may have acquired or may hereafter acquire, in any easement or way, under the general provisions of the law.

Interlocking concrete and brick pavers and trees and shrubbery as required by the approved plans and specification shall be warranted as follows for a period of one (1) year beyond the date of the approval of work as established in § 22-5, subsection K:

Interlocking concrete and brick pavers against settlement which creates an unsafe or hazardous condition for pedestrians and is attributable to foundation failures or poor construction practices. Trees and shrubs shall be planted in conformity with standards set forth in the American National Standards Institutes (ANSI) publication, Z-60.1-1990, except for those failures resulting from extreme weather conditions or abuse or destruction by others beyond the control of the permittee.

(5-23-61; 2-7-70; Ord. No. 88-7, 7-1-88; Ord. No. 96-7, 5-11-96)

Sec. 22-7. Charges.

The cost of the engineering services including review and approval of civil engineering plans, building plans, right-of-way use permits, supervision and inspection of construction, shall be borne by the owner or developer at the charges set out below.

...

F. Driveways, sidewalks, curb and gutter and landscaping:

Base permit fee for one entrance	155.00
Each additional entrance	225.00
Sidewalk, curb and gutter	225.00

For every 50 feet or portion thereof	
Street trees: Base permit fee (not related to a site plan development)	30.00

...

Chapter 38.1 WATER SUPPLY EMERGENCIES

ARTICLE III. WATER SHORTAGE CONDITIONS

Sec. 38.1-6. Issuance of Voluntary Restrictions or Recommended Water Conservation Practices.

Upon the declaration of a water shortage condition, the County Manager, or his designee, may issue voluntary restrictions or recommended water conservation practices to help preserve the supply of potable water to Arlington County. Such voluntary restrictions or conservation practices may include, but shall not be limited to, voluntary restriction of one (1) or more of the following:

- A. Watering of shrubbery, trees, lawns, grass, plants, or other vegetation;

...

(Ord. No. 02-5, § 1, 4-20-02)

Sec. 38.1-11. Restrictions or Prohibitions to Address a Water Supply Emergency.

Upon the adoption of an ordinance by the County Board declaring a water supply emergency, the County Manager is authorized to promulgate and implement, in writing, voluntary or mandatory water consumption restrictions or prohibitions necessary to preserve the ability of the County to provide adequate and acceptable levels of potable water to preserve the public health, safety, and welfare. Water restrictions or prohibitions promulgated by the County Manager may include, but shall not be limited to, restriction or prohibition of one (1) or more of the following activities:

- A. Watering of shrubbery, trees, lawns, grass, plants, or other vegetation;

...

(Ord. No. 02-5, § 1, 4-20-02)

Chapter 41.2 CABLE TELEVISION COMMUNICATIONS

Sec. 41.2-7. Design and Construction.

A. System construction schedule. Every Certificate shall specify the construction schedule that will apply to any required construction, upgrade, or rebuild of the Cable System. The schedule shall provide for prompt completion of the construction, upgrade or rebuild, considering the amount and type of work required, and shall show areas of the County that will be affected.

B. Construction procedures.

...

- 9. No tree trimming shall be performed without the permission of the County and other affected authorities. Any tree trimming shall be performed in strict accordance with this Code and all County rules, regulations, policies and procedures.

...

...

Public Rights-of-Way, as required by any applicable provision of the County Code. A Franchisee shall also be required to obtain any other applicable permits that may be required by the County or any other entity having jurisdiction.

(Ord. No. 98-21, 6-20-98)

Chapter 57 EROSION AND SEDIMENT CONTROL

Sec. 57-4. Definitions.

From the Virginia Tree Ordinance Database, <http://vtod.frec.vt.edu>

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The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Erosion, and sediment control plan" or "plan" means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps and appropriate soil and water plan inventory and management information with needed interpretations and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that entire unit or units of land will be treated so as to achieve the conservation objectives.

"Land-disturbing activity" means any man-made change to the land surface which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the state, including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:

...
(8) Such minor land-disturbing activities as home gardens and individual landscaping, repairs, and maintenance work of areas which are less than two thousand five hundred (2,500) square feet and for which no building permit is required;
...

(6-27-76; 7-30-77; Ord. No. 82-11, 4-25-82; Ord. No. 92-16, 5-1-92; Ord. No. 94-17, 6-4-94; Ord. No. 98-25, 10-17-99; Ord. No. 04-25, 10-2-04; Ord. No. 08-01, 1-26-08; Ord. No. 14-05, 5-10-14, effective 7-1-14)

Chapter 60 STORMWATER MANAGEMENT

Sec. 60-4. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings unless the contest clearly indicates otherwise:

"Best management practice" or "BMP" means schedules of activities, prohibitions of practices, including both structural and nonstructural practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities.

"Chesapeake Bay Preservation Act land-disturbing activity" means a land-disturbing activity including clearing, grading, or excavation that results in a land disturbance equal to or greater than 2,500 square feet and less than one acre in areas of the County designated as subject to the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830) adopted pursuant to the Chesapeake Bay Preservation Act.

"Development" means land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes.

"Impervious cover" or "impervious surface" means a surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Depending on the design, impervious surfaces may include, but are not limited to: roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel or dirt surface.

"Land disturbance" or "land-disturbing activity" means a man-made change to the land surface that potentially changes its runoff characteristics including clearing, grading, or excavation except that the term shall not include those exemptions specified in Section 60-5 of this chapter.

"New development" means the process of developing land that has not been previously developed by the construction of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures.

(Ord. No. 14-05, 5-10-14, effective 7-1-14)

Chapter 61 CHESAPEAKE BAY PRESERVATION ORDINANCE

61-3. Definitions

The following words and terms, when used in this chapter, have the following meanings unless the context clearly indicates otherwise:

"Best management practice," or "BMP" means schedules of activities, prohibitions of practices, including both structural and nonstructural practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities.

"Development" means land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes.

"Diameter at breast height" or "DBH" means the diameter of a tree measured outside the bark at a point four and one-half (4.5) feet above the ground.

"Dripline" means a vertical projection to the ground surface from the furthest lateral extent of a tree or shrub's canopy.

"Impervious cover" or "impervious surface" means a surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Depending on the design, impervious surfaces may include, but are not limited to: roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel or dirt surface.

"Land-disturbance" or "land-disturbing activity" means those activities which disturb land by grading of soil, removing soil, filling over soil, altering structures such that soil is disturbed, dredging, paving or removing pavement over soils, clearing, grubbing, or any other activity specifically included in this chapter as having the potential for impacts to water quality, except that minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work shall not be considered land disturbance under this chapter unless it involves the creation of impervious cover in the Resource Protection Area, the disturbance of more than two thousand five hundred (2,500) square feet of land, or the removal of trees with a diameter of at least three (3) inches in the RPA.

"Noxious vegetation" means invasive or otherwise harmful plants as may be determined by the Director including, but not limited to, poison ivy, poison oak, poison sumac, Johnson grass, kudzu, bamboo, English ivy, porcelain berry, and multiflora rose.

"Tree canopy" means the branches, leaves, or other foliage from woody vegetation exceeding five (5) feet in height. The area of tree canopy may be measured by determining the area surrounding a tree located within the dripline.

(Ord. No. 03-1, 2-8-03; Ord. No. 14-05, 5-10-14, effective 7-1-14)

61-7. Allowable Development, Modifications, and Encroachments in RPAs

The following uses are allowed within the RPA, subject to the conditions set forth below, and the submission and review of a WQIA in accordance with § 61-12. All other uses, as may be

permitted in this chapter, are subject to additional requirements contained in § 61-14 (nonconforming uses and structures), § 61-15 (exemptions), and § 61-16 (exceptions).

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B. Allowable Modifications to RPA Buffers. To minimize the adverse effects of human activities on the other components of the RPA, state waters, and aquatic life, a buffer area at least one hundred (100) feet wide of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist. Notwithstanding permitted uses, encroachments, and vegetation clearing allowed in this chapter, the minimum one hundred (100) foot buffer area is not reduced in width.

In order to maintain the functional value of the RPA buffer, existing trees and vegetation may be removed, only as permitted by the Director, to provide for reasonable sight lines, access paths, general woodlot management, and Best Management Practices including those that prevent upland erosion and concentrated flows of stormwater, as follows:

1. Trees may be pruned or removed from the RPA buffer 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.
2. Trees may be pruned or removed from the RPA buffer in an area no greater than five thousand (5,000) square feet or twenty-five percent (25%) of the RPA buffer, whichever is less, for all sight lines and vistas combined. The bounds of this area shall be determined in a manner acceptable to the Director and are to be based on identified vantage points and the portion of the landscape to be viewed.
3. Trees may not be removed where reasonable sight lines or vistas can be created by pruning trees alone. No more than twenty-five (25%) of the trees six (6) inches or greater in diameter at breast height (four and one-half (4.5) feet) may be removed from the areas designated for sight lines and vistas.
4. A written request for a determination by the Director that the proposed removal of vegetation from the RPA buffer is in accordance with the requirements of this chapter is required. Such request shall include a plan showing the following:
 - a. The vantage points for the sight lines and vistas;
 - b. The portion of the landscape to be viewed;
 - c. The area in which trees are to be pruned or removed;
 - d. The location of all trees six (6) inches or greater in diameter at breast height (four and one-half (4.5) feet) or as required by the Director;
 - e. The location of the trees to be removed or pruned;
 - f. The type of replacement vegetation proposed.
5. Trees may not be pruned or removed from the RPA buffer until a written determination is obtained from the Director that the proposed activity is in accordance with the requirements of this chapter.
6. Any path shall be constructed and surfaced so as to control erosion effectively. Paths serving individual residential lots shall be no more than four (4) feet in width.
7. Noxious vegetation and dead, diseased, or dying trees or shrubbery may be removed from the RPA buffer at the discretion of the landowner 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.
8. For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with applicable permit conditions or requirements. For shoreline erosion control projects which propose the use of sea walls, rip-rap, groins or other structural means of stabilization, it shall be demonstrated to the satisfaction of the Director that vegetative techniques cannot be effectively utilized.

...

(Ord. No. 03-1, 2-8-03; Ord. No. 14-05, 5-10-14, effective 7-1-14)

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61-10. General Performance Standards for Development in Chesapeake Bay Preservation Areas

The following general performance standards shall apply to development in Chesapeake Bay Preservation Areas, including development in both RPAs and RMAs.

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- B. Existing vegetation and trees shall be preserved to the maximum extent practicable consistent with the proposed use and development permitted and in accordance with the Virginia Erosion and Sediment Control Handbook, current edition.
1. Existing trees over three (3) inches in diameter at breast height (DBH) shall be preserved outside the approved construction footprint consistent with the preceding paragraph. Diseased trees or trees weakened by age, storm, fire, or other injury may be removed, when approved by the Director.
 2. Site clearing for construction activities shall be allowed as approved by the Director through the Plan of Development review process outlined under § 61-13 of this chapter.
 3. Prior to clearing and grading, suitable protective barriers consistent with the Arlington County's Department of Environmental Services Construction standards and specifications, current edition, and including safety fencing, signs, or such other material as may be required by the Director, shall be erected to protect the critical root zone for any tree or stand of trees to be preserved on the site, as well as to protect the critical root zone of trees on adjacent properties that extend onto the site.
 4. Exceptions may be granted to allow reasonable access to the site and work area, with specific conditions to be established by the Director. Protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.
- C. All new development or redevelopment shall provide for the planting or retention of trees on the site to the extent that, at a maturity of twenty (20) years, the minimum lot coverage of the tree canopy shall be as specified below:
1. Minimum tree canopy requirements
 - a. Ten percent (10%) tree canopy for a site zoned business, commercial, or industrial;
 - b. Ten percent (10%) tree canopy for a residential site zoned twenty (20) or more units per acre;
 - c. Fifteen percent (15%) tree canopy for a residential site zoned more than ten (10) but less than twenty (20) units per acre; and,
 - d. Twenty percent (20%) tree canopy for a residential site zoned ten (10) units or less per acre.
 2. The Director may modify the tree canopy coverage requirements in this chapter where necessary to preserve wetlands or where the strict application of the requirements would be unnecessary, or an unreasonable hardship to the developer.
 3. Dedicated school sites, playing fields, or other nonwooded public recreation areas, and other facilities and uses of a similar nature are exempt from these tree canopy coverage requirements.
 4. The Director may impose conditions on any request for a modification or exception to the tree canopy coverage requirements that will assure that the results of the modification or exception will be in accordance with the purpose and intent of this chapter.
 5. The tree canopy coverage requirements in this section shall be subject to the enforcement provisions of the Zoning Ordinance.

...

(Ord. No. 03-1, 2-8-03; Ord. No. 14-05, 5-10-14, effective 7-1-14)

61-12. Water Quality Impact Assessment

...

- B. *Minor water quality impact assessment.* A minor water quality impact assessment shall be performed for any land disturbance or development that proposes to disturb up to five

thousand (5,000) square feet of land in the landward fifty (50) feet of the RPA buffer or proposes to modify or encroach into the landward fifty (50) feet of the RPA buffer. A minor water quality impact assessment shall also be required for any proposed land disturbance or development that proposes to disturb up to five thousand (5,000) square feet of land on contiguous steep slopes greater than or equal to fifteen percent (15%) located adjacent to the landward boundary of the RPA buffer.

A minor assessment shall include a site drawing to scale, which shows the following:

...

5. Location of existing vegetation onsite, including the number and type of trees and other vegetation to be removed in the RPA buffer to accommodate the encroachment or modification;
6. Re-vegetation or vegetation enhancement plan that supplements the existing RPA buffer vegetation in a manner that provides for pollutant removal, erosion and runoff control.

C. *Major water quality impact assessment.* A major water quality impact assessment shall be performed for any land disturbance or development that proposes to disturb more than five thousand (5,000) square feet of land in the landward fifty (50) feet of the RPA buffer or proposes to disturb, modify, or encroach into any portion of the seaward fifty (50) feet of the Resource Protection Area buffer, regardless of the size of the proposed disturbance. A major water quality impact assessment shall also be required for any proposed land disturbance or development that proposes to disturb more than five thousand (5,000) square feet of land on contiguous steep slopes greater than or equal to fifteen percent (15%) located adjacent to the landward boundary of the RPA buffer. The information required in this section shall be considered a minimum, unless the Director determines that some of the elements are unnecessary due to the scope and nature of the proposed use and development.

The following elements shall be included in the preparation and submission of a major water quality impact assessment.

...

3. A landscape conservation element that:
 - a. Identifies and delineates the location of all woody plant material on site, including shrubs having a canopy greater than twenty-four (24) inches in diameter and all trees on site three (3) inches or greater in diameter at breast height or, where there are groups of trees, said stands may be outlined.
 - b. Describes the impacts the development or use will have on the existing vegetation. Information shall include:
 - (1) General limits of land disturbance, based on all anticipated improvements, including buildings, drives, and utilities;
 - (2) Clear delineation of all trees and other woody vegetation that will be removed.
 - c. Describes the proposed measures for mitigation, including a proposed design plan and planting schedule for trees and other woody vegetation removed for construction, including a list of proposed plants and trees to be used. Possible mitigation measures include:
 - (1) The re-vegetation plan shall supplement the existing RPA buffer vegetation in a manner that provides for pollutant removal, erosion and runoff control;
 - (2) The design of the plan shall preserve to the greatest extent possible any significant trees and vegetation on the site and will provide maximum erosion control and overland flow benefits from such vegetation;
 - (3) Indigenous plants shall be used unless otherwise approved by the Director.

...

(Ord. No. 03-1, 2-8-03)

61-13. Plan of Development Process in Chesapeake Bay Preservation Areas

Any new development or redevelopment exceeding two thousand five hundred (2,500) square feet of land disturbance in aggregate shall be accomplished through a plan of development process prior to any development preparation activities onsite, including, but not limited to, clearing and grading of the site and the issuance of any building or other applicable permit, to assure compliance with all applicable requirements of this chapter.

...

C. *Landscape conservation plan.* A landscape conservation plan shall be submitted in conjunction with plan review and approval. No clearing or grading of any lot or parcel will be permitted without an approved landscape conservation plan for any land disturbance exceeding two thousand five hundred (2,500) square feet. Landscape conservation plans shall be prepared and/or certified by a landscape architect or arborist practicing within their areas of competence as prescribed by the Code of Virginia.

1. Contents of the plan

- a. The landscape conservation plan shall be drawn to scale and clearly delineate the location, size, and description of existing and proposed plant material. All existing trees on the site three (3) inches or greater diameter at breast height (DBH) shall be shown on the plan, or where there are groups of trees, said stands may be outlined instead. The specific number of trees three (3) inches or greater DBH to be preserved outside of the building envelope shall be indicated on the plan. Trees and other woody vegetation proposed to be removed to create the desired construction footprint shall be clearly delineated on the plan.
- b. The location of the critical root zone, as defined by the County's construction standards and specifications, for any trees shown on the plan or located on adjacent properties where the critical root zone extends onto the site, shall be delineated on the plan.
- c. Any required RPA shall be clearly delineated and any plant material to be added to establish or supplement the RPA buffer, as required under the authority of this chapter, shall be shown on the plan.
- d. Within the RPA buffer, trees and other woody vegetation to be removed for sight lines, vistas, access paths, and Best Management Practices, as provided for in this chapter, shall be shown on the plan. Vegetation required by this chapter to replace any existing trees within the RPA buffer shall be also be depicted on the plan.
- e. Trees and other woody vegetation to be removed for shoreline stabilization projects and any replacement vegetation required by this chapter shall be shown on the plan.
- f. The plan shall depict grade changes or other work adjacent to trees that would affect them adversely. Specifications shall be provided showing how grade, drainage, and aeration will be maintained around trees to be preserved to ensure the protection of existing trees and other vegetation during clearing, grading, and all phases of construction.

2. Plant specifications

- a. All plant materials necessary to supplement the RPA buffer or vegetated areas outside the construction footprint shall be installed according to the County's standard planting practices and procedures.
- b. All supplementary or replacement plant materials shall be living and in a healthy condition. Plant materials shall conform to the standards of the most recent edition of the American Standard for Nursery Stock, published by the American Association of Nurserymen.
- c. Where areas to be preserved, as designated on an approved landscape conservation plan, are encroached, the Director may require reasonable replacement of any trees damaged or destroyed in accordance with the County's current tree replacement policy, as adopted by the Director.
- d. Native or indigenous species shall be used for all supplementary or replacement plant materials, unless otherwise approved by the Director.

D. Other submittal requirements.

...
2. Installation and bonding requirements

...
b. When the occupancy of a structure is desired prior to the completion of landscaping, including vegetated stormwater management facilities, such as rain gardens, stormwater planters and green roofs, required by this chapter and part of an approved plan, a certificate of occupancy may be issued only if the applicant provides to the Director a form of surety satisfactory to the Director in an amount equal to the cost of any remaining materials, or installation costs, under terms to be established by the Director.

c. All required landscaping, including vegetated stormwater management facilities such as rain gardens, stormwater planters and green roofs, required by this chapter shall be installed and approved by the first planting season following issuance of a certificate of occupancy or the surety may be forfeited to the County.

...
(Ord. No. 03-1, 2-8-03; Ord. No. 14-05, 5-10-14, effective 7-1-14)

61-18. Penalties

A. General provisions

1. Any building erected or improvements constructed contrary to any of the provisions of this chapter and any land disturbing activity regardless of area contrary to any of the provisions of this chapter and any removal of vegetation in Chesapeake Bay Preservation Areas contrary to any of the provisions of this chapter shall be and the same is hereby declared to be unlawful.

...
4. Restoration of Chesapeake Bay Preservation Areas shall be performed as necessary to meet the intent of this chapter. In addition to the plantings required by § 61-10.C, the Director may require that trees illegally removed from Chesapeake Bay Preservation Areas be replaced by other trees of the same or comparable species of equal value as determined by the Arlington County Tree Replacement Guidelines.

5. The Director may require the submission of a water quality impact assessment (WQIA) in accordance with the provisions of § 61-12 as a condition for remedying a violation. In addition to the components of the WQIA listed in § 61-12.C, the WQIA shall include a restoration plan acceptable to the Director for any removal of vegetation from Chesapeake Bay Preservation Areas which does not comply with the provisions of this chapter.

...
(Ord. No. 03-1, 2-8-03; Ord. No. 14-05, 5-10-14, effective 7-1-14)

CHAPTER 67 Trees and Shrubs.

Trees & Shrubs Ordinance

ORDINANCE TO ENACT AND CODIFY CHAPTER 67 (TREES AND SHRUBS) OF ARLINGTON COUNTY CODE TO ESTABLISH A TREE PRESERVATION ORDINANCE THAT PROTECTS TREES ON COUNTY PROPERTY AND ESTABLISHES A MECHANISM FOR DESIGNATING HERITAGE, MEMORIAL, SPECIMEN AND STREET TREES ON BOTH PUBLIC AND PRIVATE PROPERTY, WHICH MAY RESULT IN SPECIAL PROTECTION FROM REMOVAL OR DAMAGE

BE IT ORDAINED that Chapter 67 (Trees and Shrubs) of the Arlington County Code is enacted and codified as follows:

ARTICLE 1. General Provisions

Cross-references: Arlington Code Chapter 10 (Garbage, Refuse and Weeds), Section 10-12 (Definitions.), Section 10-13 (Duty of property owner to cut grass, weeds, maintain lawns, etc.) Section 10-15 (Duty of each property owner or occupant of property to cut back obstructing vegetation); Section 17.1 (Display of signs, advertisements, etc., on county

property); Section 22-6 (Acceptance of county streets); Section 32D-4 (Vision Clearance); Chapter 61 (Chesapeake Bay Preservation Ordinance), Section 61-7(b) (Uses and Development), Section 61-8 (Performance Criteria and Buffer Requirements) (preservation, removal and replacement of vegetation during land-disturbing activities).

67-1-1. Title.

This ordinance shall hereafter be known, cited and referred to as the "Tree Preservation Ordinance" of Arlington County, Virginia.

67-1-2. Purpose and Intent.

There is hereby established a Tree Preservation Ordinance to ensure that the tree cover within Arlington County's boundaries is maintained and improved in order to protect the health, safety, and welfare of County citizens and the general public, to safeguard the ecological and aesthetic environment necessary to a community, to preserve, protect, and enhance valuable natural resources, and to conserve properties and their values.

67-1-3. Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings ascribed to them in this section.

Arborist or Urban Forester: A person trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of native and ornamental trees who is in the employ of or under contract to Arlington County

County Manager: The County Manager of Arlington County or the County Manager's designee.

Destroy: To cut down a tree or shrub or perpetrate any intentional or negligent act which will cause a tree or shrub to decline substantially or die within a period of two (2) years. This shall include, but not be limited to, damage inflicted upon the root system of a tree or shrub by the application of toxic substances, by the operation of equipment and vehicles, or by the change of natural grade by unapproved excavation or filling inside or on the dripline of a tree or shrub, or damage caused by the unapproved alteration of natural physical conditions.

Dripline: A vertical projection to the ground surface from the furthest lateral extent of a tree's or shrub's canopy.

Heritage Tree: Any tree that has been individually designated by the County Board to be of notable historic or cultural interest.

Memorial Tree: Any tree that has been individually designated by the County Board to be a special commemorating memorial.

Shrub: Any self-supporting, woody, perennial plant growing upon the earth that usually produces several branches without any distinct head and usually does not exceed ten to fifteen feet in height at maturity.

Specimen Tree: Any tree that has been individually designated by the County Board to be notable by virtue of its outstanding size and quality for its particular species.

Street Tree: Any tree that has been individually designated by the County Board and that grows in the street right-of-way.

Tree: Any self-supporting woody plant growing upon the earth that usually produces a main stem or trunk or a more or less distinct and elevated head, and with many branches. It may appear to have several stems or trunks. A tree usually exceeds ten feet in height at maturity. In any case the County Manager or the Urban Forester or arborist designated by the County

Manager shall have the right to determine whether any specific woody plant shall be considered a tree. Such determination shall be final and not subject to appeal.

Tree Guidelines: Guidelines established or selected by the County Manager for selecting, planting, pruning, maintaining, removal, replacement, and other treatment of trees and shrubs.

Utility Company: A company engaged in the provision of electric, cable, telephone, or gas service.

Volunteer Maintenance Contractors: County citizens who have agreed in a current, County-approved writing to maintain trees or shrubs on County property.

ARTICLE 2. Regulation of Trees and Shrubs on Public Property.

67-2-1. Treatment of Trees and Shrubs.

The planting, pruning, maintaining, removal, or other treatment of trees and shrubs upon the streets, public rights-of-way, other County-owned public lands, and public vehicular or public pedestrian access easements where Arlington County is responsible for the maintenance of such easement shall be under the direction of the County Manager. Such planting, pruning, removal, or other treatment shall be in accord with the Tree Guidelines and shall not be performed without the County Manager's approval if such planting, pruning, removal, or other treatment is performed by other than County employees or County contractors or agents. Volunteer Maintenance Contractors shall be deemed to have the County Manager's approval for pruning and maintaining, but not removal of or injury to, the trees or shrubs specified in their agreement with the County. Permission is not required for routine watering and mulching of County-owned trees.

67-2-2. Injury to or Removal of Trees and Shrubs.

- (a) It shall be unlawful for any person, including any person employed by or under contract to any utility company, to destroy, cut down, girdle, break, bend, wound, or in any manner injure or remove any tree or shrub upon any public right-of-way, any other County owned public land, or any public vehicular or public pedestrian access easements where the County is responsible for the maintenance of such easement without the written permission of the County Manager. Any person violating this Section shall be guilty of a Class 3 misdemeanor.
- (b) The County Manager shall not remove or permit removal of all or any part of any tree or shrub unless the County Manager has determined that the action proposed is necessary or desirable and will not be contrary to any County policy or plan or ordinance for or related to trees, shrubs, plants, or other vegetation.
- (c) The County Manager's permission under this section shall be evidenced by a writing that specifies the tree or shrub for which removal is permitted and the duration of the permission, except such written permission is not required if the removal is performed by County employees or County contractors or County agents. Such permission shall be issued only upon the conditions that (i) the applicant for permission agrees either to replace the tree or shrub specified to be removed at a rate and with guaranties in accord with the Tree Guidelines within one year of the date of the permission or immediately pays to the County an amount equaling the full value of the tree or shrub specified to be removed, at the option of the County Manager, and (ii) the applicant, in the event of destruction of or injury to an unspecified tree or shrub, agrees to either replace such unspecified tree or shrub at a rate and with guaranties in accord with the Tree Guidelines or to pay to the County an amount equaling the full value of the unspecified tree or shrub, at the option of the County Manager. The full value of a tree or shrub shall be determined by the County Manager in accordance with appraisal methods developed by the Council of Tree & Landscape Appraisers and published by the International Society of Arboriculture in *Guide for Plant Appraisal*.

ARTICLE 3. Regulation of Heritage Trees, Memorial Trees, Specimen Trees, and Street Trees on Public or Private Property.

67-3-1. Designation.

(a) A County Urban Forester or an arborist designated by the County Manager may, in accordance with the provisions of this Article, recommend to the County Board that certain trees located within the County on public property or private property, excluding parcels used for a single-family dwelling unless the owner of such property consents to the designation of such tree, be designated by ordinance as Heritage, Memorial, Specimen, or Street Trees. The County Board shall hold a public hearing prior to so designating any Heritage, Memorial, Specimen, or Street Tree. Trees may be recommended to the Urban Forester or designated arborist by any person in the instance of a tree on public property and on private property, excluding parcels used for a single-family dwelling, and by the private property owner in the instance of a tree on parcels used for a single-family dwelling, by submitting a complete report to the Urban Forester, designated arborist or County Manager describing the tree in question and its significance in needing protection.

(b) In the case of a tree on private property the County Manager shall notify the owner of the property on which the tree is located by certified mail (i) as soon as practicable once the recommendation is received by the Urban Forester; and (ii) again at least 30 days prior to the hearing on the adoption by ordinance of the designation of such tree. The owner may request an extension of the hearing date for up to six months.

(c) A property owner shall not destroy a tree proposed for designation pursuant to this Section pending final County Board decision or a decision by the Urban Forester or designated arborist not to recommend designation.

(d) In the event that the application of this Article regulating Heritage, Memorial, Specimen, or Street Trees results in a taking of private property for a public purpose or use, the County shall compensate by fee or other consideration the property owner for such taking, to the extent that such claim is recognized and compensable under state or federal law, and shall notify the owner of his right to seek such fee or compensation.

67-3-2. Preservation.

No Heritage, Memorial, Specimen, or Street Tree shall be removed or damaged in any way unless the County Board determines that: (a) there is an overriding need for public improvements; or (b) a severe hardship exists for reasonable use of a site. Should the County Board determine to permit such treatment, the County Board may require that the tree be replaced with a similar tree or trees to approximate the canopy lost, and must issue a writing specifying the action permitted, the tree and its location, and the findings justifying the permission. Nothing in this section shall prevent the County Manager from permitting the removal of a tree in the event that an Arborist or Urban Forester determines that the tree is dead, has become the irreversibly diseased or irreversibly damaged by natural causes, or presents a hazard to the public.

67-3-3. Penalties.

Any person or entity who violates any provision of this Article by causing, contributing to, or permitting injury to or removal or destruction of a Heritage, Memorial, Specimen, or Street Tree shall be subject to a civil penalty not to exceed \$2,500 for each violation.

Civil penalties shall be imposed by the issuance of a civil summons by the County Manager. Any person or entity served with a summons shall have thirty (30) days in which either to pay a fine to the Treasurer of Arlington County, Virginia, or to appeal the violation to the General District Court.

67-3-4. Exceptions.

The provision of this Article shall not apply (a) to work conducted on federal or state property; (b) to emergency work to protect life, limb or property; (c) to routine installation, maintenance and repair of cable and wires used to provide cable television, electric, gas or telephone service; (d) to activities with minor effects on trees, including but not limited to home gardening and landscaping of individual homes; and (e) to commercial silvicultural or

horticultural activities, including but not limited to planting, managing, or harvesting forest or tree crops.