

**Code of Ordinance, City of Harrisonburg, Virginia
Abstracted March 2016**

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PART I THE CHARTER

CHAPTER II. COMPOSITION, POWERS, ETC., OF COUNCIL

Sec. 16. Streets, commons, etc., generally.

The council is empowered to exercise care, supervision and control of streets, squares and commons, and to establish, open, close, vacate, abandon, extend, widen, narrow, lay out, pave, grade, improve and otherwise alter the streets in the city, cause them to be properly lighted and kept in good order, make or construct sewers or public ducts through the same where deemed expedient, build bridges in or culverts under the streets or alleys of the city, prevent or remove obstructions or encroachments over, under or in the same, plant or permit shade trees to be planted along the same, and to prevent the cumbering of streets, alleys, walks, lanes and bridges of the city in any manner whatever, and to have full and complete control of the same.

Title 6 PUBLIC WORKS

CHAPTER 2. SOLID WASTE COLLECTION AND DISPOSAL

ARTICLE A. GENERAL PROVISIONS

Sec. 6-2-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Bulk refuse: Discarded household appliances, furniture, bedding and mattresses, leaves, lawn cuttings, tree trimmings, hedge trimmings and building debris from individual households resulting from noncommercial activities conducted by owner or occupant himself or as directed by solid waste superintendent.

Construction and demolition debris: Debris from land clearing operations; tree trimmings, tree limbs, logs, stumps, brush, roots or root mat; debris from construction or demolition of any building or structure; metal wood, masonry, concrete, wire, plumbing materials; debris from land disturbing operations, including but not limited to rock, soil, reinforced concrete, fencing, large volumes or individual pieces of concrete, asphalt, stumps, metal or masonry products other than "bulk refuse".

Garbage: Readily putrescible discarded materials composed of animal, vegetable or other organic matter.

Vegetative matter: Debris generated from grass clippings, tree or shrubbery, trimmings, branches, tree limbs, logs, stumps and leaves.
(Ord. of 6-14-94; Ord. of 11-26-02; Ord. of 10-25-05)

Sec. 6-2-18. Refuse and solid waste not acceptable for disposal.

...

(b) Whether or not classified as unacceptable in subsection (a), the following types of refuse or solid waste shall not be acceptable for disposal at the Rockingham County Landfill or Resource Recovery Facility unless otherwise stated

...

(3) Construction and demolition debris resulting from land clearing operations; tree trimmings, tree limbs, logs, stumps, brush, roots or root mat; construction or demolition of any building or structure; metal, wood, masonry, concrete, wire, plumbing materials; debris from land disturbing operations, including but not limited to rock, soil, reinforced concrete, fencing or large volumes or individual pieces of concrete, asphalt, stumps, metal or masonry products other than "bulk refuse".

(4) Vegetative matter generated from grass clippings, tree or shrubbery trimmings, branches, tree limbs, logs, stumps and leaves will not be acceptable at the resource recovery facility.

...

(14) All large and bulky materials such as motor vehicles or parts thereof, tree trunks and stumps that may require special preparation, handling and processing for disposal.

...

(18) Stumps, tree limbs and logs which are both over six (6) inches in diameter and over eight (8) feet in length are not accepted from the residential arena.

...

...
(Ord. of 6-14-94; Ord. of 10-25-05)

Sec. 6-2-34. Tree trimmings, tree limbs, vegetative matter, etc. from residential and commercial locations allowed per subsection 6-2-27(a).

Tree trimmings, tree limbs not exceeding two (2) inches in diameter, and yard and garden trimmings in bulk not exceeding four (4) feet in length shall be bound in bundles not exceeding seventy-five (75) pounds each in weight. The string, rope or used for binding shall be of sufficient strength to permit the bundle to be picked up by it. Collection schedule will coincide with Bulk Refuse Collection as identified in subsection 6-2-37(a). A single pickup shall not exceed ten (10) bundles. The city will not collect waste generated as a result of services provided to a resident by for hire/licensed contractor services.

Bio-degradable bags are required for vegetative matter and plastic bags shall not be used.
(Ord. of 6-14-94; Ord. of 10-25-05; Ord. of 4-12-11(1))

Sec. 6-2-36. Certain unacceptable refuse to be removed by owner.

The following refuse will not be picked up and shall be removed by the property owner or his agent: hot or warm ashes, hazardous refuse, building waste, building debris, factory cuttings, brick, cement, rock and infectious waste. Garbage, ashes, bulk refuse, dead animals, hazardous refuse, industrial waste or building waste, leaves, lawn clippings, tree trimmings, hedge trimmings resulting from the operations of a contractor. Also, all items as set forth in section 6-2-18 of this Code will not be picked up by the city and shall be removed by the property owner or his agent.

(Ord. of 6-14-94; Ord. of 10-25-05)

Title 9 PARKS, RECREATION AND CULTURAL AFFAIRS

CHAPTER 6. PUBLIC TREE ORDINANCE

Sec. 9-6-1. Purpose.

The purpose of this chapter is to set forth a policy to ensure the proper care and use of trees on public property. Well-placed and managed trees add value to the city by providing shade, improving air quality, minimizing storm water runoff, providing erosion control and contributing to aesthetic beauty. Under some circumstances, however, trees can be

hazardous to public safety, such as when the wrong tree is planted in the wrong place or not managed. This chapter also provides guidelines for pruning or removal when warranted. (Ord. of 12-14-04)

Sec. 9-6-2. Definitions.

Public trees: Trees located on city-owned property including: land on both sides of all city-owned streets, city parks, land around city owned buildings and/or facilities and on any other city-owned property.

Superintendent of parks: A position within the city department of parks and recreation under whose jurisdiction the care and planning for public trees falls. As used in this chapter, this term shall include designees of the superintendent of parks.

(Ord. of 12-14-04)

Sec. 9-6-3. Public tree work plan.

(a) The superintendent of parks shall have the authority to develop and administer an annual work plan for maintenance of existing public trees and plans for planting of any new public trees.

(b) The superintendent of parks shall have the authority to amend or add to the annual work plan at any time circumstances warrant its amendment.

(Ord. of 12-14-04)

Sec. 9-6-4. - Public tree advisory board.

The public tree advisory board is hereby established and is charged with advisory responsibilities to the operations of the city with regard to the care of public trees and the annual work plan.

This board shall consist of nine (9) members, four (4) residents or business owners in the city, together with one (1) representative from each of the following: department of parks and recreation, public utilities, community development, public works and the Harrisonburg Electric Commission. Resident or business owner members shall be appointed by the city council. Of the initial members, two (2) shall be appointed for a three-year term and two (2) shall be appointed for a two-year term. Thereafter, all appointments shall be for a three-year term and no member shall serve more than two (2) consecutive terms. Members shall serve without compensation. City staff and Harrisonburg Electric Commission members shall be appointed by their respective department heads.

(Ord. of 12-14-04)

Sec. 9-6-5. Duties and responsibilities of the public tree advisory board.

The board shall:

- (1) Provide advice to the superintendent of parks on the annual work plan;
- (2) Review requests by the city or others as provided below within thirty (30) days of receipt;
- (3) Help provide public information and promote awareness for activities such as Arbor Day recognitions; and
- (4) Develop lists of appropriate and/or inappropriate trees for planting on public property.

(Ord. of 12-14-04)

Sec. 9-6-6. Obstruction.

(a) *Duty of occupant:* With the exception of the central business district, it shall be the duty of any person owning or occupying real property bordering on any street right-of-way to prune, maintain or remove any trees, vegetation or weeds within such right-of-way in a manner to ensure that they will not: cause potential hazard to public safety, obstruct or

shade the streetlights, obstruct the passage of pedestrians on sidewalks, obstruct vision or traffic signs, or obstruct view of any street or alley intersection. The minimum clearance of any overhanging portion thereof shall be nine (9) feet over sidewalks, and sixteen (16) feet over all streets. Prior to commencing such work, property owners are required to obtain a permit as specified in this chapter.

(b) *Notice to prune*: Should any person owning real property bordering on any street right-of-way fail to prune, maintain or remove trees, vegetation or weeds as provided above, the department of public works, with the advice of the superintendent of parks shall order such person to so prune, maintain or remove such trees, vegetation or weeds within five (5) days after receipt of written notice. Such notice shall be mailed by certified mail, return receipt requested, to the last known address of the property owner.

(c) *Failure to comply*: When a person to whom an order it directed shall fail to comply within the specified time, the city may do the work or cause the work to be done, and the cost thereof, shall be charged to the owner of the lot and if not paid, shall be added to and collected with his real estate tax for the current year.

(Ord. of 12-14-04)

Sec. 9-6-7. Public tree care.

(a) The city shall use established standards to plant and care for public trees, such as: ISA (International Society of Arboriculture) standards, Virginia Cooperative Extension Service publications, and ANSI A-300.

(b) Permits must be requested and obtained from the public tree advisory board before:

- (1) Removal of any public trees by the city or private property owners or others;
- (2) Planting of any public tree by any private property owner or others; or
- (3) Pruning of any public tree by any private property owner or others.

(c) Established standards shall be followed for work as cited above to ensure quality care of public trees.

(d) In the event of an emergency, such as a fallen tree or other condition requiring the immediate removal of a public tree, the tree may be removed without complying with the provisions of subsection (b) above. An "emergency" shall include, but not limited to: trees posing an immediate danger to public safety, trees causing outage of utility services, etc.

(e) When the city removes a tree, it shall be city policy to plant an appropriate replacement somewhere in the general area, which may include offering a replacement to a private property owner for planting on private property where replacement on public property is not practical.

(f) Applications for permits required by the provisions of this chapter shall be made at the office of the department of planning and community development, not less than thirty (30) days in advance of the time the work is desired to be done.

(Ord. of 12-14-04)

Sec. 9-6-8. Right of appeal to city council.

Any person affected by an action of the public tree advisory board or any failure to act by the public tree advisory board shall have an automatic right of review by the city council. A request for review shall be made in writing and filed with the city clerk and shall be placed on the city council's regular meeting agenda within thirty (30) days after the written request is received by the city clerk.

(Ord. of 3-25-08(3))

Title 10 PLANNING AND DEVELOPMENT

CHAPTER 3. ZONING

ARTICLE D. SITE PLAN REVIEW

Sec. 10-3-18. General standards.

In addition to other requirements of this chapter and other regulations of the city, the comprehensive site plan review will evaluate the following:

- (1) The unnecessary destruction of trees and other natural features.
- (2) Adequate screening along common boundaries where necessary.
- (3) Preservation and treatment of on-site natural watercourses

(Ord. of 4-23-96)

ARTICLE F. DEFINITIONS

Sec. 10-3-24. Definitions.

For the purpose of this chapter, certain terms and words are hereby defined:

Caliper: The diameter of a tree trunk measured in inches. At planting, the caliper shall be measured at six (6) inches above the ground for trees expected to be four (4) inch caliper size and below at maturity, and twelve (12) inches above the ground for trees expected to be larger than four (4) inches in caliper at maturity.

Deciduous shrub: A low woody plant usually having multiple stems or branches that loses its foliage at the end of the growing season.

Deciduous tree, large: A tree that loses its foliage at the end of the growing season, which at maturity exceeds four (4) inches in caliper. When planted, these trees shall be at least two (2) inches in caliper and be a minimum of ten (10) feet in height. Multi-stem trees shall also be a minimum of ten (10) feet in height.

Deciduous tree, small/ornamental: A tree that loses its foliage at the end of the growing season, which at maturity is four (4) inches or less in caliper. When planted, these trees shall be at least one (1) inch in caliper and be a minimum of six (6) feet in height. Multi-stem trees shall also be a minimum of six (6) feet in height.

Evergreen shrub: A low woody plant usually having multiple stems or branches and keeping its foliage all year.

Evergreen tree: A tree that does not shed its foliage annually. When planted, these trees shall be at least six (6) feet in height.

Landscaping: Living vegetation primarily used to enhance property aesthetics, values, and/or to improve environmental conditions. Landscaping may include grasses, shrubbery, trees, and other vegetation. Mulch and/or stone shall be used only for the enhancement of vegetation. The use of mulch and/or stone alone is not considered landscaping.

Landscaping island: An area that includes landscaping within a parking lot.

Plant nurseries and greenhouses: A facility where plants and landscaping materials are raised and/or sold. Such uses must be served by a permanent building. A plant nursery may include the storage of materials used for installation of landscaping materials.

Yard: A space on the same lot with a principal building, open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachment and accessory buildings are expressly permitted herein.

(Ord. of 4-23-96; Ord. of 10-28-97; Ord. of 2-10-98; Ord. of 6-9-98; Ord. of 1-12-99; Ord. of 2-22-02; Ord. of 3-26-02; Ord. of 9-24-02; Ord. of 8-12-03; Ord. of 6-14-05; Ord. of

10-25-05; Ord. of 8-14-07; Ord. of 11-25-08(1); Ord. of 2-24-09(1); Ord. of 4-28-09(3); Ord. of 6-23-09(3); Ord. of 3-13-12(10); Ord. of 4-24-12(3); Ord. of 11-27-12(1); Ord. of 3-26-13(1); Ord. of 8-26-14(1); Ord. of 7-28-15(2); Ord. of 8-25-15)

ARTICLE G. OFF-STREET PARKING

Sec. 10-3-30.1. Parking lot landscaping.

This section is applicable to all uses, and to all parking lots, both required and not required, except single-family detached and duplex dwelling units. All properties being developed or redeveloped shall conform to all regulations of this section. Reference the Design and Construction Standards Manual Example Parking Lot Landscaping drawings 2.6.8 Examples A and B for visual aids of the applied regulations.

...

(3) Parking lots shall include well-defined and well-maintained landscaping areas equal to at least fifteen (15) percent of the total area of the parking lot. Uses that have outdoor display areas shall include those areas for determining the required landscaping. Only landscaping within the parking lot and/or within a thirty (30) foot perimeter of the parking lot, exclusive of the required landscaping border adjacent to public street rights-of-way and landscaping immediately adjacent (within five (5) feet) to a principal building/structure, shall be permitted to count towards meeting the fifteen (15) percent requirement.

a. *Parking garage exception.* All parking garages, except those constructed within the B-1, Central Business District, shall calculate the required landscaping area based upon fifteen (15) percent of the total floorplate of the parking garage. Trees shall be planted and maintained on the property adjacent to, and no less than twenty (20) feet from, public street rights-of-way based upon the proportions as specified within subsections 10-3-30.1(4)a., b., c., and/or d., except such proportions shall be calculated using the public street frontage of the parcel. Parking garages, as specified herein, are exempt from the requirements set forth in subsections 10-3-30.1(5), (6), (7), (8), and (9).

(4) Trees shall be planted and maintained within landscaping borders adjacent to public street rights-of-way according to one (1) of the following:

- a. No less than one (1) large deciduous tree planted for every forty (40) linear feet of parking lot street frontage, or fraction thereof. At the time of planting, tree sizes shall meet the requirements as defined in section 10-3-24, definitions. Tree locations within the border are at the discretion of the property owner/developer.
- b. No less than one (1) small/ornamental deciduous tree, planted for every twenty-five (25) linear feet of parking lot street frontage, or fraction thereof. At the time of planting, tree sizes shall meet the requirements as defined in section 10-3-24, definitions. Tree locations within the border are at the discretion of the property owner/developer.
- c. No less than one (1) evergreen tree may be planted for every twenty-five (25) linear feet of parking lot street frontage, or fraction thereof. Evergreen trees shall not exceed fifty (50) percent of the number trees planted within the border. At the time of planting, trees shall meet the requirements as defined in section 10-3-24. Tree locations within the border are at the discretion of the property owner/developer.
- d. No less than a combination of large and small/ornamental deciduous and/or evergreen trees proportionate to subsections 10-3-30.1(4)a., b., and c. Tree locations within the border are at the discretion of the property owner/developer.

- (5) Each terminus of a parking bay, unless adjacent to a landscaping border, shall have a landscaping island. A single row parking bay shall have an island with a minimum of one hundred forty (140) square feet. A double row parking bay shall have an island with a minimum of two hundred eighty (280) square feet.
- (6) Rows of parking spaces shall be divided at intervals of no more than twelve (12) parking spaces by a landscaping island of no less than one hundred forty (140) square feet.
- (7) Each required landscaping island, as described in subsections 10-3-30.1(5) and (6), shall have and maintain at least one (1) large deciduous tree, one (1) small/ornamental deciduous tree, or one evergreen tree. At the time of planting, tree sizes shall meet the requirements as defined in section 10-3-24, definitions. The planting of evergreen trees shall not exceed fifty (50) percent of the number of trees planted in landscaping islands. In addition, at least three (3) deciduous or evergreen shrubs, at least eighteen (18) inches tall at the time of planting, shall be planted and maintained within each required landscaping island. Landscaping islands that are less than five (5) feet in width are not required to provide large or small/ornamental deciduous trees or deciduous or evergreen shrubs.
- (8) Parking lots shall have landscaping of at least nine (9) feet in width for the entire length of every other interior parking bay, connecting the landscaping islands required above. Trees shall be provided at no less than one (1) large deciduous tree planted for every forty (40) linear feet of island length, or fraction thereof; no less than one (1) small/ornamental deciduous tree, planted for every twenty-five (25) linear feet of island length, or fraction thereof; no less than one (1) evergreen tree planted for every twenty-five (25) linear feet of island length, or fraction thereof; or no less than a combination to the above mentioned proportions. The planting of evergreen trees shall not exceed fifty (50) percent of the number of trees planted in this landscaping area. At the time of planting, tree sizes shall meet the requirements as defined in section 10-3-24, definitions. Tree locations within this landscaping area are at the discretion of the property owner/developer. Parking lots with two (2) or less internal parking bays are exempt from this requirement.
- (9) All areas within the parking lot, not used for parking spaces, travelways, or pedestrian ways, shall be landscaped.
- (10) All landscaping shall be located as to not interfere with the adequate sight distance standards as specified within the Design and Construction Standards Manual.
- (11) All required landscaping is suggested to be of regional species and planted in accordance with the International Society of Arboriculture.
- (12) Vehicle parking and/or the display of goods in landscaping islands and borders is prohibited.
- (13) Owner(s) and their agent(s), heirs, or assigns shall be responsible for the installation, preservation and maintenance of all planting and physical features required to satisfy the conditions of this section. Any dead or missing vegetation shall be replaced (with like or similar vegetation) within one (1) calendar year of the vegetation's death.
- (14) Required planting in easements: Required trees, and other deep rooted vegetation, shall not be planted within public water and/or sewer easements. In particular circumstances where no other area within the required location can accommodate the required planting, such planting may be waived by the zoning administrator. Required planting in public general utility easements shall be coordinated with the department of public utilities.
- (15) Landscaping plan submittal: Landscaping information shall be submitted with a comprehensive site plan and/or, if applicable, with a building permit, with a plan of

the property at an appropriate scale to show accordance with this section. The plan shall be appropriately labeled and shall provide the following information:

- a. The calculation of the required landscaping area as specified in subsection 10-3-30.1(3).
- b. The location, size, and schedule of all proposed landscaping with the dimensions of landscaped areas indicated. Plant materials may be indicated in generic terms (i.e. large deciduous tree or small/ornamental deciduous tree, etc.).
- c. Existing healthy trees or wooded areas, where such trees are required, may be preserved in lieu of planting new materials to meet the landscaping requirements. In such case, the landscaping plan shall indicate the trees and areas to be saved.
- d. Verification that landscaping will not impede sight distance.

(16) Nonconforming landscaping: An existing building/use that has parking lot landscaping that is nonconforming as to the minimum landscaping requirements of this section may be enlarged; however, required landscaping shall be provided at least proportionate to any enlargement of the parking lot. Any enlargement of a parking lot on any property having an existing landscaping border separating parking spaces from public street right-of-way lines, which is five (5) feet or larger, shall provide trees within the border as required by subsection 10-3-30.1(4). (Note: Repaving, regraveling, redesigning, or restriping a parking lot or increasing the number of parking spaces without increasing the net square footage of a parking lot does not constitute an enlargement.)

(Ord. of 4-24-12(5); Ord. of 5-26-15)

ARTICLE J.2. R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT

This article will be effective August 14, 2010. To develop under the previous R-3, Multiple Dwelling Residential District, Comprehensive Site Plans must be approved before August 14, 2010.

(Ord. of 8-14-07)

Sec. 10-3-48.6. Other regulations.

...

(b) Off-street parking regulations for all buildings and uses permitted in this district are governed by article G. When an off-street parking lot containing five (5) or more spaces is to be constructed within an established single family detached or duplex neighborhood, such parking lot(s) shall not be located between principal buildings and a public street, unless the parcel has multiple public street frontages, and shall be screened from the public street(s) by principal buildings or by landscaping or walls. When an off-street parking garage containing five (5) or more spaces is to be constructed within an established single family detached or duplex neighborhood, such parking garage shall be located to the rear or side of principal buildings and screened from the public street(s) by principal buildings or by landscaping or walls. The parking garage cannot be located between principal buildings and public streets. Where such parking lots/garages abut single-family detached or duplex lots, they shall be screened from such lots by landscaping, fences, or walls. An adequate screen shall be a minimum five-foot wide buffer area containing the following:

Screen Abutting Street	Screen Abutting Adjacent Lot
4-foot high masonry wall or Evergreen hedge of 4-foot high (ultimate height) shrubs or trees planted a minimum of 5 feet on center so as to form a dense screen	6-foot high masonry wall or solid wood fence or Evergreen hedge of 6-foot high (ultimate height) shrubs or trees planted a minimum

	of 5 feet on center so as to form a dense screen
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An established single-family detached or duplex neighborhood is defined as one (1) meeting at least one (1) of the following conditions:

- (1) A single-family house or duplex is located on at least one (1) side, not rear, of the lot containing the parking lot/garage, or
- (2) At least fifty (50) percent of the lots along both sides of the street within the same block as the parking lot/garage are occupied by single-family houses or duplexes.

(c) More than one (1) principal building may be constructed upon an unsubdivided parcel of land as density allows. The open space between each building as measured at the closest point between building walls shall not be less than thirty (30) feet. The minimum separation between buildings may be superseded by building regulations. The front façade of each principal building shall face a dedicated public street or the limits of a private parking unit (as defined) and no building shall have the rear façade facing a dedicated public street, unless the parcel has multiple public street frontages where rear façades may front one (1) public street.

(d) Proposed building projects as permitted in this district, which rely on private refuse collection, shall provide a designated point of collection with appropriate facilities. Said facilities shall be screened and shall meet the requirements for accessory buildings per section 10-3-114.

...

(Ord. of 8-14-07; Ord. of 3-22-11(2); Ord. of 1-14-14(5))

ARTICLE M. MH-1 MANUFACTURED HOME PARK DISTRICT

Sec. 10-3-64. Area and dimensional regulations.

Except as provided in article T, the following area and dimensional regulations shall apply:

Lot Area Per Manufactured Home Sq. Ft.	MINIMUM FEET					MAXIMUM	
	Lot Width	Lot Depth	Front Yard	Side Yard	Rear Yard	Stories	Height Feet
Singlewide: 3,200	40	80	10	10	10	One	15
Doublewide: 4,200	50	80	10	10	10	One	15

(1) The manufactured home park shall be surrounded by a landscaped or wooded strip of open space at least fifty (50) feet wide along all street or road frontage and along all other exterior boundary lines. This space shall be in addition to space required for each manufactured home site and shall not be used for other park facilities, recreation area or accessory storage structures or parking areas. The site plan shall include a landscape plan for this open space indicating planting of shade trees and lower plant materials for open portions of the space and a plan for tree maintenance in wooded portions. Continued maintenance of the open area and its planting shall be the responsibility of the owner or operator of the park.

...

(4) Each manufactured home site shall provide at least two (2) shade trees and provide an appropriate outdoor living space to supplement limited interior space of a manufactured home. The minimum size of each space shall be two hundred fifty (250) square feet. Every such space shall be convenient to the entrance of the manufactured home, appropriately related to open areas of the lot and other

facilities off the lot, and adapted to terrain and natural features and to anticipated manufactured home models.

...
(Ord. of 4-23-96; Ord. of 11-25-08(2))

ARTICLE N. - MH-2 MANUFACTURED HOME SUBDIVISION DISTRICT

Sec. 10-3-72. Area and dimensional regulations.

Except as provided in article T, the following area and dimensional regulations shall apply:

Lot Area Per Manufactured Home Sq. Ft.	MINIMUM FEET					MAXIMUM	
	Lot Width	Lot Depth	Front Yard	Side Yard	Rear Yard	Stories	Height Feet
Single or Doublewide: 5,000	50	70	20	10	15	One	15

(1) The manufactured home subdivision shall be surrounded by a landscaped or wooded strip of open space at least fifty (50) feet wide along all street or road frontage and along all other exterior boundary lines. This space shall be in addition to minimum area required for each manufactured home lot and shall not be used for other facilities, recreation area or accessory storage structures or parking areas, but may be included as extra depth for individual lots if appropriately restricted by easement. The subdivision plan shall include a landscape plan for this open space indicating planting of shade trees and lower plant materials for open portions of the space and a plan for tree maintenance in wooded portions. Continued maintenance of the open area and its planting shall be the responsibility of the homeowner's association or lot owners as the case may require.

...
(Ord. of 4-23-96; Ord. of 11-25-08(2))

ARTICLE Q. B-2 GENERAL BUSINESS DISTRICT

Sec. 10-3-91.1. Special use criteria for adult businesses.

...
(b) In reviewing the application, the planning commission and city council may consider the following factors as well as other appropriate land use considerations:

...
(5) The preservation of cultural and historical landmarks and trees;

...
(Ord. of 6-14-05)

CHAPTER 4. EROSION AND SEDIMENTATION CONTROL

Sec. 10-4-2. Definitions.

As used in the chapter, unless the context requires a different meaning:

Clearing means any activity which removes the vegetative ground cover including, but not limited to, root mat removal or top soil removal.

Land-disturbing activity means 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, except that the term shall not include:

(1) Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;

...

(7) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations and agricultural engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act, article 2, (section 10.1-604 et seq.) of chapter 6, 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 reforested artificially or naturally in accordance with the provisions of chapter 11 (section 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 section 10.1-1163;

...

Transporting means any moving of earth materials from one (1) place to another place other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

(Ord. of 6-28-11(9))

CHAPTER 7. STORMWATER MANAGEMENT

Sec. 10-7-2. Definitions.

In addition to the definitions set forth in 9VAC25-870-10 of the Virginia Stormwater Management Regulations, as amended, which are expressly adopted and incorporated herein by reference, the following words and terms used in this chapter have the following meanings unless otherwise specified herein. Where definitions differ, those incorporated herein shall have precedence.

"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.

"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 subsection 1-3(c) of this chapter.

"Stormwater" means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

"Stormwater management plan" means a document(s) containing material describing methods for complying with the requirements of section 10-7-6 of this chapter.

"*Stormwater pollution prevention plan*" or "*SWPPP*" means a document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the construction site, and otherwise meets the requirements of this chapter. In addition the document shall identify and require the implementation of control measures, and shall include, but not be limited to the inclusion of, or the incorporation by reference of, an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.

"*Virginia Stormwater Management Program*" or "*VSMP*" means a program approved by the state board after September 13, 2011, that has been established by a locality to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in this chapter, and evaluation consistent with the requirements of this chapter and associated regulations.

(Ord. of 5-13-14; Ord. of 3-10-15(2))

Title 15 HEALTH AND SANITATION

CHAPTER 3. NUISANCES

Sec. 15-3-2. Noise violations; penalties.

...

(c) Specific prohibitions: It shall be unlawful for any person to cause or permit to be caused any of the following prohibited sounds or noises:

...

(6) Lawn care activities. Creating any sound or noise plainly audible in residential areas between 10:00 p.m. and 7:00 a.m. in connection with lawn care, leaf removal, gardening, tree maintenance or removal or other landscaping, lawn or timbering activities. The provisions of this subsection shall not apply to sound or noise generated by the maintenance of recreational facilities such as golf courses and ball or playing fields.

...

(d) Maximum sound levels: In addition to, and not in limitation of the specific prohibitions of section (c) above, no person shall operate or permit to be operated any noise source which generates a sound level exceeding the limits set forth in this subsection.

...

(4) Exemptions. The following activities or sources of noise shall be exempt from the prohibitions set forth in this section:

...

d. Gardening, lawn care, tree maintenance or removal and other landscaping activities.

...

(Ord. of 6-10-03; Ord. of 7-28-09; Ord. of 8-12-14)

CHAPTER 4. CRIMES AGAINST PROPERTY

ARTICLE B. TRESPASS

Sec. 16-4-15. Injuries to cemeteries, burial grounds, etc.

(a) If any person:

...

(3) 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;

...

...

State Law reference— Va. Code, § 18.2-127.

ARTICLE C. DAMAGE TO AND TAMPERING WITH PROPERTY

Sec. 16-4-33. Injuring, etc., any property, monument, etc.

If any person, unlawfully, but not feloniously, take and carry away, or destroy, deface or injure any property, real or personal, not his own, or break down, destroy, deface, injure or remove any monument erected for the purpose of marking the site of any engagement fought during the War between the States, or for the purpose of designating the boundaries of any city, town, tract of land, or any tree marked for that purpose, he shall be guilty of a class 1 misdemeanor.

State Law reference— Va. Code, § 18.2-137.

Cross reference— Injuries to cemeteries, burial grounds, etc., § 16-4-15.

Sec. 16-4-35. Destruction of trees, shrubs, etc.; depositing trash.

(a) It shall be unlawful for any person to pick, pull, pull up, tear, tear up, dig, dig up, cut, break, injure, burn or destroy, in whole or in part, any tree, shrub, vine, plant, flower or turf found, growing or being upon the land of another, or upon any land reserved, set aside or maintained by the city as a public park, or as a refuge or sanctuary for wild animals, birds or fish or to deposit any trash, debris, garbage or litter thereon, without having previously obtained the permission in writing of such owner or his agent or of the superintendent or custodian of such park, refuge or sanctuary so to do, unless the same be done under the personal direction of such owner, his agent, tenant or lessee or superintendent or custodian of such park, refuge or sanctuary.

(b) Any person violating this section shall be guilty of a class 3 misdemeanor; provided, however, that the approval of the owner, his agent, tenant or lessee, or the superintendent or custodian of such park or sanctuary afterwards given in writing or in open court shall be a bar to further prosecution or suit.

State Law reference— Va. Code, § 18.2-140.