

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

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**Chapter 30 CEMETERIES**

**ARTICLE II. BLANDFORD CEMETERY**

**DIVISION 1. GENERALLY**

**Sec. 30-47. Permit to plant or remove trees or shrubs.**

No person shall plant any shade tree or large shrub in any lot in the cemetery or remove any tree or large shrub from such a lot, without first obtaining a permit therefor from the director.

(Code 1981, § 8-23)

**Sec. 30-48. Permit for trimming trees.**

No person shall trim, prune or remove any branches from any tree in the cemetery, whether on his lot or plot or not, without having first obtained a permit therefor from the director.

(Code 1981, § 8-24)

**Sec. 30-50. - Removal of nuisances.**

(a) If anything deemed offensive, improper or injurious or which violates any rules shall be deposited or placed on any lot or plot in the cemetery, the director shall remove it without notice.

(b) The director may remove from the cemetery any tree, vine, brush or shrub that is unsightly, dangerous or infected with fungi or other pests.

(Code 1981, § 8-26)

Cross reference— Nuisances, § 50-61 et seq.

Secs. 30-51—30-65. - Reserved.

**Chapter 50 ENVIRONMENT**

**ARTICLE II. NOISE**

**Sec. 50-33. Specific prohibitions.**

It shall be unlawful for any person:

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(g) To create a noise disturbance across a residential property line between 10:00 p.m. and 7:00 a.m. in connection with lawn care, leaf removal, gardening, tree maintenance or removal, other landscaping, lawn or timbering activities; the operation of any mechanically powered saw, drill, grinder, sander or similar device; or the construction, demolition, repair, paving, excavation or alteration of a building or street.

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Provided however, that the prohibitions of this section shall not apply to emergency work to provide public facilities or utilities, or to remove debris, when necessary to protect the public health or safety.

(Ord. No. 14-100, 10-21-2014)

Editor's note— Ord. No. 14-100, adopted Oct. 21, 2014, repealed § 50-33 and enacted a new section as set out herein. The former § 50-33 pertained to violations of article and derived from § 19-2 of the 1981 Code.

**ARTICLE III. NUISANCES**

**Sec. 50-63. Detrimental or excessively high growths of weeds or other vegetable matter.**

(a)

(1) The existence of any weeds, bushes, grass or other vegetable matter upon any land or premises in the city which is detrimental to the health, comfort or general welfare of any of the inhabitants of the city or which exceeds a height of 12 inches is hereby declared a nuisance.

(2) No owner of any lot or parcel of land shall permit to grow or remain thereon any hedge, shrub, tree or other vegetation, the limbs, branches or other parts of which overhang, extend or protrude into any street, sidewalk or public alley in a manner which obstructs or impedes the safe and orderly movement of persons or vehicles, or in the case of trees, when the dead limbs, trunks, or branches are likely to fall into or across such street or sidewalk, thereby endangering such persons and vehicles.

...

(Code 1981, § 21-56; Ord. No. 11-97, 9-20-2011; Ord. No. 14-47, 5-20-2014)

State Law reference— Authority for above section, Code of Virginia, §§ 15.2-901, 15.2-1115.

**ARTICLE IV. STORMWATER MANAGEMENT**

**Sec. 50-101. Purpose and authority. (Section 9VAC25-870-20, 9VAC25-870-40)**

(a) The purpose of this article is to ensure the general health, safety, and welfare of the citizens of Petersburg and protect the quality and quantity of state waters from the potential harm of unmanaged stormwater, including protection from a land disturbing activity causing unreasonable degradation of properties, water quality, stream channels, and other natural resources, and to establish procedures whereby stormwater requirements related to water quality and quantity shall be administered and enforced.

(b) This article is adopted pursuant to Article 2.3 (§ 62.1-44.15:27 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

(Ord. No. 14-67, 7-1-2014)

**Sec. 50-102. Definitions. (9VAC25-870-10)**

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 article 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.

*Chesapeake Bay Preservation Act land-disturbing activity* means 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 jurisdictions designated as subject to the regulations adopted pursuant to the Chesapeake Bay Preservation Act, Code of Virginia, § 62.1-44.15:67 et seq.

*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 50-103(c) of this article.

(Ord. No. 14-67, 7-1-2014)

## **ARTICLE V. EROSION AND SEDIMENT CONTROL ORDINANCE**

### **Sec. 50-124. Title, purpose, and authority.**

This article shall be known as the "Erosion and Sediment Control Ordinance of the City of Petersburg." The purpose of this article is to conserve the land, water, air and other natural resources of the city by establishing requirements for the control of erosion and sedimentation and procedures for administering and enforcing those requirements.

This article is authorized by Title 10.1, Chapter 5, Article 4 (§§ 10.1-560 et seq.) of the Code of Virginia.

(Ord. No. 08-103, § 1, 11-18-2008)

### **Sec. 50-125. Definitions.**

As used in this article, 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 that 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 those activities made exempt from this article pursuant to section 50-126.

*Transporting* means any moving of earth materials from one place to another, other than such movement incidental to grading, to the extent that erosion and sediment will result from the soil or earth materials over which such transporting occurs.

(Ord. No. 08-103, § 1, 11-18-2008)

### **Sec. 50-126. Local erosion and sediment control program.**

(a) Program authority. The City of Petersburg shall act as program authority to implement an erosion and sediment control program for the area of land encompassed by the city boundaries. The city shall administer the program in accordance with the requirements of this article, and pursuant to any regulations, references, guidelines, standards, and specifications it develops in accordance with, and for use in conjunction with, this article. The program shall be implemented by a certified program administrator, a certified plan reviewer, and a certified inspector, who may be the same person.

(b) Activities not subject to article. The following activities do not constitute "land-disturbing activities" as defined in this article, and are not subject to the requirements of this article, except as otherwise provided by article II (section 122-31 et seq.), chapter 22, of the Code of the City of Petersburg, and any other applicable law.

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(7) 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 reforested artificially or naturally in accordance with the provisions of Code of Virginia tit. 10.1, ch. 11 §§ 10.1-1100 et seq.; of this title, or is converted to bona fide agricultural or improved pasture use as described in Code of Virginia, pursuant to § 10.1-1163(B).

The removal or clearing of trees from property zoned for commercial, industrial, or residential use, although such clearing may be a bona fide silvicultural activity, shall not be exempted from the requirements of this section and, except for selective removal of dead or diseased trees, such clearing shall require approval of a land disturbance permit.

The clearing of trees within the "A" agricultural district, as set forth in the zoning ordinance of the City of Petersburg, shall require approval of a Forestry Harvest Plan by the Virginia Department of Forestry. A copy of such plan shall be filed by the owner of any affected property with the City of Petersburg Erosion and Sediment Control Program administrator. Such plan shall provide for Forestry Best Management Practices. All applicable federal, state, and local regulations pertaining to working in or crossing live watercourses shall be met.

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(Ord. No. 08-103, § 1, 11-18-2008)

## **Chapter 74 OFFENSES AND MISCELLANEOUS PROVISIONS**

### **ARTICLE IV. OFFENSES AGAINST PROPERTY**

#### **DIVISION 1. GENERALLY**

##### **Sec. 74-102. Destruction of trees, shrubs and other plants.**

(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, including any city-owned property, or upon any land reserved, set aside or maintained by the commonwealth as a public park, or as a refuge or sanctuary for wild animals, birds or fish, or upon any land reserved, set aside or maintained as a public park by a park authority created under the provisions of Code of Virginia, § 15.2-5702, 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 such activity is done under the personal direction of such owner, his agent, tenant or lessee or superintendent or custodian of such park, refuge or sanctuary.

(b) Archaeological resources on city property are an accessible and irreplaceable part of the city's heritage which are increasingly endangered because of their commercial attractiveness. The purpose of this section is to prevent the loss and destruction of these archaeological resources from uncontrolled excavations and pillage and to secure for the present and future benefit of the citizens of the city the protection of archaeological resources and sights which are on city property.

(c) For purposes of this section, the term "archaeological resource" means any material remains of past human life or activities which are of archaeological interest which shall include, but not be limited to, pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, crockery, eating utensils, or any portion or piece of any of the foregoing items. For purposes of interpreting this section, any of the above enumerated items found below the surface of the ground are presumed to be of archaeological interest.

(d) It shall be unlawful for any person, without authority of the city council, to hunt, search out for, attempt to find or seek relics, or to use or be in possession of a mineral or metal detector, magnetometer, side scan sonar or other metal detecting device or sub-bottom profiler on city-owned property within the boundaries of the city or on property owned by the city located outside the city boundaries.

(e) Any person violating this section shall be guilty of a class 1 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.

(Code 1981, § 21-42; Ord. No. 05-61, 7-5-2005)

State Law reference— Similar provisions, Code of Virginia, § 18.2-140.

## **Chapter 98 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES**

### **ARTICLE I. IN GENERAL**

#### **Sec. 98-22. Duty of property owners and occupants to cut grass and other vegetation between sidewalk and curblin and roadside ditches.**

(a) Where grass, weeds or other vegetable matter grows between any sidewalk and the curblin, and roadside ditches, it shall be the duty of the occupant of any land or premises abutting upon such sidewalk and ditches to have such grass, weeds and other vegetable matter cut to prevent such space from becoming unsightly or offensive. If any such land or premises is unoccupied, it shall be the duty of the owner thereof to have such grass, weeds or other vegetable matter cut as provided in this section.

(b) The director of public works or designee shall give a 48-hour notice of the provisions of this section to any occupant or owner and shall cause the provisions of this section to be enforced.

(c) Any person violating any of the provisions of this section shall be guilty of a class 3 misdemeanor and each day that grass, weeds or other vegetable matter shall remain uncut after notice to cut such grass, weeds or other vegetable matter shall constitute a separate offense.

(Code 1981, § 32-36; Ord. No. 12-66, 10-2-2012; Ord. No. 13-06, 1-22-2013)

State Law reference— Authority of city to require removal of weeds from private and public property, Code of Virginia, § 15.2-1115.

#### **Sec. 98-23. Dangerous, diseased or decayed trees near parks, school grounds, streets or sidewalks.**

No property owner shall maintain or allow to remain, on his property within the city, any dangerous, diseased or decayed tree near enough to any park, park place, school ground, sidewalk or street within the city to endanger the safety of persons making lawful use of such park, park place, school ground, sidewalk or street. Any property owner having any such tree on his premises shall be notified, in writing, by the city manager or the director of parks and grounds to remove such tree within a reasonable time, to be specified in such notice. Upon failure of the property owner to comply with such notice, he shall be summoned before the judge of the general district court and, if found guilty of violating the provisions of this section, shall be ordered to remove such tree, at his cost, within a reasonable time to be specified in the order. If the property owner fails to remove the tree within the time thus specified, he shall be guilty of a class 4 misdemeanor.

(Code 1981, § 21-57)

### **ARTICLE III. SIDEWALKS**

#### **Sec. 98-126. Planting of shade trees on sidewalks.**

(a) No person shall plant any shade tree on any sidewalk of the city, without first obtaining a permit so to do from the city manager. The city manager may, when there will be no interference with the abutting owner's right of ingress and egress, and subject to the provisions of this section, grant such permit; provided, however, that no permit shall be granted for the planting of any shade tree on a sidewalk on the following streets or portions thereof:

- (1) Sycamore Street, from Washington Street to Old Street.
- (2) Bank Street.

- (3) Short Market Street.
  - (4) Bollingbrook Street, from Sycamore Street to Second Street.
  - (5) Lombard Street, from Sycamore Street to Second Street.
- (b) No permit required by this section shall be granted until the applicant files with the city manager the written consent of the abutting landowners to plant the trees.
- (c) A permit granted under this section shall authorize the holder thereof to make proper and suitable excavations in the sidewalk, of such size and depth, and in such manner, as is prescribed by the director of public works. The permit holder shall keep each such excavation properly guarded to prevent accidents, until the excavation is properly filled, and no such excavation shall be left open at night.
- (d) Any person violating this section shall be guilty of a class 4 misdemeanor.  
(Code 1981, § 32-24)

## **Chapter 114 UTILITIES**

### **ARTICLE II. WATER SUPPLY**

#### **DIVISION 1. GENERALLY**

##### **Subdivision 1. General Provisions**

##### **Sec. 114-47. Damaging, tampering with, etc., water department property, fixtures, etc.**

(a) It shall be unlawful for any person to damage or deface any property of the water department or to cut any trees or shrubbery or dump any refuse or rubbish upon any part of the property of the water department.

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(Ord. No. 07-98, 10-23-2007)

##### **Subdivision II. Water Conservation**

##### **Sec. 114-49. Definitions.**

The following words, terms and phrases, when used in this subdivision, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Established landscape* means landscape plants existing in an area after such period of time as to accomplish an establishment and maintenance of growth.

*Landscape plant* means any member of the kingdom Plantae, including any tree, shrub, vine, herb, flower, succulent, ground cover or grass species that grows or has been planted outdoors.

*New landscape* means any landscape made up of plants or seeds planted in or transplanted to an area within such period of time as to accomplish a reasonable establishment and maintenance of growth.

(Ord. No. 07-98, 10-23-2007)

### **ARTICLE IV. STORMWATER UTILITY**

#### **Sec. 114-401. Definitions for the stormwater program.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Impervious surface* means 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.

*Impervious surface area* means the number of square feet of horizontal surface covered by impervious surfaces. Measurements to determine impervious surface area should be made between exterior or outermost portions of the impervious surface.

*Stormwater* means the flow of water which results from a precipitation event and includes, but is not limited to, stormwater runoff, surface runoff, and drainage.

*Stormwater control program, or stormwater program, or program* means the comprehensive strategies for dealing with stormwater quantity and quality issues. Stormwater control includes, but is not limited to, the planning, design, construction, regulation, improvement, repair, maintenance, and operation of facilities and programs relating to water, comprehensive plan elements relating to flood plains, flood control, grading, erosion, tree conservation, and sediment control.

(Ord. No. 13-23, § 1, 4-2-2013)

## **Chapter 122 WATERWAYS**

### **ARTICLE II. CHESAPEAKE BAY PRESERVATION AREAS**

#### **DIVISION 1. GENERALLY**

##### **Sec. 122-31. Definitions.**

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words and terms not defined in this article but defined in the zoning ordinance shall be given the meanings set forth therein.

*Agricultural land* means that land used for the planting and harvesting of crops or plant growth of any kind in the open; pasture; horticulture; dairying; floriculture; or raising of poultry or livestock.

*Best management practice* or *BMP* means a practice, or a combination of practices, that is determined by a state or designated area-wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

*Buffer area* means 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.

*Diameter at breast height* or *DBH* means the diameter of a tree measured outside the bark at a point 4.5 feet above ground.

*Dripline* means a vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

*Impervious cover* means 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.

*Plan of development* means the process for site plan or subdivision plat review to ensure compliance with Code of Virginia, § 10.1-2109 and this article prior to any clearing or grading of a site or the issuance of a building permit.

*Silvicultural activities* means forest management activities, including but not limited to the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation that are conducted in accordance with the silvicultural best management practices developed and enforced by the state forester pursuant to Code of Virginia § 10.1-1105 and are located on property defined as real estate devoted to forest use under Code of Virginia § 58.1-3230.

(Code 1981, §§ 9.5-3, 9.5-4, 9.5-12; Ord. No. 04-51, 6-15-2004)

Editor's note— The zoning ordinance is on file in the office of the clerk of the city council.

Cross reference— Definitions generally, § 1-2.

## **DIVISION 2. APPLICATION**

### **Subdivision II. Performance Standards**

#### **Sec. 122-77. General performance standards for development and redevelopment.**

(a) Land disturbance shall be limited to the area necessary to provide for the proposed use or development.

(1) In accordance with an approved site plan, the limits of land disturbance, including clearing or grading, shall be strictly defined by the construction footprint. These limits shall be clearly shown on submitted plans and physically marked on the development site.

(2) Ingress and egress during construction shall be limited to one access point, unless otherwise approved by the city director of public works.

(b) Indigenous vegetation shall be preserved to the maximum extent practicable consistent with the use or development proposed and in accordance with the Virginia Erosion and Sediment Control Handbook.

(1) Existing trees six inches in diameter or greater at breast height shall be preserved outside the construction footprint. However, 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. Diseased trees or trees weakened by age, storm, fire, or other injury may be removed, as approved by the city director of public works.

(2) Clearing shall be allowed only to provide necessary access, positive site drainage, water quality BMPs, and the installation of utilities, as approved by the city director of public works.

(3) Prior to clearing or grading, suitable protective barriers, such as safety fencing, shall be erected five feet outside the dripline of any tree or stand of trees to be preserved. These 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 barriers.

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(Code 1981, § 9.5-11(b); Ord. No. 04-51, 6-15-2004; Ord. No. 05-76, 9-6-2005; Ord. No. 08-103, § 2, 11-18-2008)

#### **Sec. 122-78. Buffer area.**



- (a) To minimize the adverse effects of human activities on the other components of resource protection areas, state waters, and aquatic life, a 100-foot buffer area 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 if erosion problems are evident.
- (b) The buffer area shall be located adjacent to and landward of other RPA component and along both sides of any water bodies with perennial flow. The full buffer area shall be designated as the landward component of the RPA, in accordance with section 122-51 and subdivision III of this division.
- (c) The 100-foot buffer area shall be deemed to achieve a 75 percent reduction of sediments and a 40 percent reduction of nutrients.
- (d) The buffer area shall be maintained to meet the following additional performance standards:
- (1) In order to maintain the functional value of the buffer area, indigenous vegetation may be removed, subject to local approval by the director of public works, only to provide for reasonable sight lines, access paths, general woodlot management, and BMPs, including those that prevent upland erosion and concentrated flows of stormwater, as follows:
    - a. 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.
    - b. Any path shall be constructed and surfaced so as to effectively control erosion.
    - c. Dead, diseased, or dying trees or shrubbery may be removed and thinning of trees may be allowed, pursuant to sound horticultural practice incorporated into locally adopted standards;
    - d. 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 the best available technical advice and applicable permit conditions or requirements.

...  
(Code 1981, § 9.5-11(c); Ord. No. 04-51, 6-15-2004)