

**Code of Ordinances, Town of Woodstock, Virginia
Abstracted April 2016**

https://www.municode.com/library/va/woodstock/codes/code_of_ordinances

Chapter 26 ENVIRONMENT

ARTICLE VI. URBAN FORESTRY

Sec. 26-100. Purpose and intent of this chapter.

(a) It is the purpose of this chapter to promote and protect the public health, safety and general welfare by providing for the regulation of the planting, maintenance, preservation and removal of trees and shrubs, on public property within the Town of Woodstock.

(b) The purpose of this chapter is to further promote the following:

(1) The planting, maintenance, restoration, and survival of desirable trees and shrubs with the town.

(2) The protection of community residents and visitors from personal injury and property damage, and the protection of the town from property damage, caused or threatened by the improper planting, maintenance, or removal of trees and shrubs, located on public property.

(3) The reduction of erosion and sedimentation.

(4) The reduction of stormwater run-off and its associated costs.

(5) The protection and enhancement of property values and aesthetic qualities in the town.

(6) The protection and enhancement of the overall environment of the town.

(7) The enhancement of the quality of life of the town and its citizens.

(8) To facilitate the long-range planning of tree care in the town.

(Ord. of 9-7-2004)

Sec. 26-101. Urban forestry advisory commission.

An urban forestry advisory commission shall be established to perform the following duties:

(a) To develop, implement and maintain an urban forestry management program.

(b) To develop standards and guidelines for planting, maintenance, and preservation of public trees.

(c) To promote education of the general public on proper tree-care practices.

(d) To support the efforts of other groups interested in urban forestry in the town, such as master gardeners and Woodstock Enhancement Committee.

(e) To advise the town manager, town council and appropriate boards and commissions on matters pertaining to municipal plantings, and the designation of historic or landmark trees.

(Ord. of 9-7-2004)

Sec. 26-102. Establishment of urban forestry advisory commission. Modified

(a) The urban forestry advisory commission shall be made up of a minimum of five members. The members shall be appointed by the town council. In addition, the Virginia Department of Forestry's Area Forester shall serve as a standing committee member.

(b) The urban forestry advisory commission shall be made up of citizens with skills and an expressed interest in at least one of the following areas:

(1) Urban forestry.

(2) Landscaping.

(3) Arboriculture.

(c) Terms of office.

(1) Each member shall be appointed for a term of four years, or until their successors are appointed, except that the initial appointment of two members shall

be for a three-year term, one member for a two-year term; the remaining two members for a four-year term.

(2) Members may be re-appointed to serve consecutive terms as determined appropriate by the town council.

(3) The commission shall elect a chair and vice chair who shall serve annual terms and may succeed themselves.

(d) Minutes and rules.

(1) The commission shall adopt such rules and regulations as it may consider necessary.

(2) The commission shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other such official actions, all of which shall be immediately filed in the office of the commission and shall be a public record.

(3) All meetings of the commission shall be open to the public.

(4) A quorum shall be at least three members.

(Ord. of 9-7-2004; Ord. of 3-4-2014(2))

Sec. 26-103. Authority to receive funding and advisory services.

(a) All persons interested in urban forestry in the town are invited to make gifts, devise and bequests to the town to be used for that purpose. All donations of money shall be made through the department of finance, and it is hereby authorized and directed to receive such donations. All such monies shall be used only for the purpose of planting, maintenance, and promotion of the urban forest in the town. Expenditures from these donations shall be made by the town manager as authorized, from time to time, by the town council.

(b) The urban forestry advisory commission may, with the consent of the town council, apply for federal, state, or private grants or funding, and/or assistance, and to aid in the performance of their duties.

(c) Upon request of the urban forestry advisory commission with approval by the town manager, the departments, boards, commissions, offices and agencies of the town government shall furnish to the commission such available information and render such service as may be needed in the performance of their duties.

(Ord. of 9-7-2004)

Sec. 26-104. Planting, maintenance and protection of public trees. Modified

(a) Planting.

(1) Any tree or shrub planted on public property shall be of an approved species as outlines in "The Preferred Species List" adopted by this commission.

(2) Any tree or shrub not on the preferred species list shall not be planted on public property without the specific approval of the urban forestry advisory commission.

(3) Any tree or shrub shall be properly planted according to the standards and guidelines adopted by this commission.

(b) Maintenance.

(1) All outside contractors hires for pruning and/or maintenance of town owned trees shall meet the following requirements:

a. Have a current town business license.

b. Provide proof of liability and Workmen's Compensation Insurance in amount established by the town council.

c. Have at least one Virginia State certified arborist on staff to generally oversee all work.

(2) All town-owned trees shall be maintained in accordance with the American National Standards Institute's ANSI A300 Standard Practices (or most recent

update). No town-owned tree shall be "topped" nor shall any climbing spurs be used when working on live trees.

(3) All tree pruning around utility lines shall be performed in accordance with the guidelines in "Pruning Trees Near Electric Utility Lines" by Dr. Alex L. Shigo.

(4) No private citizen shall cut, prune, or elevate any town-owned tree in conflict with guidelines adopted by the urban forestry advisory commission, without prior approval of the town manager.

(5) The town should maintain elevation of town-owned trees to a height of 13 feet over roadways and a height of eight feet over public sidewalks where possible.

(6) Town maintenance of trees and vegetation in public rights-of-way.

a. The town is to cut and/or remove weeds, brush, plants, grass or other vegetation growing in the public alleys, unimproved streets and other unimproved rights-of-way. Any adjacent property owner, tenant or citizen, at their own expense, may cut and/or remove any weeds, brush, plants, grass or other vegetation, except trees in excess of three inches caliber measured 12 inches from the ground, growing in the public alleys, unimproved streets and other unimproved rights-of-way and in the unimproved portion of the public right-of-way lying between any public property and private property lines.

b. If any tree growing in a public alley, unimproved street or other unimproved right-of-way is dead or growing in such a manner that the branches, limbs or other parts of the tree extend or protrude onto private property in a manner that constitutes a danger to citizens or property, the town will cut and remove or prune such tree once it has been notified of the condition of the tree. It shall be the responsibility of the adjoining property owner or tenant to notify the town when a tree is growing in such a manner that it needs to be cut and removed or pruned.

(c) Protection.

(1) Abuse, mutilation, or damage to public trees. Unless specifically authorized by the urban forestry advisory commission, it shall be unlawful for any person to intentionally damage, cut, carve, transplant or remove any tree on public property, nor attach any rope, wire, nails, advertising posters or other contrivance to any public tree, nor allow any gaseous liquid or solid substance which is harmful to such trees to come in contact with them, nor set fire or permit any fire to burn when such fire of the heat thereof will injure any portion of any public tree. Any person found to violate the provisions of this section shall be responsible for the cost of repair, or removal and replacement, of any public tree so damaged. The owner of any vehicle that accidentally damaged any tree on public property shall be responsible for the cost of repair, or removal, and replacement, of any public tree damaged.

(2) Protection of trees.

a. Where any excavation or construction of any building or structure is proposed within the dripline of a tree located on any street or other publicly owned property, such tree shall be guarded with a good substantial fence placed at least three feet from the trunk of the tree, or at a distance in feet from the tree equal to the diameter of the trunk measured in inches at breast height, whichever is greater. All equipment, building material, dirt or other debris shall be kept outside the barrier.

b. Except in an emergency situation as determined by the town manager, no person shall excavate any ditches, tunnels, trenches, or lay any drive within a distance equal to one-quarter the distance from the dripline to the trunk of any public tree.

(3) Placing material on public property. Except for refuse collection activities, no person shall deposit, place, store or maintain upon any public place of the town any

stone, brick, sand, concrete or other materials that may impede the free passage of water, air and fertilizer to the roots within the dripline of any tree growing thereon.

(4) Improper planting. Whenever any tree is planted or set out in conflict with the provisions of this chapter, the town manager or the urban forestry advisory commission may pursue removal of said tree and initiate effective remedies.

(Ord. of 9-7-2004)

Sec. 26-105. Severability.

Should any part or provision of this article be declared invalid by any court, the same shall not affect the validity of the article as a whole or any part thereof other than the part held to be invalid.

(Ord. of 9-7-2004)

Chapter 34 HEALTH AND SANITATION

ARTICLE II. CONDITION OF PREMISES

DIVISION 2. WEEDS, DEBRIS, ETC.

Sec. 34-42. Traffic hazard or menace to public safety.

It shall be unlawful for the owner of any land or lot within the town to permit any weeds, tree, shrub, hedge, flower or growth of vegetation of any kind to remain upon such land or lot in such location, size and condition as to constitute an obstruction or hindrance to the safe movement of vehicular and pedestrian traffic upon the streets and alleys of the town or as to constitute a menace to public safety.

(Code 1968, § 19-17; Ord. of 11-6-2007)

Cross reference— Traffic and vehicles, ch. 78.

Chapter 62 SOLID WASTE

ARTICLE I. REFUSE COLLECTION

Sec. 62-1. Definitions. Modified

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

Trash includes paper, rags, paper containers, wooden boxes, tin cans, glass bottles and all household wastes and yard cuttings.

(Code 1968, § 19-1)

Cross reference— Definitions and rules of construction generally, § 1-2.

State Law reference— Definitions for the Virginia Waste Management Act, Code of Virginia, § 10.1-1400; definitions concerning litter control and recycling, Code of Virginia, § 10.1-1414; definitions concerning the siting of hazardous waste facilities, Code of Virginia, § 10.1-1433.

Chapter 70 SUBDIVISIONS

ARTICLE I. IN GENERAL

Sec. 70-1. Definitions. Modified

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

Easement means an authorization by a property owner of any designated part of his property for use by another for a specified purpose.

Public improvement means any drainage ditch, roadway, parkway, sidewalk, pedestrian-way, tree, offstreet parking area, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which local government responsibility is established. All such improvements shall be properly bonded if required.

Right-of-way means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees or for another special use. The usage of the term "right-of-way" for land platting purposes means that every right-of-way established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which each right-of-way is established.

(Code 1968, § 22-2)

Cross reference— Definitions and rules of construction generally, § 1-2; parks and recreation, ch. 50.

State Law reference— Definitions relating to planning, subdivision of land and zoning, Code of Virginia, §§ 15.1-430, 15.1-465.

ARTICLE IV. DESIGN STANDARDS AND SPECIFICATIONS

Sec. 70-120. Utility easements.

(a) Easements with a minimum width of 20 feet shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water mains or other utility lines intended to service the abutting lots. No structures or trees shall be placed within such easements.

(b) To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines, and easements shall be in accordance with requirements of appropriate utility companies.

(Code 1968, § 22-23)

Cross reference— Utilities, ch. 82.

Chapter 82 UTILITIES

ARTICLE II. WATER SYSTEM: CHARGES FOR WATER AND SEWER SERVICE

DIVISION 3. WATER SHORTAGES

ec. 82-66. Definitions. Modified

The following words and phrases, when used in this division, shall have the meaning ascribed to them below, except in those instances when the context clearly indicates a different meaning:

Establishing landscaping: Landscaping plantings or lawns existing in an area after such period of time as to accomplish an establishment and maintenance of growth.

New landscaping: Any landscaping or lawns 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. This does not include aeration and seeding, dethatching and seeding, or power overseeding of established lawns.

(Ord. of 9-6-2011)

Sec. 82-67. Mandatory public water use restrictions. Modified

The use of the public water system shall be limited as follows:

...

(4) Established landscaping, vegetable gardens. Watering is prohibited except for watering by buckets of up to five gallons in size per day.

(5) New landscaping. All watering is permitted for the first 30 days after planting. Thereafter, the restriction for established landscaping shall apply.

...

(Ord. of 9-6-2011; Ord. of 10-8-2014)

Chapter 90 ZONING

ARTICLE I. IN GENERAL

Sec. 90-1. Definitions. Modified

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

Open space, usable landscaped, means that space on the same lot and contiguous to the principal building, except as herein noted, which is landscaped with shrubs, planted with grass or developed and maintained for recreation purposes, excluding that portion of the lot which is utilized for off-street parking purposes.

Yard means an open space of a generally uniform width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

Yard, front, means an unoccupied space, open to the sky, between an adjacent right-of-way and the building setback line, which shall be drawn at such distance as may be specified herein for any district, and extending for the full width of the lot.

Yard, rear, means an unoccupied space, open to the sky, between the rear lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district, and extending for the full width of the lot.

Yard, side, means an unoccupied space, open to the sky, between the side lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district, and extending for the full length of the lot.

(Code 1968, § 29-1; Ord. of 4-2-91(2); Ord. of 9-3-96(1); Ord. of 12-1-98(4); Ord. of 3-2-2004; Ord. of 1-4-2005; Ord. of 5-2-2006; Ord. of 6-6-2006; Ord. of 8-1-2006; Ord. of 8-2-2006; Ord. of 11-1-2011; Ord. of 5-1-2012; Ord. of 9-3-2013)

Cross reference— Definitions and rules of construction generally, § 1-2; animals, ch. 10; parks and recreation, ch. 50.

State Law reference— Zoning administrator, Code of Virginia, § 15.1-491(d); motor vehicles, Code of Virginia, § 46.2-100 et seq.