

City of Harrisonburg, VA
THE CODE OF THE CITY OF HARRISONBURG, VIRGINIA
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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.
(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 16 OFFENSES

CHAPTER 4. CRIMES AGAINST PROPERTY

Article C. Damage to And Tampering with Property

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 other 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.

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 J. R-3 Multiple Dwelling Residential District

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/garage containing five (5) or more spaces is to be constructed within an established single-family detached or duplex neighborhood, such parking lots/garages shall be located to the rear or side of buildings and screened from the street by the building or by landscaping or walls. 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:

TABLE INSET:

Screen Abutting Street	Screen Abutting Adjacent Lot
4-foot high masonry wall	6-foot high masonry wall or solid wood fence
Or	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	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

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 facade 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 facade facing a dedicated 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 not be located in any yard adjoining a public street and shall be screened as may be required upon approval of the site plan.

...
(Ord. of 8-14-07)

Article M. MH-1 Manufactured Home Park District
Sec. 10-3-64. Area and dimensional regulations.

...
(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.

...
(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))