

Town of Woodstock, VA
CODE TOWN OF WOODSTOCK, VIRGINIA
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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.

- (a) The urban forestry advisory commission shall be made up of five members, each member being a citizen of the Town of Woodstock, Virginia. The members shall be appointed by the town council. In addition, the Virginia Department of Forestry's Chief Forest Warden for Shenandoah County 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)

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, devises 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.

- (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. 46-14. Handbills, etc.; placing on poles, trees, unattended vehicles, etc.; penalty.

It shall be unlawful for any person to place, or allow to be placed, any advertising material or political material on any utility poles, trees or other places for public viewing; and it shall be unlawful for any person to distribute, or allow to be distributed, any handbills or advertising material or political material on unattended automobiles. Any person violating the provisions of this section will be guilty of a misdemeanor and will be fined not less than \$5.00 and not more than \$50.00.

(Code 1968, § 14-19.1)

Sec. 46-16. Injuring, etc., any property, monument, etc.

If any person unlawfully destroys, defaces, damages or removes without the intent to steal any property, real or personal, not his own, or breaks down, destroys, defaces, damages or removes without the intent to steal, 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 if the value of or damage to the property or monument is less than \$1,000.00. The amount of loss caused by the destruction, defacing, damage or removal of such property or monument may be established by proof of the fair market cost of repair or fair market replacement value.

(Code 1968, § 14-14)

Definitions:

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.