

AN ORDINANCE No. 92-231-227

ADOPTED JUN 23 1992

To authorize the establishment of a City of Richmond Municipal Tree Policy concerning the planting, maintenance, and removal of trees on City owned property.

Patrons - Dr. West and Mr. Prince

Approved as to form and legality
by the City Attorney

WHEREAS, Richmond's trees have long been recognized as a major asset; and

WHEREAS, the existing urban forest contributes significantly to air, noise and visual pollution control; and

WHEREAS, shade trees moderate climatic extremes and promote energy conversation; and

WHEREAS, the urban forest is a part of the watershed of the James River and, therefore, controls water run-off and replenishes the watershed system; and

WHEREAS, the urban forest has significant aesthetic value which affects property values and, more importantly, the quality of life necessary to our community; and

WHEREAS, the City of Richmond recognizes the necessity of providing standards by which all tree activity must take place

within the City on City property; NOW, THEREFORE,
THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the establishment of a City of Richmond Municipal Tree Policy is hereby authorized concerning the planting, maintenance, and removal of trees on City owned property. The City of Richmond Municipal Tree Policy shall be as set forth in the document attached to the draft of this ordinance.

§ 2. This ordinance shall be in force and effect upon adoption.

CITY OF RICHMOND
MUNICIPAL TREE POLICY

LEGISLATIVE RECOMMENDATION

IT IS RECOMMENDED THAT A SHADE TREE COMMISSION BE ESTABLISHED TO ADVISE AND ASSIST THE DIRECTOR OF RECREATION AND PARKS, AND THAT THE OFFICE OF THE DIRECTOR OF RECREATION AND PARKS BE THE AGENCY SPECIFYING REGULATIONS RELATING TO:

1. THE PLANTING, MAINTENANCE, AND REMOVAL OF TREES IN PUBLIC PLACES.
2. THE ISSUING OF PERMITS FOR PLANTING TREES ON PUBLIC PROPERTY BY PRIVATE INDIVIDUALS, OR OTHER CITY AGENCIES.
3. OBTAINING PROPERTY OWNERS PERMISSION TO WORK ON CITY PROPERTY FROM PRIVATE PROPERTY.

Section 1. Definitions.

For the purpose of this Policy the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in plural include the singular, and words in singular include the plural. The word shall is mandatory and not merely directory.

- I. Municipality is the City, or otherwise designated area unit of Richmond City, State of Virginia.
- II. Recreation and Parks Department is the department of "Parks and Street Trees", "Parks and Forestry", "Street Trees" or other designated department of the municipality under whose jurisdiction park and/or street trees fall.
- III. City Arborist is the Municipal Arborist, Forester, or other qualified designated official of the Municipality of Richmond City, Virginia, assigned to carry out the enforcement of this Ordinance.
- IV. Person is any person, firm, partnership, association, corporation, company, or organization of any kind.

- V. Street means the entire width of every public way or right-of-way when any part thereof is open to the of the public, as a matter of right, for purposes of vehicular and pedestrian traffic.
- VI. Park shall include all public parks and cemeteries having individual names.
- VII. Public Places shall include all other grounds owned by the Municipality of Richmond City, State of Virginia.
- VIII. Property Line shall mean the outer edge of a street or alley.
- IX. TreeLawn is that part of a street, not covered by sidewalk or other paving, lying between the property line and that portion of the street or alley usually used for vehicular traffic.
- X. Public Trees shall include all shade and ornamental trees now or here after growing on any street or any public areas where otherwise indicated.
- XI. Large Trees shall are designated as those attaining a height of forty-five (45) feet or more.
- XII. Medium Trees are designated as those attaining a height of thirty (30) to forty-five (45) feet.
- XIII. Small Trees are designated as those attaining a height of twenty (20) to thirty (30) feet.
- XIV. Principal Thoroughfare shall mean any street upon which trucks are permitted.
- XV. Property Owner shall mean the person owning such property as shown by the City Auditor's plat of Richmond City, State of Virginia.

- XVI. Easement shall mean a privately owned parcel of land on which a legal right-of-way is held for the purpose of access for facility service, installation, or maintenance.
- XVII. Closed, or Dedicated Streets shall mean a undeveloped parcel identified as a street right-of-way controlled by the Department of Public Works.
- XVIII. Hazardous Trees shall mean any tree that is determined as structurally unsound due to insect or disease problems, or unsound root system or trunk. A hazard shall exist when one or all the above conditions prevail in trees existing in areas of occupied dwellings or pedestrian or vehicular traffic.
- XIX. Public nuisance shall mean any tree that produces bad smelling fruit, or seed that attracts insects considered to be pests. Any tree growing as a volunteer in areas not considered as normal planting areas.

Section 2. Permits Required.

I. PLANTING, MAINTENANCE, OR REMOVAL.

- A. Citizens are encouraged to participate in tree care, but shall not plant, spray, fertilize, preserve, prune, remove, cut above ground, or otherwise disturb any tree on any street or municipal-owned property without first filling out an application and procuring a permit from the Director of Recreation and Parks and/or his designated authority. The person receiving the permit shall abide by the Arboricultural Specifications and Standards of Practice adopted by the Director of Recreation and Parks.
- B. Application for permits must be made at the office of the City Arborist not less than forty-eight (48) hours in advance of the time work is to be done. All permits are subject to approval by the City Arborist.

- C. Standards of Issuance. On recommendation of the City Arborist the Director of Recreation and Parks shall issue the permit provided for herein if, in his/her judgement, the proposed work is desirable and the proposed method and workmanship thereof are of a satisfactory nature. Any permit granted shall contain a definite date of expiration and the work shall be completed in the time allowed on the permit and in the manner as therein described. Any permit shall be void if its terms are violated.
- D. Notice of completion shall be given within five (5) days to the City Arborist for his inspection.
- E. Application Data. The application required herein shall state the number of trees to be set out; the location, grade, species, cultivar or variety of each tree; the method of planting; and such information as the City Arborist shall find reasonably necessary to a fair determination of whether a permit should be issued.
- F. Improper Planting. Whenever any tree is planted or set out in conflict with the provisions of this section, it shall be lawful for the City Arborist to remove or cause removal of same, and the exact cost thereof shall be assessed to the owner as provided by law in the case of special assessments. Trees may not be planted in areas where there are parking meters, over hanging trees from private property, or where there is close proximity to buildings and similar obstructions.

II. REMOVAL, REPLANTING, AND REPLACEMENT.

- A. Whenever it is necessary to remove a tree or trees from a treelawn in connection with the paving of a sidewalk, or the paving or widening of a street, the municipality or contractor if so stated, should replant such trees or replace them. Provided that conditions prevent planting on treelawns, this requirement will be satisfied if any equivalent number of trees of same size and species as provided for in the Arboricultural Specifications are planted in a attractive manner on the adjoining property.

Trees that cause sidewalks to be raised shall be preserved whenever possible and excessive root pruning that may weaken the tree(s) and make it susceptible to disease is not to be undertaken just to install a cement sidewalk or other improvements. The use of asphalt or other suitable material should be substituted for the cement walk.

Carriage walks that require a permit from the Department of Public Works shall not be installed if excessive pruning of roots is required.

- B. No person or property owner shall remove a tree from the treelawn for the purpose of construction, or for any reason, without first filing an application and procuring a permit from the Director of Recreation and Parks.
- C. Replacement of trees shall be in accordance with the adopted Arboricultural Specifications. Such replacement shall meet the standards of size, grade, species, and placement as provided for in a permit issued by the City Arborist.

Section 3. Obstruction - Trees Pruned.

See City Code: Responsibility of Property Owner, Chapter 25-4, paragraph b, and c.

Section 4. Abuse or Mutilation of Public Trees.

- A. Unless specifically authorized by the City Arborist, no person shall intentionally damage, cut, carve, transplant, or remove any tree; attach any rope, wire, nails, advertising posters, or other contrivance to any tree, allow any gaseous liquid, or solid substance which is harmful to such trees to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree.
- B. All trees on any street or other publicly owned property near any excavation or construction of any building, structure, or street work, shall be guarded with a substantial fence, or box not less than four (4) feet high and eight (8) feet square, or at a distance in feet from the tree equal to the diameter of the trunk in inches D.B.H., which ever is greater, and all building material, dirt, or other debris shall be kept outside the barrier. No person shall excavate any ditches, tunnels, trenches, or lay drive within a radius of ten (10) feet from any public tree without first obtaining a written permit from the Director of Recreation and Parks.

- C. No person shall deposit, place, or store any substance, or maintain upon any public place of the municipality, that is detrimental to City owned trees, shrubs, or grass, or other materials which may impede the free passage of water, air, and fertilizer to the roots of any tree growing therein, except by written permit of the Director of Recreation and Parks. *

Section 5. Easements, Dedicated and Unimproved Streets

- A. It shall be the responsibility of the property owner to maintain easement trees.
- B. It shall be the responsibility of the controlling agency to maintain trees on dedicated or unimproved streets.

Section 6. Arborculture Specifications and Standards

The Director of Recreation and Parks, shall have the authority to promulgate the rules and regulations of the Arborcultural Specifications and Standards of Practice governing the planting, maintenance, removal, fertilization, pruning and bracing of trees on the streets, cemeteries and public places.

A. Policy

1. All work on public trees shall comply with the Municipal Tree Ordinance of the City of Richmond, Commonwealth of Virginia.
2. The Arborcultural Specifications and Standards shall be adhered to at all times, but may be amended at any time that experience, new research, or laws indicate improved methods, or whenever circumstances make it advisable, with the approval of City Council.
3. The policy for the Department of Recreation and Parks shall be one of cooperating with the public, property owners, other municipal departments, and appropriate non-profit organizations at all times.

4. No utility, or regutary poles shall be placed within a tree planting area.
5. No trees will be removed from public places unless they constitute a hazard to life or property, a public nuisance, or because a revision for planting plans necessitates the action. Any person or persons removing trees from public property without permission of the Department of Recreation and Parks shall be subject to cost of replacement, if appropriate.

Tree replacement: trees with a caliper size up to and including eight (8) inches shall be replaced under the supervision of the Department of Recreation and Parks.

Trees with a caliper size up to or greater than eight (8) inches shall be evaluated in accordance guidelines provided by the International Society of Arborculture.

It shall be the responsibility of the Department of Recreation and Parks to place a value on the replacement trees.

6. Any removal or retention of a street tree, that is contrary to the City Arborist's recommendation, shall require approval of The Shade Tree Commission, (if that body is established), or the Director of Recreation and Parks.

Replacement of trees shall be at the property owners expense, and must be approved by the Department of Recreation and Parks.

Requests for removal of healthy trees for the purpose of property improvement shall be in writing to the Director of Recreation and Parks.

All requests shall include properly prepared plans for the area in question.

All plans shall be approved by the City of Richmond's Bureau of Permits and Services, if such bureau exists, or to the appropriate agency.

If just cause an not be provided for the removal of said trees, no permit will be issued.

All approved removals shall be done at the property owners expense.

All removals shall be done by qualified personnel, and shall comply with approved the American National Standard Institute (ANSI) for tree maintenance.

Permits shall be issued the property owner through the Department of Recreation and Parks.

Once a permit is issued the property owner, or the property owners contractor assumes all liability related to the removal of said trees.

B. Species, Cultivar, or Varieties

1. The Director of Recreation and Parks shall prepare lists of trees acceptable for planting in the public sites of the City of Richmond, Commonwealth of Virginia. Undesirable trees shall not be recommended for general planting and their use, if any, shall be restricted to special locations where, because of certain characteristics of adaptability or landscape effect, they can be used to advantage.
2. Only desirable, long-lived trees of good appearance, beauty, adaptability and generally free from injurious insects or disease shall be planted in public sites. The Director of Recreation and Parks shall review at least once every two (2) years the species, cultivar and varieties included on the approved list to determine in any should be removed for any reason or if certain new species, cultivar, or varieties of proven dependability and value should be added.
3. Where street blocks have been assigned a particular species or variety on the Master Street Tree Plan, only these shall be planted subject to revision by the Director of Recreation and Parks.

C. Planting

1. Size
 - a. Unless otherwise specified by the Director of Recreation and Parks, all "medium to large deciduous trees" species and their cultivars and varieties, shall conform to American Association of Nurserymen Standards and be at least 1-1/4 to 1-1/2 inches in diameter six (6) inches above ground level and at least eight (8) to ten (10) feet in height when planted. The crown shall be in good balance with the trunk.
 - b. All small deciduous tree species and their cultivars or varieties, shall be at least five (5) to six (6) feet or more in height and have six (6) or more branches.

2. Grade

- a. Unless otherwise allowed for specific reasons, all trees shall have comparatively straight trunks, well developed leaders and tops and roots characteristic of the species, cultivar, or variety showing evidence of proper nursery pruning. All trees must be free of insects, diseases, mechanical injuries and other objectionable features at the time of planting.

3. Location and Spacing

- a. Based on a forty (40) years cycle, no tree which will attain a trunk diameter greater than twelve (12) to fifteen (15) inches shall be planted in a tree lawn less than three (3) to five (5) feet in width. In tree lawns less than three (3) feet in width, or where overhead lines or building setback presents a special problem, the selection of site and species shall be determined by the Director of Recreation and Parks.
- b. Where there is a tree lawn less than three (3) feet in width, legal steps should be taken, if possible, to obtain easement rights to plant beyond the sidewalk on private property.

Such easements should contain provisions granting the City permission to select, plant, maintain and remove such trees under the direction of the Department of Recreation and Parks.

- c. Trees shall be planted at least twenty-five (25) feet from street intersections and at least ten (10) feet from alleys.
- d. No tree shall be planted closer than ten (10) feet of a utility pole.
- e. Spacing of trees should be determined by the Director of Recreation and Parks according to the condition of the area, the species, cultivar, or varieties used, their mature height, spread and form. Generally, all large trees shall be planted forty (40) to sixty (60) feet on center, all medium-size trees shall be planted a minimum of thirty-five (35) on center, all small trees shall be planted a minimum of twenty-five (25) on center.
- f. All planting on unimproved streets without curbs, must have the special permission of the Director of Recreation and Parks, who shall determine the tree's location.

4. Methods of Planting and support
 - a. No planting shall be done when the planting area is frozen.
 - b. Most small deciduous trees may be moved bare-root unless otherwise indicated. Roots of bare-root trees must be protected against drying out. The planting of all bare-root trees must be done at temperatures above freezing to prevent damage to the root systems.
 - c. All coniferous trees shall be moved balled and burlapped. Balled roots should be prevented from drying out at the surface of the ball and protected against injurious freezing. Trees shall be planted during the dormant season, usually November through April.
 - d. Holes dug for planting of bare-root plants shall be a minimum of twelve (12) inches larger in diameter than the diameter of the root system so as to be of sufficient size to accommodate the roots without crowding. For balled trees, the holes shall be a minimum of twelve (12) inches larger than the diameter of the ball of soil to allow proper backfill.
 - e. Plants shall be planted no deeper than previously grown, with due allowance for settling.
 - f. In poorly drained soil, artificial drainage shall be provided to properly drain the soil about the plant roots or a tolerant species selected.
 - g. Acceptable top soil, compost, peat moss, or other acceptable soil mixtures shall be placed about the roots, or in the backfill around the ball. When the planting is completed, the entire root area should be saturated with water.
 - h. Excessive pruning at the time of transplanting should be avoided. The extent of top pruning should be based on the ability of the plant roots to function.
 - i. Trees shall be suitably wrapped and guyed, or supported in an upright position, according to accepted arboricultural practices. The guys or supports shall be fastened so that they will not girdle or cause serious injury to the tree or endanger public safety.
 - j. All plant material shall be planted at the proper time. No plant material shall be planted at such time as to cause undue stress, or otherwise reduce the plants chance for survival. Planting time is generally mid November to mid April.

D. Early maintenance

1. General

- a. Newly planted trees require special attention to maintenance practices during one or two growing seasons following planting. All maintenance practices shall follow approved arboricultural standards. Adjacent property owners are encouraged to assist with this.

2. Watering

- a. Ample soil moisture should be maintained following planting. A thorough watering each five (5) to ten (10) days, depending on soil type and drainage provisions is usually adequate during the growing season. Soil moisture should be checked for adequate moisture in the soil ball and/or backfill.

3. Fertilization

- A. Adequate quantities of essential nutrient elements should be made available in the second year of growth.

4. Insect and Disease Control

- a. Measures for the control of insects and diseases shall be taken as shown necessary by frequent and thorough inspections. Plants in a weakened condition following transplanting are often more susceptible to insects, especially bores and some diseases than are vigorously growing trees. Where it is necessary to spray, insecticides or fungicides shall be used that are recommended for safe and effective control.

5. Pruning

- a. Pruning practices to be followed the first few years following planting, shall consist of removing dead, broken, or injured branches, the removal of girdling and damaging roots, uneven growth, and usually the removal of sucker growth.
- b. Pruning shall be practiced subsequent to transplanting and as necessary thereafter to assure sturdy crotch development.
- c. Tree heads should be raised as growth characteristics and location indicates. Newly planted trees need not have lower branches removed until they are well established. When the growth of a tree permits, trees should have the lower branches removed to a height of at least seven (7) feet, unless in areas where lower branches do not impede traffic.

- E. General Maintenance
 - 1. Pruning and Removal
 - a. Trees are pruned for shape and beauty; to remove deadwood; prevent diseases; and to correct a safety hazard or prevent damage to life and property.
 - b. No topping or dehorning of trees shall be permitted except by written permission of the Director of Recreation and Parks. Proper cabling and bracing shall be substituted for this practice whenever possible.
 - c. All large, established trees shall be pruned to sufficient height to allow free passage of pedestrians and vehicular traffic; eleven (11) feet in residential areas and thoroughfares and fourteen (14) feet on truck, bus routes, fire lanes and main arteries. ---
 - d. All utility and line clearance contractors must submit applications, obtain permits and prune and remove for line clearance as prescribed and under the supervision of the City Arborist.
 - e. All cuts shall be made with a saw or pruner and only at nodes or crotches. No stubs shall be left. No spurs or climbing irons shall be used on trees, except when trees are being removed.
 - f. All dead, crossed, and rubbing branches should be removed.
 - g. No use of tree paints shall be used as this promotes diseases.
 - h. All tools being used on trees suspected to be infected with a contagious disease shall be disinfected before being used on another tree.
 - i. Whenever streets are to be blocked off to public service, police and fire departments shall be notified of the location and length of time the street will be blocked. Notification shall be given these departments upon the removal of such barriers or if such barriers are to remain longer than originally expected.
 - j. To protect the public from danger, suitable street and sidewalk barriers, highway cones, or signs shall be used during tree maintenance operations. Flashing signals shall be used during all after dark operations.

- k. The stumps of all removed trees shall be cut at least three (3) inches below the ground and soil shall be replaced and the area leveled. If the area where the tree has been removed is to be replanted, the tree should be cut or stump removed at a sufficient depth to allow for proper replanting.

2. Spraying

- a. Suitable precautions shall be taken to protect and warn the public that spraying is being done.

As a general policy, all tree and shrub spraying shall follow approved Arboricultural Practices.

Wherever possible, Integrated Pest Management (IPM) controls shall be used.

Trees and or shrubs shall not be sprayed unless need is shown that insects are causing damage at a level that is harmful to said trees or shrubs, and that there are no beneficial insects available to help control harmful insects.

Some examples of insects that may be found on city trees but which are not generally considered a serious pest to city trees are the following:

Box Elder Bugs
Eastern Tent Caterpillars
Hornets & Wasps
Striped Oak Worms

As a rule, no spraying measures shall be taken concerning these insects.

Exceptions may be made to control hornets or wasps if their nests are on city owned trees, the height of the nests is below 10 feet in the air, and/or the insects pose a hazard to citizens.

- b. Spraying shall be done only for the control of specific diseases or insects, which are harmful to designated urban tree species and with the proper material in the necessary strength and applied at the proper time to obtain the desired control. All spraying practices shall conform to federal and state regulations.

- c. Dormant oil sprays with viscosity ranges from 90-150 shall not be applied to sugar maple, Japanese maple, beech, flowering dogwood, hickory, walnut and most crab apple trees. No dormant oil with viscosity ranges from 90-150 shall be used on any green part of a plant. Dormant oil sprays shall be applied to trees only when the air temperature is 45 degrees F or above and when it is not likely to drop below this temperature for a period of twenty-four (24) hours.

3. Fertilization

- a. Fertilization of public trees shall follow the National Arborist Association or other accepted arboricultural standards.
- b. Formulation, rates and methods of application of fertilizer shall be specified by the City Arborist.

4. Cavities

- a. Extensive cavity work should be performed on trees only if they are sufficiently high in value to justify the cost. All cavity work shall conform to the National Arborist's Association or other accepted arboricultural standards.

5. Cabling and Bracing

- a. As a general rule, cables should be placed approximately two-thirds (2/3) of the distance between the crotch and top branch ends. Rust-resistant cables, thimbles and lags should be used. The ends of a cable should be attached to hooks or eyes of lags or bolts, and thimbles must be used in the eye splice in each end of the cable. In no instances shall cable be wrapped around a branch.
- b. All cabling and bracing practices with screw rods shall follow National Arborist Association or other accepted arboricultural standards.

ORDINANCE OR RESOLUTION SUMMARY

CITY OF RICHMOND, VIRGINIA

Resolution
Ordinance No. 92-231
Patron(s) Dr. West

***Subject**
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***Municipal Tree Policy**
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SUMMARY

This Ordinance proposes to authorize the establishment of a City of Richmond Municipal Tree Policy concerning the planting, maintenance, and removal of trees on City owned property.

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COUNCIL ACTION

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*On Docket 6/22/92
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*Amended _____
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*Adopted _____
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*Rejected _____
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*Stricken _____