

Public Hearing Copy
Chapter 116 TREES AND SHRUBS

116-1 Definitions.

For the purpose of this chapter, the following words are hereby defined for use in the administration and enforcement of this chapter:

Canopy means the crown branch area of a single tree or several combined trees.

Drip line means a vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Land-disturbing activity means defoliation or alteration of a site, or the commencement of any construction activities.

Landmark trees means trees that are designated depending on species rarity, old age, association with an historical event or person, abnormality, scenic enhancement, etc.

Public area means a privately owned area where the general public has access.

Public places/property means all streets, public rights-of-way, parks, and other real property owned by the Town of Louisa or its Industrial Development Authority (IDA).

Shrub means a woody plant that usually remains low in height and produces roots or stems from the base and is usually not tree-like or single stemmed.

Street tree means a tree planted within the developed street right-of-way between the curb line of the street and the property line of the site.

Tree Board is a committee or commission tasked to develop an annual community forestry work plan.

Topping means the severe cutting back of limbs within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

Tree means any self-supporting woody plant growing upon the earth that usually provides one (1) main trunk and produces more or less a distinct and elevated head with many branches.

The following are specific descriptions of three (3) sizes of trees:

- (a) Small tree: Attaining a height of less than thirty (30) feet.
- (b) Medium tree: Attaining a height of thirty (30) to forty-five (45) feet.
- (c) Large tree: Attaining a height of forty-five (45) feet or more.

Tree Protection Zone (TPZ) is a defined area within which certain activities are prohibited or restricted to prevent or minimize potential injury to designated trees, especially during construction or development.

116-2 Purpose of the chapter.

It is the purpose of this chapter to:

- (1) Conserve and protect public land, water, air, vegetation and other natural resources of the town;

- (2) Promote and protect the public and private aesthetic benefits gained from trees in the town;
- (3) Promote and protect the public health, safety and general welfare by providing for the regulation of planting, maintenance and removal of trees shrubs and other plants on public property within the town;
- (4) Preserve and protect trees and other vegetation during all phases of any land-disturbing activity within the town;
- (5) Encourage private landowners to enhance their property along street frontage and in public use areas.

116-3. Authority and duties.

- a) The Town Manager working with the Virginia Department of Forestry Louisa County Forester will be responsible for the enforcement of this ordinance on existing streets, alley ways, parks, cemeteries and other right of ways owned or maintained by the Town of Louisa on the date of adoption of this ordinance. New Development as defined in the Zoning Code is required to meet the requirements of this ordinance and sections Article XII and Article XIII of the Town of Louisa Zoning Code (and Site Plan and Landscaping Standards ordinance) and will be approved by either the Planning Commission or Zoning Administrator as required by section 165.75 of the Town of Louisa Code.
- b) The Town Manager and the Virginia Department of Forestry Louisa County Forester are designated the Tree Board.

116-4 Applicability

This chapter shall apply to trees, shrubs, and other plants within street rights-of-way, parks and other public places within the town. This chapter shall also apply to trees, shrubs and plants located on private property that constitute a public hazard or health threat as determined by the town manager through input from the director of public works and State Urban Forester.

116-4 Business License Required

It shall be unlawful for any person to engage in the business of planting, cutting, trimming, pruning, spraying, or to otherwise treat trees, shrubs or vines on public property, within the town without first producing evidence of a business license.

116-5 New landscaping.

In the development of commercial property and subdivisions, the Zoning Administrator, Town Manager, and Planning Commission shall review landscaping and site plans and may require changes as recommended for street trees to be planted in any of the streets, parking lots and other public places.

116-6 Tree planting, maintenance, and removal.

(a) The town shall have the right to plant, prune, maintain and remove trees shrubs and other plants within the lines of streets, alleys, avenues, lanes and public property as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of public property. It shall be unlawful for any person to tie any animal or bicycle to any tree or shrub or to any structure erected for the protection of the same on public property. The town may remove or cause or order to be removed any tree, shrub, or part thereof which constitutes a threat to public health or safety or which is injurious to public property, public buildings, sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with an injurious fungus, insect, or other pest. This section does not prohibit the

planting of street trees by adjacent property owners provided that the selection and location of said trees is in accordance with this chapter.

(b) Section 165.90 of the Louisa Town Code is incorporated by reference as a list of desirable tree species for planting along streets in three (3) sizes: small, medium and large. A list of undesirable tree species may be developed as well. Such lists are not all inclusive and other species or cultivars may be taken into consideration by the Tree Board as seems reasonable. This list would be available for the general public in assisting with landscaping of private property.

(c) No street trees other than those listed as small trees may be planted under or within ten (10) lateral feet of an overhead utility wire, or over or within five (5) lateral feet of an underground utility line (water, sewer, gas, transmission, etc.)

(d) It shall be discouraged as a normal practice for any person, firm or town department to top a tree on public property. Exceptions to this would be for instance; trees severely damaged by storms or other causes, certain trees under utility wires, or other obstructions where normal pruning practices are impractical and shall be exempted from this chapter. In such cases tree pruning shall be done to conform as closely as possible to Arboriculture Best Management Practices.

116-7 Tree Protection during land-disturbance.

(a) Individual or groups of trees selected to be preserved and protected during all phases of any land-disturbance shall be protected before any land disturbance begins. This protection includes, but is not limited to, designating Tree Protection Zones (TPZ) for each tree or groups of trees, installation of temporary, sturdy fencing around each TPZ clearly marked with signage stating the area within is a Tree Protection Zone and that no one is allowed to disturb this area. At a minimum the TPZ shall be to the drip line of the tree(s), or the area protected can be determined using established guidelines for determining tree protection zones for healthy, structurally sound trees.

(b) Heavy equipment, vehicular traffic, or stockpiles of any construction materials including topsoil shall not be permitted in the TPZ area.

(c) Whenever roots over 1 inch diameter of protected trees must be severed, they shall be pruned rather than torn or crushed during trenching or soil excavation using Arboriculture Best Management Practices.

(d) Irrigation should be provided within the TPZ if needed due to weather or site conditions.

116-8 Construction of sidewalks to allow for growth.

Insofar as possible, when any concrete, brick or other permanent sidewalk is laid in any street along which trees or shrubs have been planted, care shall be taken that an opening around the same shall be left in such sidewalk large enough for the expected growth of the trees or shrubs. The installation of tree root barriers along such permanent installations adjacent to trees is required.

116-9 Adjacent landowner responsibility.

No person shall plant, remove, or disturb any tree on or within any town street, right-of-way, park, cemetery, or other public place without first obtaining permission from the town.

116-10 Enforcement.

The town manager and his designee shall have the power to enforce rules, regulations, and specifications concerning the trimming, spraying, removal, planting, pruning and protection of trees, shrubs, and other plants as set forth in this chapter.

116-11 Penalties, claims and appeals.

(a) Any person who knowingly and willfully violates any provision of this chapter or who fails to comply with any notice issued pursuant to provisions of this chapter shall be subject to a the town general penalty contained in section 154.45.

(b) Any financial and/or material cost of damage to trees, shrubs, or other landscaping that results from violation of any provision of this chapter shall be the responsibility of the party in violation. The value of trees and shrubs shall be determined in accordance with the latest revision of "A Guide to the Professional Evaluation of Landscape Trees, Specimen, and Evergreens," published by the International Society of Arboriculture.