

Town of Farmville, VA  
Town Code  
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**TOWN OF FARMVILLE, VIRGINIA**  
**Part 2 CODE OF ORDINANCES**  
**Chapter 27 TREES AND SHRUBS\***

**\*Editor's note:** Ord. No. 102, adopted June 15, 2006, amended and re-enacted the former Ch. 27, §§ 27-1--27-8, and enacted a new Ch. 27 as set out herein. The former Ch. 27 pertained to similar subject matter and derived from Code 1973, §§ 27-1--27-8.

**Cross references:** Streets and sidewalks, Ch. 23; tree trimming by cable television company, § 7-17; permit for planting or removal of plants, shrubbery or trees in cemetery, § 8-20.

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**Sec. 27-1. 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 Farmville 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.

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:

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

(Ord. No. 102, 6-15-2006)

#### **Sec. 27-2. 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.

(Ord. No. 102, 6-15-2006)

#### **Sec. 27-3. Authority and duties.**

(a) There is hereby created and established a tree board for the town, which shall consist of five (5) members and shall be appointed by the town council. Members shall serve without compensation. The town manager and horticulturist will serve on the tree board as ex-officio members.

(b) The tree board shall choose its own officers, develop its own operating guidelines, and keep minutes of its meetings. Tree board meetings will not be pre-set but rather meetings will be scheduled on an as needed basis at the request of a board member or by the town manager or town horticulturist. A majority of its members shall constitute a quorum for the transaction of business. The tree board shall have no executive authority, its powers being strictly advisory.

(c) The tree board, in collaboration with the town manager and the town horticulturist, shall study, investigate and develop recommendations for the care, preservation, pruning, planting, replanting and removal of trees and shrubs in parks, along streets and in other publicly owned places. The tree board, through various public outreach and educational programs, will encourage private landowners to enhance their property along street frontage and in public use area such as parking lots.

(Ord. No. 102, 6-15-2006)

#### **Sec. 27-4. Term of office of tree board.**

Tree board members shall serve a three-year term with the following exception. The first appointed board shall serve terms as follows: two (2) shall serve two (2) years, two (2) shall serve three (3) years, and one (1) shall serve four (4) years.

(Ord. No. 102, 6-15-2006)

#### **Sec. 27-5. 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 the town horticulturist.

(Ord. No. 102, 6-15-2006)

#### **Sec. 27-6. Licensing and permits.**

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.

(Ord. No. 102, 6-15-2006)

#### **Sec. 27-7. Insurance.**

All contractors in the business of planting, cutting, trimming, pruning, removing, spraying, and otherwise treating tree, shrubs or vines on public property within the town shall show proof of liability insurance. This certificate of insurance shall be in the amount as required by the town. This coverage shall be for bodily injury or death and property damage, indemnifying the town or any person injured or damages resulting from the pursuit of such endeavors, as herein described.

(Ord. No. 102, 6-15-2006)

#### **Sec. 27-8. New landscaping.**

In the development of commercial property and subdivisions, the town manager, horticulturist, and building inspector shall review landscaping plans and may require changes as recommended for street trees to be planted in any of the streets, parking lots and other public places.

(Ord. No. 102, 6-15-2006)

#### **Sec. 27-9. 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 or 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) The tree board may develop 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 town horticulturist 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. (Ord. No. 102, 6-15-2006)

#### **Sec. 27-10. Construction of sidewalks to allow for growth.**

Insofar as possible, when any granolithic, 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.

(Ord. No. 102, 6-15-2006)

#### **Sec. 27-11. Adjacent landowner responsibility.**

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

(Ord. No. 102, 6-15-2006)

#### **Sec. 27-12. Tree protection.**

Trees that are to be saved or kept in construction projects shall be protected as follows:

- (1) No grading shall be done within the tree's drip line.
- (2) A temporary fence shall be constructed around the tree's drip line.
- (3) No equipment or machinery shall work within the fenced area.
- (4) No tools, equipment or supplies shall be stored inside the fenced area.
- (5) Landmark trees shall be protected.

(Ord. No. 102, 6-15-2006)

#### **Sec. 27-13. Private trees.**

The town manager in collaboration with the town horticulturist and the director of public works, is allowed to enter private land whereon there is located a tree, shrub, plant, or any part thereof is suspected to be a public health threat or nuisance to public property and to order its removal if necessary.

(Ord. No. 102, 6-15-2006)

**Sec. 27-14. 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.

(Ord. No. 102, 6-15-2006)

**Sec. 27-15. 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 fine not to exceed two hundred fifty dollars (\$250.00) for each separate offense.

(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. Any decision made by the town may be appealed to the town council in the same manner as set forth in the Town of Farmville Code.

(Ord. No. 102, 6-15-2006)

**Sec. 27-16. Review.**

The town council shall review recommendations made by the town's tree board and endorse them as is or amend them as they deem necessary.

(Ord. No. 102, 6-15-2006)