

N O R F O L K



TREE PERMIT APPLICATION

In accordance with the provisions of Chapter 45 of the Norfolk City Code (see reverse), I, _____, _____, (Name of Applicant)

of _____ request authorization to perform the following work on or within the _____ (Address)

dripline of _____ tree(s) at _____ in _____ (Species/Size) (Address or Project Name)

accordance with ANSI A300: Professional Tree Care Standards of Practice, the City of Norfolk Arboriculture Specifications and Standards of Practice Manual, and any special conditions or restrictions stated herein.

PLEASE CHECK ALL BOXES THAT APPLY:

<input type="checkbox"/> Prune	<input type="checkbox"/> Crown Cleaning	<input type="checkbox"/> Plant _____ (Qty/Species/Caliper)	<input type="checkbox"/> Overhead wires present
<input type="checkbox"/> Crown Thinning			
<input type="checkbox"/> Crown Reduction			
<input type="checkbox"/> Utility Clearance	<input type="checkbox"/> Spray/Treat	<input type="checkbox"/> Fertilize	<input type="checkbox"/> Inject/Implant
<input type="checkbox"/> Safety Prune			
<input type="checkbox"/> Other (Specify below.)	<input type="checkbox"/> Other. Specify: _____		

Excavate within the dripline

Root Prune

Store equipment/supplies within the dripline

Remove for driveway/sidewalk installation
Building Permit #: _____

Remove, other (Specify below.)

Purpose for which permit is requested: _____

I, the undersigned, upon approval of this permit, hereby agree to abide by the terms and conditions of this permit and to cease work immediately if required by the Direction of Recreation, Parks & Open Space or his/her representative. I also acknowledge that I have read and understand all relevant sections of Chapter 45 of the Norfolk City Code attached to this permit, and further understand that any violation of the provisions of this chapter or the conditions of this permit, upon conviction, shall constitute a class I misdemeanor for each day such violation shall occur or continue.

Signature of Applicant

Phone No.

Date

A signed original copy of this request form is to be returned to: (No faxed forms or photocopies accepted.)

City of Norfolk, Bureau of Parks & Urban Forestry
2839 Dana Street
Norfolk, VA 23509
Phone: (757) 823-4023

CHAPTER 45. TREES AND OTHER VEGETATION

Article II. Tree Ordinance

Sec. 45-12. Purpose and intent.

It is the purpose of this article, to be referred to as the "Norfolk Tree Ordinance," to promote and protect the public health, safety and general welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs and other vegetation in the city. It is the intent of the city council that the terms of this article shall be construed so as to promote the planting, maintenance, restoration and protection of desirable trees, shrubs and other vegetation within the city, to protect citizens from personal injury and property damage, and to protect public property from property damage caused or threatened by improper planting, maintenance, or removal of trees, shrubs, or vegetation plants located within the city. (Ord. No. 41,728, § 1, 2-15-05)

Sec. 45-13. Permits; when required.

(a) It shall be unlawful for any person except an authorized employee of the bureau of parks and forestry to perform any of the following acts on city-owned property without first obtaining a permit from the director:

- (1) Plant, transplant, prune, trim, root prune, spray, fertilize, treat, trim, remove, paint, climb or otherwise damage or disturb any tree, shrub or other vegetation or any part thereof, (including live, diseased, declining or dead), or protective and supportive devices.
- (2) Place either above or below ground level, a container for trees, shrubs or other vegetation.
- (3) Affix or cause to be affixed to any tree, shrub or other vegetation any sign, notice, announcement, banner, rope, cable, nail, tape, wire, or any other object, or to use the same in any connection with any guard or stake protecting or supporting such tree, or permit any electrical wires, cables, poles, cross arms, brackets, insulators, or other wires or fixtures to come into contact with any shade tree or ornamental tree on the streets or other city owned property.
- (4) Dig a tunnel, trench, or otherwise excavate within the critical root zone of a tree, except within the paved roadways from curb face to curb face.
- (5) Apply any chemical or material of any sort to or within the critical root zone of any tree including but not limited to insecticides, herbicides, fungicides, or soil sterilants/growth regulators that either prevent or hinder the establishment or viability of vegetation or which is detrimental to the environment.
- (6) Place any material of any sort, including, but not limited to, dirt, soil, rubble, concrete, bricks, wood, dredge spoil, asphalt, creosote timbers, logs, garbage, tires, organic wastes and personal property such as boats, trailers, vehicles on or within the critical root zone of any tree, shrub or other vegetation.

(b) It shall be unlawful for any person to perform any of the following acts within the resource protection area or intensely developed areas in the Chesapeake Bay Preservation Area Overlay District without first obtaining a permit from the director:

- (1) Plant, transplant, trim, prune, remove or otherwise disturb any tree, shrub or other vegetation (including live, diseased, declining or dead), or portion thereof.
- (2) Damage, cut, tap, caulk, paint, attach any rope, wire, nail, sign or any other manmade object to any tree or shrub.
- (3) Dig a tunnel trench or otherwise excavate within the critical root zone of any tree, shrub or other vegetation.
- (4) Apply any chemical, including, but not limited to, herbicides and/or growth regulators, that either prevents or hinders the establishment of viability of vegetation or which is detrimental to the environment.
- (5) Place any material of any sort, including, but not limited to, dirt, soil, rubble, concrete, bricks, wood, dredge spoil, asphalt, creosote timbers, logs, garbage, tires, organic wastes and personal property such as boats, trailers, vehicles on or within the critical root zone of any tree, shrub or other vegetation.

(c) For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice as approved by the bureau of environmental services and in accordance with applicable permit conditions or requirements.

(d) When trees, shrubs or other vegetation are removed, destroyed or damaged beyond recovery in violation of this section, the director may require that they be replaced or mitigated in accordance with controlling arboricultural specifications and standards. Failure to replace or mitigate as directed shall constitute a violation of this chapter.

(e) It shall be unlawful to fail to comply with any terms or conditions of any permit issued pursuant to this section.

(f) Nothing in this section shall be construed to exempt any person from the requirements of obtaining any additional permits as may be required by law. (Ord. No. 41,728, § 1, 2-15-05)

Sec. 45-14. Maintenance permit for work on city property.

(a) The director, under special circumstances, may issue a maintenance permit which authorizes residents within a defined area to maintain the shrubs, trees and flowers on city-owned property lying between the paved portion of the street and in areas of the city where sidewalks do not exist and the distance between the paved portion of the street and the property line is larger than is normally found in other areas of the city, and in such other areas as the director shall determine that the issuance of such maintenance permit would be in the best interest of the city in carrying out the purpose and intent of the tree ordinance. The director may impose such conditions and limitations on the permits as would be consistent with the terms and conditions of this article. If residents in the area fail to carry out the maintenance program within the conditions and limitations set forth in the permit, the director of neighborhood and leisure services may revoke the same. The issuance of such permit shall not in any way condone or authorize any property owner to maintain a public nuisance on public or private property, nor does the permit exempt such property owner from the other provisions of this article.

(b) The director may issue an area-wide or city-wide permit in order to correct or eliminate problems or conditions where it is not feasible or practicable to handle in any other way. The director may implement this permit by advertising in a newspaper of general circulation in the city setting forth the problem or condition to be corrected or eliminated, the manner and materials to be used, and other conditions, as he sees fit, to protect the urban forest. (Ord. No. 41,728, § 1, 2-15-05)

Sec. 45-15. Maintenance permit for work on private property.

The director may issue a maintenance permit for activity in the resource protection area or intensely developed area in the Chesapeake Bay Preservation Area Overlay District when he has determined that the applicant has presented sufficient information to ensure the objectives of the zoning ordinance and the tree ordinance will be faithfully carried out by the applicant. The director shall impose such conditions and limitations as would be consistent with the terms and conditions of the zoning ordinance. If the permittee fails to carry out the maintenance program within the terms and conditions set forth in the approved management plan, the director shall revoke the same and take such action as is appropriate to remedy or restore the buffer area. The director shall be guided by the following performance standards designed to maintain the functional value of the buffer area and the indigenous vegetation located therein:

- (1) Trees in excess of three (3) inches in diameter at breast height (four and one-half (4.5) feet above the ground) shall not be pruned or removed except as necessary to provide minimal sight lines and vistas, and provided that where removed they will be replaced with other vegetation that in the discretion of the director is equally effective in retarding runoff, preventing erosion and filtering nonpoint source pollution from runoff.
- (2) Any access path in the buffer area shall be constructed and surfaced so as to effectively control erosion.
- (3) A three-tier riparian vegetated buffer comprised of overstory, understory and groundcover plant materials will be established and/or maintained where practical in the discretion of the director. Disturbance to the soil environment and root systems of trees to remain shall be minimized.

(4) When permitted, alterations to the resource protection area or intensely developed area in the Chesapeake Bay Preservation Area Overlay District on city-owned property must be completed and maintained by a Virginia Nurseryman and Landscape Association (VNLA) certified horticulturist, or ISA certified arborist or ISA certified tree worker. (Ord. No. 41,728, § 1, 2-15-05)

Sec. 45-16. Permit exemptions.

- (a) Any person performing emergency utility work to restore, but not increase beyond the original capacity of underground transmission or distribution systems or utility services to existing residential, commercial or governmental facilities, and within the same trench as existing utilities, shall be exempt from obtaining a permit, provided that all applicable controlling arboricultural specifications and standards are followed and that the city forester is notified as soon as practical should excavation necessitate cutting roots in excess of three (3) inches in diameter.
- (b) Any person performing emergency work to restore but not to relocate or increase the capacity of overhead transmission or distribution systems or overhead utilities services to residential, commercial, or governmental facilities and which necessitates the cutting of limbs or branches up to four (4) inches in diameter, as measured outside the branch collar, shall be exempt from obtaining a permit, provided that all applicable controlling arboricultural specifications and standards are followed and the city forester is notified as soon as practical following the completion of such work.
- (c) A resident of the city shall not be required to obtain a permit for pruning sucker growth less than one inch in diameter which originates from the base of crape myrtle trees growing in that portion of the public right-of-way between the curb and sidewalk and directly adjacent to property owned or substantially controlled by said resident, or from watering without a permit any tree, plant or shrub located in the right-of-way. (Ord. No. 41,728, § 1, 2-15-05)

Sec. 45-17. Review of application for permit.

- (a) The director, within ten (10) working days of the receipt of an application for a permit, shall issue a permit to perform any of the specified acts for which a permit may be required pursuant to this chapter as long as the following conditions are met:
 - (1) When such acts would result in abatement of a public nuisance;
 - (2) When such acts consistent with the development and implementation of the street tree management plan or with any regulations and controlling arboricultural specifications and standards or with the purpose and expressed intent of this chapter;
 - (3) When an application has been signed by the applicant and submitted to the bureau of parks and forestry detailing the location, number, size and species of trees, shrubs and other vegetation would be affected by such acts, setting forth the purpose of such acts and the methods to be used along with any additional information the city forester may find reasonably necessary;
 - (4) When the applicant agrees to perform the work for which the permit is sought in accordance with the provisions of this article, the street tree management plan and controlling arboricultural specifications and standards; and
 - (5) When the applicant certifies that he has read and understands the provisions of this article, the terms and conditions of the permit, controlling arboricultural specifications and standards, city tree protection notes and details, and street tree planting and location standards, or other applicable standards which are pertinent to the work for which the permit is sought; or
- (b) The director may place certain conditions, limitations or other applicable standards and guidelines in the permit which he deems to be necessary to carry out the purpose and expressed intent of this article.
- (c) The director may require the applicant to post a bond or provide a letter of credit in an amount and with surety and with conditions satisfactory to him securing compliance with the conditions and limitations set forth in the permit. (Ord. No. 41,728, § 1, 2-15-05)

Sec. 45-18. Appeal of denial of a permit.

Any person aggrieved by the actions or orders of the director respecting issuance of a permit shall within ten (10) days from such action or order have an appeal to the city manager or to a person designated by the city manager to hear such appeals. The decision of the city manager or his designee shall be the final administrative remedy under this article. (Ord. No. 41,728, § 1, 2-15-05)

Sec. 45-19. Revocation of permit.

The director may revoke any permit issued under this chapter if the work for which a permit is issued is not completed in full compliance of stated conditions and limitations or if the work is completed in an unsafe manner, or in violation of any provision of this chapter, the Virginia State Code [Code of Virginia] and guidance promulgated thereto, an order of the board of zoning appeals, or any other applicable permit. The director may also take action as is appropriate to remedy or restore to a safe condition any tree, shrub or other vegetation for which a permit has been revoked or suspended at the applicant's expense. (Ord. No. 41,728, § 1, 2-15-05)