Virginia State Codes and Enabling Legislation related to Urban Forestry

Dillon Rule
Local governments are not mentioned in the United States Constitution. In the Commonwealth of Virginia, local governments are subordinates of the Commonwealth. The local government powers to govern are granted to them through charters, specific laws or statutes. The Dillon Rule, a construct of John Forest Dillon in 1873, views localities as “tenants at will” of the state legislature. The localities must look to the state for any and all privileges and authority.

Conservation of Heritage, Specimen, Memorial and Street Trees
Allows jurisdictions to regulate the preservation and removal of heritage, specimen, memorial, and street trees. Has a restricted range of application, and contains a takings and compensation clause. VA. Code 10.1 – 1127

Replacement of Trees During Development Process
Applicable to population densities of seventy-five persons per square mile and greater. Enables jurisdictions to require specified percentages (10-20%) of tree canopy. As an option, and with appropriate design, existing trees and forest cover can be used to meet the required percentages. VA. Code 15.2 – 961

* Expanded- Replacement of Trees During Development to Address Air Quality
Addresses conservation of trees during land development in localities belonging to non-attainment area for air quality standards. Expands the current Code to include addressing certain percentages of tree canopy through a variety of means, including a requirement to preserve existing trees and forest canopy. Emphasis on addressing air quality. VA. Code 15.2-961.1

Conservation of Open Space for Cluster Development
Addresses conservation of open space, which may include trees and forest canopy through cluster development. Applicable to by-right development of subdivisions. VA. Code 15.2-2286.1

Permits to Prune and Trim Trees in or Adjacent to Highways and Rights-of-Ways
Required permits and standards for trimming and pruning trees in order to conserve them. VA. Code 33.1-371.1 and .2

Chesapeake Bay Preservation Act, Area Designation and Management Regulations
Water quality is primary focus. Requires the conservation of trees and forest buffers which help to maintain water quality. An element dealt with in the land development processes. VA. Code 10.1-2100

Erosion and Sediment Control.
Useful and critical in the regulations that control runoff and sediment movement. Helpful for protecting trees and vegetation in the land development processes. VA. Code 10.1 – 562

Listing of Rare, Threatened and Endangered Plant and Animal Species
Regulates monitoring and protection of certain species of concern. Includes certain tree and plant species. VA. Code 3.1 – 1025

Establishment of a State Natural Heritage Program
Supports the inventory, protection and acquisition of ecologically significant environmental resources and areas. Can include certain forested and vegetated ecosystems and habitat. VA. Code 10.1-212
**Virginia Land Conservation Fund and Conservation Easements**
Establishes the foundation, management holding and acquisition of various lands for conservation purposes, including easements. Can include the protection and conservation of trees and forests. VA. Code 10.1 – 1020

**Silvicultural Practices, Local Government Authority Limited**
Establishes how silviculture regarding forestry activities may occur. Clarifies limits of local governments with these activities. VA. Code 10.1 – 1126.1

**Wetlands and riparian buffers**
Explains and identifies these resources. Details taxation of these lands for local governments. Helpful for resource protection. VA. Code 58.1 – 3666

**Impacts to Wetlands**
Presents permitting requirements that apply when wetlands are impacted. Helpful for resource protection. VA. Code 62.1 – 44.15:21

**Control of Certain Noxious Weeds, Authority to Stop Sale and Acts to Declare Certain Plants as Noxious**
Identifies authority to control and regulate some noxious weeds. Grants localities some power to address management and removal of noxious weeds. Declares certain species as noxious. Helpful for the conservation of trees, forests and habitats. VA. Code 15.2-902, VA. Codes 3.1-296.11, .12, .16, .17, and .21