

GHENT SQUARE ARCHITECTURAL GUIDELINES

<u>PAGE</u>	<u>TOPIC</u>
2	INTRODUCTION
3	FUNCTIONS OF THE ARCHITECTURAL REVIEW BOARD (ARB)
3	Annual inspection and reinspection
3	Review & approval process
4	Applying for ARB approval
6	BUILDING ALTERATIONS, ADDITIONS, AND DETACHED STRUCTURES
7	Materials and colors
8	Roofs
8	Fences, garden walls and trash/recycle containers
10	Patios, decks, hot tubs railings, balconies, pergolas
11	Mechanical and air conditioning equipment, solar panels
12	Exterior antennas
12	Mailboxes/slots, house numbers and name plates
12	Lighting
13	Freestanding objects
13	Signs
14	LANDSCAPING GUIDELINES
14	Landscaping maintenance
15	Landscape design
17	APPENDIX: SELECTED CITY OF NORFOLK REGULATIONS

GHENT SQUARE ARCHITECTURAL GUIDELINES

INTRODUCTION

The Architectural Review Board (ARB) was created by the Declaration of Covenants, Conditions and Restrictions for the Ghent Square Community Association and is composed of Ghent Square Homeowners who volunteer their time to serve. The ARB is charged with carrying out certain rules and regulations, known as the "Ghent Square Architectural Guidelines."

The mission of the ARB is to preserve the design integrity and property values of Ghent Square. It is recognized that changes within the neighborhood will occur; however, the architectural character of Ghent Square can be maintained and enhanced if a careful and sensitive set of design criteria are followed. Within guidelines, the ARB strives to allow the Homeowner as many options as possible.

Ghent Square is made up of many building styles and various construction designs and materials. Specific areas contain buildings with similar form, scale, proportion, color and texture. It is important to emphasize that each specific living unit is a part of a larger building group. This applies to attached houses and to individual houses as well. Sensitivity to the overall design of the building group is essential to the character and architectural quality of the community.

The Ghent Square Homeowners Association (GSCA) Board of Directors (BOD) appoints members of the ARB. Homeowners interested in helping preserve the quality and appearance of Ghent Square are encouraged to apply in writing to the BOD. Homeowners whose properties are in good standing (no unresolved violations or arrears) may apply. Applications should include a short statement of the Homeowner's interest and availability and any information pertinent to ARB membership. The BOD may refer the homeowner to the Chair of the ARB, who will invite the homeowner to attend a regular meeting of the ARB. Based on a vote taken by the ARB, a recommendation is forwarded to the BOD. The BOD votes on the application and notifies the applicant.

FUNCTIONS OF THE ARCHITECTURAL REVIEW BOARD

The Architectural Review Board (ARB) has two primary functions, its Annual Inspection/Re-inspection and its Review and Approval Process.

ANNUAL INSPECTION/RE-INSPECTION

ARB members conduct an Annual Inspection of each property in Ghent Square in the spring of each year. The purpose of the inspection is to ensure that properties are maintained and home values preserved. Visual inspections are conducted from adjacent public access and Association property. Inspectors may document the inspection with photographs. During each inspection all exterior elements located on each property are evaluated in terms of compliance with the Ghent Square Architectural Guidelines, including needed maintenance such as painting, roof repair, windows, damage, etc. Those properties with unauthorized changes or requiring maintenance are then cited in writing. Inspection reports may also identify potential future maintenance problems. Homeowners are given a period of time to respond, make the necessary corrections, or appeal the ARB's decision to the BOD. Any cost incurred to bring the property into compliance is borne by the Homeowner. As authorized by the Declaration of Covenants, Conditions and Restrictions and policies adopted by the BOD, there may be penalties associated with failure to comply with citations issued.

REVIEW AND APPROVAL PROCESS

The ARB's second function is to conduct the Review and Approval Process for proposed projects. All exterior plans for construction, demolition, renovation, or landscaping of Ghent Square homes must be reviewed and approved by the ARB prior to the commencement of any work by the Homeowner. This process applies to projects which are visible from any public access or Association property.

Repairs or replacements that do not alter the existing appearance do not require review or approval.

All neighbors are encouraged to contact management to inquire if the project proposal requires ARB approval.

APPLYING FOR ARB APPROVAL

1. A Ghent Square ARB Request Application form (available at www.ghentsquare.org) has been developed to assist the Homeowner in requesting an ARB review. This form allows the Homeowner to describe the nature of each proposed alteration. The following is required for an ARB review:
 - (a) A full description of the project that includes relevant information such as: height, width, length, shape, color, size, product literature, material samples, and location of the proposed improvement. The ARB may require a copy of the estimate or contract that describes the project scope and material. The cost may be redacted. Photographs or sketches of similar completed projects, while not required, aid the ARB's consideration. A request to the ARB to approve a change in the shape or appearance of the exterior building structure shall include architecturally accurate drawings with plan and elevation views drawn to scale prior to consideration of the proposal. Requests for changes to fences or sheds may require a copy of the survey (plot). If the proposed improvements will have an impact on an existing drainage pattern, the proposed new drainage pattern must also be included. Homeowners may seek preliminary input from the ARB as an interim step prior to the submission to the ARB of additional information or more detailed drawings supporting their application for approval.
 - (b) In order for the ARB form to be complete, it must be initialed by each adjoining and/or facing property owner. Neighbors' signatures indicate they acknowledge being notified of the Homeowner's proposed work, not that they approve of the project. The completed form is then sent to Ghent Square management along with the supporting documentation. It can be scanned/emailed to management or dropped off at the Ghent Square clubhouse located at 852 Mowbray Arch, Norfolk VA 23507. There is a mail slot at the clubhouse through which the form may be deposited if no one is

available at the time of drop off. Management will submit the form to the ARB.

Any non-applicant Homeowner who wishes to provide input about a proposed project should contact the Management Office. The information should be submitted prior to the next ARB meeting. The information may be submitted in writing or by email. In addition, the non-applicant Homeowner may attend the ARB meeting.

- (c) To be placed on the monthly meeting agenda, the completed ARB form and any supporting documents (photos, redacted contracts, etc.) must be received by the GSCA clubhouse fourteen (14) calendar days prior to the next ARB meeting.
2. The ARB will meet once a month, or as required. ARB meetings are open to all Ghent Homeowners. The meeting may be conducted virtually and/or meeting location may change, so homeowners wishing to attend should confirm the location and/or link to the meeting prior to the meeting day.
 3. Homeowners may not commence with any construction/landscaping work until written ARB approval is received. The project must be completed as approved by the ARB. No deviation from the ARB's approved plans is allowed. Once approved, construction/landscaping must be completed within twelve (12) months of ARB approval.
 4. If a proposal is denied by the ARB, the applicant Homeowner may, within thirty (30) days after the denial, request in writing that the ARB reconsider its decision. In such cases, the applicant Homeowner is encouraged to present new or additional information which might clarify the request or demonstrate its acceptability.
 5. If an applicant or non-applicant homeowner has previously appealed to the ARB that it reconsider its decision (item 4, above) and has again been denied by the ARB, the Homeowner may subsequently appeal to the BOD by written notice within fifteen (15) days after the date of the final decision by the ARB. Copies of this notice of appeal shall be mailed to the applicant homeowner, to the ARB, and to any non-applicant homeowner who made a presentation or submitted

evidence at the ARB proceedings. The Chair of the ARB or a designated member of the ARB will join the BOD, ad hoc, at the time of the appeals hearing.

6. ARB approval is not a substitute for compliance with the City of Norfolk's zoning ordinances and building codes. (See page 17 of this document for the relevant City of Norfolk codes.)
7. There is no fee if a Homeowner submits a project within ARB jurisdiction prior to the commencement of work. **When a homeowner has initiated a project within ARB jurisdiction without prior approval, there shall be a \$50 “after the fact” application fee. If the project is not approved, removal, correction or modification of the project may be required.** A waiver of the \$50.00 fee may be approved by the ARB only in the most limited circumstances. Potential grounds to be cited for a waiver should address the following circumstances insofar as they are applicable to the application: shortness of applicant's residency period; applicant's lack of previous interaction with the ARB; the marginal visual impact of the project; and the clarity or lack thereof the ARB's jurisdiction. ARB approval or rejection of a request for a fee waiver shall be accompanied by the ARB's rationale supporting its decision.

GUIDELINES FOR BUILDING ALTERATIONS, ADDITIONS AND DETACHED STRUCTURES

Ghent Square is made up of many building styles and various construction designs and materials. Specific areas contain buildings with similar form, scale, proportion, color and texture. It is important to emphasize that each specific living unit is a part of a larger building group. This applies to attached houses and to individual houses as well. Sensitivity to the overall design of the building group is essential to the character and architectural quality of the community.

Therefore, any addition, alteration or modification to an existing building, its landscaping, any exterior building or structure, or any construction of a new

detached structure must have ARB approval. This applies to any changes/alterations visible from any public access or Association property.

Any addition, exterior alteration, modification or change to an existing building, structure or landscaping must be compatible with the design character of the original building. Any new detached structure must be compatible with the parent structure.

MATERIALS AND COLORS

A homeowner's choice of materials and colors to be used within a renovation or new construction project are important and will be reviewed by the ARB as a part of its approval process. The design and color of these elements must be compatible with the architectural character of the individual home/building, neighboring homes/buildings, and the community as a whole.

In general, it is recommended to replace exterior materials with identical materials, conforming in dimension and finish to that which will be replaced. The ARB may, however, consider approving materials which differ from the original if these materials are compatible with the architectural character of the immediate vicinity and community as a whole. In addition, modern replacement materials for traditional wood, stucco, brick, etc., such as PVC, plastic lumber, fiber-cement board, imitation slate, etc., may be approved by the ARB, in whole or in part, if their use does not adversely affect the visual harmony of the immediate neighborhood and the community as a whole.

Exterior color changes may also be considered by the ARB, using the same standard of community compatibility. Contiguous residences in townhouse rows will be required to maintain closer color schemes than single-family structures.

Homeowners are invited to incorporate individual taste in the painting of front doors, where the greatest degree of variation is encouraged, in both townhouse settings and single-family settings.

Homeowners are encouraged to consult the Ghent Square Community Association for information on previously approved materials and colors that could affect design decisions. This is especially relevant for units within townhouse rows,

for which standard colors and materials may have been previously specified by the ARB.

ROOFS

Roof replacements using like kind, quality, profile and color materials do not require ARB review and approval. Changes to the color, composition, type or profile of shingles or other roofing materials require ARB approval. Roof replacement materials will be evaluated on architectural appearance, consistency with the structure's design and compatibility with adjacent structures and the community as a whole. Single family detached homes have more latitude in selecting replacement roof materials and colors. Sheds and home additions should match the home's main roof materials, color and appearance. Contiguous townhomes shall maintain the same shingle type and color to present a uniform appearance. Townhome owners replacing a roof shall utilize a shingle specification common to their townhome group. Once the ARB has approved a replacement shingle specification for a townhome group, the specification will be filed with the Ghent Square Community Association. Townhouse owners are encouraged to check whether roof replacement materials have been previously approved for their common structures. Contiguous townhouses with membrane-covered, very low-pitched roofs are exempted from color-matching constraints. However, when a choice of color is available, a color that matches adjacent townhouses is required.

Roof patching and partial roof replacements which result in a color mismatch, patchwork appearance or inconsistency with adjacent roof materials are not acceptable. The homeowner is responsible for assuring that a repair or replacement provides a uniform appearance. The homeowner shall notify their insurance company of this Association requirement when seeking insurance coverage for roof repairs or replacement.

FENCES, GARDEN WALLS AND TRASH/RECYCLE ENCLOSURES

Fences and walls, enclosures for trash/recycle containers and the like are integral parts of the architectural and site design for each unit. Due to the closeness

of residential units, careful consideration must be given to details, materials and colors for all fencing and walls. If an existing fence, garden wall, or trash enclosure requires replacement or repair and the rebuilding uses the exact materials, material sizes, overall dimensions, colors, detailing and placement as the existing, no ARB approval is required. If, however, the proposed replacement will change *any* of these characteristics, prior ARB approval must be obtained.

The design and color of a fence, garden wall, or trash enclosure must be compatible with the architectural character of the individual home/building, neighboring homes/buildings, and the community as a whole.

A proposal for an entirely new fence, garden wall, or trash enclosure to be built in a location that previously was open space will also require prior ARB approval. Among other design considerations, the ARB will weigh the proposal's impact on the aesthetic quality of its immediate surroundings and that of the community at large.

Recommended/acceptable materials for fencing, garden walls, and trash enclosures include wood, brick, straight-picket wrought iron, or appropriate combinations of these. The finished side of fences must face the street, the neighboring or Association property. Other materials may be permitted if they do not adversely affect the visual harmony of the immediate neighborhood and the community as a whole.

The maximum height of a fence or garden wall is six (6) feet, as specified by the City of Norfolk regulations. Fences or garden walls on sloped ground should be stepped downward, with all upper surfaces running horizontally.

The City of Norfolk regulations also prohibit the construction of fences or garden walls that obstruct the sight line of vehicular traffic.

Recommended colors for wood elements are natural wood stains. Wood fence designs may have uniform or varying board widths and spacing. Metal elements should be black. Brick walls should match in color, size, and texture the brick facing on the home, other colors for these elements may be considered if they do not adversely affect the visual harmony of the immediate neighborhood and the community as a whole.

Fences are typically located only in back and side yards. Alternate locations may be considered in select areas. A fence which adjoins a neighboring fence must be compatible in appearance, material, color and height. The finished side of fences must face the street, the neighboring property or Association property.

Trash, garbage, recycling and storage containers must be kept out of sight and must comply with current City ordinances. The enclosure for any such receptacle or container should be compatible with the architectural character of the individual home/building, neighboring homes/buildings, and the community.

Whether on GSCA property or on a homeowner's property, placement of a dumpster or trailer requires prior approval by the ARB. Placement of a dumpster on a public right of way requires permission from the City of Norfolk.

City of Norfolk regulations state that trash and recycle containers and green waste should be placed outside no earlier than 5 p.m. the day before the scheduled pickup day and should be removed from the curb by 11:30 pm the following day.

Driveways and carports visible from any public access or Association property and Association property parking spaces shall not be used to store any containers for any purpose whatsoever with the exception of ARB approved trash and/or recycle container enclosures or screens.

PATIOS, DECKS, HOT TUBS, RAILINGS, BALCONIES, PERGOLAS

New or altered patios, decks, railings, walkways, balconies, pergolas, or exterior hot tubs that are visible when viewed from ground level on any public access or Association property require ARB approval. Submitted plans should address the element's design, its material, its color, its resistance to decay, and its placement on the property.

Patios constructed of brick, exposed-aggregate concrete and flagstone are encouraged.

Replacement wooden decks, balconies and railings must be identical in pattern to the existing pattern and may use more modern materials as discussed below; direct replacement using the existing footprint does not require approval. If new, the deck, railing or balcony design must be compatible with adjacent or

adjoining houses. In addition, the deck, railing or balcony must be constructed of weather-resistant materials.

A wide range of materials may be acceptable, including treated wood, naturally resistant wood, wrought-iron, stainless steel, brick, exposed-aggregate concrete, natural stone, composite materials (such as Trex), and others. Vinyl-coated, or solid vinyl elements may also be accepted if modest in character or distant from the public right-of-way. Painted steel is generally discouraged because of its likelihood to rust rapidly in this environment. The appropriateness of any specific material presented to the ARB will be evaluated by the general standard of neighborhood compatibility and community character, as well as by the specific technical standard of anticipated resistance to deterioration. Colors and design features will similarly be evaluated by the ARB using these standards.

MECHANICAL AND AIR CONDITIONING EQUIPMENT, SOLAR PANELS

Mechanical and air-conditioning equipment including home generators should generally be installed in locations which are screened from public view. Equipment visible from a public access or Association property shall be situated to be unobtrusive and shall be screened using appropriate construction or landscape materials consistent with these guidelines. Window-mounted air-conditioner units are not permitted. Through-wall mounted air conditioning units may be approved where there is no feasible alternative.

Plans for replacement or installation of new equipment and/or screening visible from public access or neighboring properties or Association property shall be submitted to the ARB for approval prior to installation. The proposed installation plans should detail the appearance of screening and equipment and should be compatible with the surrounding finishes, details and landscaping and be aesthetically unobtrusive.

Solar panels require ARB approval. The application should include details such as dimensions, number and location. The proposed installation plans should also detail the locations of electrical connections and any other equipment. The

installation should be compatible with the architectural character of the individual home/building, neighboring homes/buildings, and the community.

EXTERIOR ANTENNAS

Installation of individually owned telecommunications antennas (such as satellite dishes, etc.) one meter (39.4 inches) in diameter or less do not require ARB approval, but homeowners are urged to use discretion in selecting the least visible location for the installation, avoiding especially any low-level installations on the primary face of the home. Larger telecommunication devices proposed for exterior installation must be submitted to the ARB for approval prior to installation. Wiring for satellite dishes and cable TV should be run internally. If internal wiring is not possible, the cable wire should run along trim or corner boards and under the skirt board trim to the maximum extent possible. In addition, wires/cabling should be bound together and grouped wherever possible. The design and color of these elements must be compatible with the architectural character of the individual home/building, neighboring homes/buildings, and the community.

MAILBOXES/SLOTS, HOUSE NUMBERS AND NAME PLATES

The City of Norfolk requires house numbers be displayed on the front of each residence to facilitate emergency service identification. Ghent Square Community Association requires house numbers to also be displayed on the rear of each residence.

Mailboxes require ARB approval and must be designed, installed, and maintained in accordance with United States Postal Service regulations.

USPS Regulations require both the house number and the street name on the rear of the property if the postal delivery location is in the rear.

LIGHTING

The design and color of exterior lighting should be compatible with the architectural character of the individual home/building, neighboring homes/buildings, and the community.

Although pre-approval for exterior lighting is not a requirement, the design and color of exterior lighting must be compatible with the architectural character of the individual home/building, neighboring homes/buildings, and the community.

For reasons of safety and security the City of Norfolk strongly recommends that both front and back exterior lighting be lit at night.

FREESTANDING OBJECTS

The placement of any freestanding object visible from the street or from Association property requires ARB approval. Examples include, but are not limited to sculptures, mermaids, flagpoles, basketball goals, birdbaths, etc.

SIGNS

Federal law permits displays of the American flag and political campaign signs. Campaign signs may be displayed for thirty (30) days prior to a primary, general, or special election. They must then be removed within ten (10) days following such election.

With the exception of the above, house numbers/address (see above), two (2) 'House for Sale' signs, and signs by contractors actively working on a property are allowed. Signs indicating security systems are also allowed. No further exemptions will be considered by the ARB. Signs visible to the public that are located on or within private residential property or on GSCA property {public right-of-way/verge} are not allowed in Ghent Square. This is in accordance with the Declaration of Covenants of GSCA that specifies the exemptions to this rule. This includes, but is not limited to, banners, bunting, designs, emblems, flags, images, letters, monograms, notices, pennants, placards, posters, symbols, warnings, etc.

LANDSCAPING GUIDELINES

Property owners are required by the City of Norfolk to maintain all landscaping on their property as well as on property outward to the curb-line, whether front, back, or side.

Maintenance includes the care of all visible plantings through watering, sweeping, weeding, edging, trimming, removing debris, leaf collecting in the fall, and treating for disease in order to maintain a cultured and cared for appearance. It is the view of the GSCA that properly nurtured landscaping is an indispensable component of community quality, no less so than proper building maintenance.

To better serve residents in addressing landscaping concerns, GSCA developed a Master Landscape Plan. The plan can be accessed at www.ghentsquare.org. Once logged in to your Town Square account, navigate to Tools > Documents > GSCA Landscape Master Plan.

LANDSCAPING MAINTENANCE

Specific aspects of landscaping maintenance include the following:

- The maximum permitted height of grass is five (5) inches.
- The City of Norfolk will collect landscape cuttings if placed in clear plastic bags on regular weekly trash pick-up days (Tuesday).
- Homeowners should avoid sweeping cuttings or leaves into the street because these can clog stormwater drains and lead to flooding.
- Dead trees, shrubs, and bushes must be removed. Dead trees and branches on Community property should be reported to the Ghent Square Office at 757-627-5757. Dead trees and branches on City property should be reported to the Norfolk Parks Urban Forestry Department at 757-823-4023.
- On private property or GSCA property, the removal of large trees (in excess of four-inch [4"] diameter trunk) requires ARB approval. On City property no tree of *any* size is permitted to be removed by a private individual.

- Shrubs planted on GSCA or private property that obstruct site lines of streets at corners or interfere with pedestrian passage on sidewalks must be trimmed or removed by the property owner to eliminate these obstacles. Above sidewalks, eight (8) feet is considered minimum vertical clearance. Street trees on verges or public greenways may be trimmed by the City of Norfolk only. All trees on private or GSCA property must provide sixteen (16) feet of clearance over the roadway.
- Areas of bare dirt within visible landscape beds must be planted in accordance with these Guidelines provisions for Landscaping Design.
- Snow and ice removal from sidewalks adjacent to an owner's property is the responsibility of the homeowner and is required for public safety by the City of Norfolk.
- Landlords are responsible for the condition of their Ghent Square landscaping and are required to ensure that the leased premises are maintained according to these Guidelines.
- Caution! Many underground utilities (electric, gas, water, cable, phone, etc.) are buried underneath both the front and back of properties. Serious consequences and penalties can result in digging without permission. Call "Miss Utility" (811) before digging anywhere.

LANDSCAPE DESIGN

As the rear yards of most of the homes, buildings and structures in Ghent Square are enclosed, fenced and private, individual taste and expression is encouraged in these locations. Landscaping that is visible to the public, however, must conform to a stricter standard of appearance, and changes to these areas require ARB approval. A Homeowner contemplating the modification of landscaping within a publicly visible area that falls within his or her responsibility for maintenance must submit a detailed plan, including plant specifications, to the ARB for consideration and approval. In evaluating a proposed Landscape Plan, the ARB will consider whether any of the planned vegetation is liable to create future visibility or sight-line problems for drivers and pedestrians. If this is the expected outcome, or if extensive

and frequent trimming will be required to avoid this problem, the ARB may find it necessary to require the applicant to devise and submit an alternative landscape solution. Among the standards to be observed are the following:

- Mulch is not a mainstay of landscaping and should not cover more than one-third (1/3) landscape areas or planting beds. Mulch should be an earth tone (brown, grey). Dead leaves are not acceptable ground cover.
- Mulch may be used in verges (the space between the sidewalk and the curb in the front of a residence) only as a filler between plants. Loose mulch may wash into the gutter and may clog storm drains.
- Vegetable gardens are permitted only in enclosed yards that are screened from public view. They are not acceptable in visible locations.
- Fields of stone or concrete pavers should never be used as a primary ground cover in any location visible to the public. Stones *may* be considered as limited accent features within a predominantly vegetative landscape plan. They may also be used to define paths, or in locations where flood conditions create special needs.
- If concrete pavers are incorporated into a landscape plan, they should be earth colored.
- Invasive, aggressive-growth plants and plants whose root systems damage sidewalks or utilities are not allowed in Ghent Square. These plants include bamboo, big periwinkle, and English and golden ivies. A complete list can be found at <https://www.dcr.virginia.gov/natural-heritage/invspdflist>.
- Artificial turf/grass is generally not allowed but may be approved by the ARB in select areas due to circumstances, such as in areas prone to flooding.
- Bare soil is not an acceptable component of any landscape design.
- Improvements to verges must comply with City of Norfolk regulations and must also be submitted for ARB approval. The ARB will evaluate landscaping plans using the same criteria applied to evaluation of building elements, namely, compatibility with neighboring properties and the GSCA community as a whole.
- The design of planting within verges (planting-strips between street and sidewalk) should comply with the principles outlined above and with City of

Norfolk regulations. These City regulations include a prohibition on raised beds that will impede the flow of rainwater into the street. In addition, any feature (such as a picket fence) that will block a vehicle door from being opened on the curb side is not allowed.

- Plant material proposed for a verge should be low-growing, resistant to foot traffic, and not obstructive of drivers' sight lines or of the door-swings of parked vehicles.
- Small stones are unacceptable in the verges because they may create a hazard to pedestrians and cyclists.

APPENDIX TO ARCHITECTURAL GUIDELINES

The following are excerpts from the Code of the City of Norfolk that relate to the Architectural Guidelines. Homeowners are encouraged to become familiar with Code provisions that may affect them as homeowners.

Sec. 42-10. - Encroachments and obstructions generally.

- (a) No piazza, porch, step, fence, enclosure or other projection attached to any building or lot shall be extended beyond the building line, unless authorized by the council.
- (b) It shall be unlawful for any person to affix, place, erect, maintain, post or attach or cause or allow to be affixed, placed, erected, maintained, posted or attached any sign, banner, poster, sticker, post, light bay or other window, shed, porch, portico, door, platform, step, or any other object or thing of any form or nature whatsoever in or on any right of way, street, alley or land of the city without authorization of council, unless otherwise authorized by law or ordinance.

Sec. 41-9. - Labeling of containers.

Containers required by this chapter shall be so labeled by the property owner or occupant so as to permit identification of the owner or occupant of the premises or the user of the container.

Sec. 41-20. - Placement of containers at collection site and removal therefrom.

It shall be the responsibility of the property owner or user of a container, the contents of which are to be collected by the city forces, to:

- (a) Place the container at the edge of pavement of the public street, alley or area designated by the director of public works or his designee as the pickup area, so that there is no danger of the container being overturned and so that there is sufficient clearance to accommodate city collection equipment, vehicles and pedestrians. Placement shall not obstruct or interfere with use of any driveway.
- (b) For residents and businesses receiving regular weekly solid waste collection, place containers at the collection site no later than 7:00 a.m. on the day of collection and not earlier than 5:00 p.m. on the night prior to the day of collection.
- (c) Remove all emptied containers from the alley, curbside, street or sidewalk as soon as practicable after they have been emptied, but in no case later than 11:30 p.m. of the collection day.
- (d) Containers shall be located five (5) feet behind the front plane of the building or structure on the premises or screened so as to not be visible from the street or public right-of-way except during the times prescribed for placement for collection. This provision applies to all residential and commercial locations. Where placement as described herein is not possible, an alternate location may be designated and approved by the director of public health.

Sec. 45-3. - Bureau of parks and forestry.

The bureau of parks and forestry, in addition to the responsibilities and authorities vested in it by chapter 25.2 of this Code, shall have the management, control and care of the area between the street curbing and the walkway, and of all trees and shrubbery on the streets, avenues and public grounds of the city, shall direct and regulate planting, transplanting, pruning, removal, care and protection of all shade and ornamental trees and shrubbery to be planted and cultivated, determining species and distances for such planting, and shall have all other necessary and convenient powers incident to the conduct of its duties.

Sec. 45-22. - Public nuisance.

- (a) Any tree, shrub or other vegetation or a portion thereof, whether located on city-owned property or on private property, which by reason of its location or condition constitutes an imminent danger to the public health, safety or welfare of the general public shall constitute a public nuisance.
- (b) Any tree, shrub or other vegetation or a portion thereof, whether located on city-owned property or on private property, which dangerously obstructs free passage of pedestrian or vehicular traffic shall constitute a public nuisance.
- (c) Any tree, shrub or other vegetation or a portion thereof, whether located on city-owned property or on private property, which dangerously obstructs the view in the "visibility triangle" as defined in the city street tree planting and location standards shall constitute a public nuisance.