

**ORDINANCE 7750**

**PAMPHLET**

**TREE REPLACEMENT SHARE COST OPTIONS/POTENTIAL  
REFORESTATION FUND SOURCES**



PUBLISHED IN PAMPHLET FORM THIS 22<sup>nd</sup> DAY OF NOVEMBER 2019, BY ORDER  
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE  
COUNTY, ILLINOIS.

A handwritten signature in cursive script, reading "Sharon Kuderna".

Sharon Kuderna  
Village Clerk

**ORDINANCE NO. 7750**

**AN ORDINANCE AMENDING TITLE 9, CHAPTER 99  
OF THE LOMBARD VILLAGE CODE  
IN REGARD TO TREE PLANTING AND REMOVAL  
IN RIGHT-OF-WAYS UNDER THE JURISDICTION OF THE VILLAGE**

**BE IT ORDAINED** by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

**SECTION 1:** That, effective January 1, 2020, Title IX, Chapter 99, Sections 99.20 through 99.23 of the Lombard Village Code are amended to read in their entirety as follows:

**“§ 99.20 – Tree Planting and Removal Program Created.**

The Board of Trustees hereby creates an annual tree planting and removal program for new trees and tree replacements in right-of-ways under the jurisdiction of the Village.

**§ 99.21 - Purchase of Trees by the Village.**

The Village shall, on an annual or bi-annual basis, contract to purchase trees to be placed in the parkway portion of right-of-ways under the jurisdiction of the Village. The Village shall determine the location and placement of the trees.

**§ 99.22 - Tree Planting.**

Tree planting in right-of-ways under the jurisdiction of the Village shall take place in accordance with the following terms and conditions:

**(A) Tree replacements based upon Village removal –**

- (1) If a tree within the right-of-ways under the jurisdiction of the Village is removed by the Village, the Village shall plant a tree, subject to sufficient space therefor, per Section 99.04 of this Code, at no cost to the adjacent property owner.
- (2) The adjacent property owner will be afforded the opportunity to provide input on the species of tree to be planted, in accordance with Section 99.06 of this Code; however, the Village shall make the final determination of the species, based on the trees available to the Village.

**(B) Trees requested by the adjacent property owner –**

- (1) If an adjacent property owner requests that the Village plant a tree within the right-of-ways under the jurisdiction of the Village, and no tree was previously removed by the Village from the location in question, subject to sufficient space therefor, per Section 99.04 of this Code, the Village will, subject to the availability of a tree, plant a tree at the location in question; provided the adjacent property owner pays a planting fee of \$150.00 per tree, which fee shall be paid to the Village, by the adjacent property owner, prior to the planting of the tree.
- (2) The adjacent property owner will be afforded the opportunity to provide input on the species of tree to be planted, in accordance with Section 99.06 of this Code;

however, the Village shall make the final determination of the species, based on the trees available to the Village.

- (3) Trees planted at the request of the adjacent property owner, within the right-of-ways under the jurisdiction of the Village, shall remain the property of the Village.
- (C) If trees are planted by the Village within the right-of-ways under the jurisdiction of the Village, as part of an approved development of the adjacent property, which requires the planting of parkway trees by the developer of said adjacent property pursuant to Chapters 150 and/or 154 of this Code, the adjacent property owner and/or developer of the approved development shall be charged a flat fee of \$350.00 for each tree planted by the Village.

**§ 99.23 - Tree Removal.**

**(A) Village Removed Trees –**

- (1) Trees located within the right-of-ways under the jurisdiction of the Village shall be removed when removal is considered necessary by the Village's Forestry Supervisor for reasons of tree health and/or public safety. Prior to such removal, notice will be mailed to the resident of the abutting property, stating the reason for the removal. In the event of an emergency, Village staff has the authority to remove any tree located in the right-of-ways under the jurisdiction of the Village without providing the aforementioned notice, when removal is considered necessary for public safety. In regard to any such tree removal:
  - (a) All stumps will be ground to a depth of at least twelve (12) inches below existing grade. Stump grindings will be removed, replaced with topsoil and restored with seed.
  - (b) Any tree located in the right-of-ways under the jurisdiction of the Village, that is removed, will be replaced during the next available planting season, provided there is sufficient spacing, per Section 99.04 of this Code, for the planting of a tree, and sufficient funding for planting a replacement tree. The Village may consider planting more than one replacement tree, provided there is sufficient spacing, per Section 99.04 of this Code, to do so.
  - (c) There shall be no fee charged to the adjacent property owner for a tree removed by the Village from the right-of-ways under the jurisdiction of the Village.

**(B) Developer/Adjacent Property Owner Removed Trees –**

The fee for the removal of a tree from the right-of-ways under the jurisdiction of the Village, at the request of either the adjacent property owner or the developer of the adjacent property, where the Village Forestry Supervisor has determined that the tree does not otherwise need to be removed, and the Village consents to the removal, shall be based upon the following formula:

$$[ \text{DBH} \div 2 ] \times \$350 = \text{Tree Removal Fee}$$

with DBH being the diameter at breast height (DBH) of the tree to be removed, which is the diameter of the tree at four-and-a-half (4.5) feet above the ground. Said fee shall be paid to the Village prior to the removal of the tree.

**SECTION 2:** That, effective January 1, 2020, Title IX, Chapter 99, Section 99.40 of the Lombard Village Code is hereby repealed.

**SECTION 3:** That this Ordinance shall be in full force and effect on from and after its adoption, approval and publication in pamphlet form as provided by law.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

First reading waived by action of the Board of Trustees this 21<sup>st</sup> day of November, 2019.

Passed on second reading this 21<sup>st</sup> day of November, 2019, pursuant to a roll call vote as follows:

Ayes: Trustee Whittington, Puccio, Foltyniewicz, Honig, and Ware

Nays: None

Absent: Trustee Militello


**Approved** by me this 21<sup>st</sup> day of November, 2019.

  
Keith Giagnorio  
Village President

**ATTEST:**

  
Sharon Kuderna  
Village Clerk

Published by me in pamphlet form this 22<sup>nd</sup> day of November, 2019.

  
Sharon Kuderna  
Village Clerk