

VILLAGE OF LOMBARD  
REQUEST FOR BOARD OF TRUSTEES ACTION  
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) \_\_\_\_\_  
Waiver of First Requested  
Recommendations of Boards, Commissions & Committees (Green) \_\_\_\_\_  
Other Business (Pink) \_\_\_\_\_

X

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: October 8, 2007 (B of T) Date: October 18, 2007

TITLE: Code Amendment Regarding Emerald Ash Borer

SUBMITTED BY: David Gorman, Asst. Director of Public Works *DDG*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Public Works transmits for your consideration a recommendation for approval from the Public Works Committee regarding the above-referenced ordinance.

Fiscal Impact/Funding Source:

There will be no fiscal impact to the Village and no funding is required.

Review (as necessary):

Village Attorney X \_\_\_\_\_ (Reviewed on 8/15/07)

Date \_\_\_\_\_

Finance Director X \_\_\_\_\_

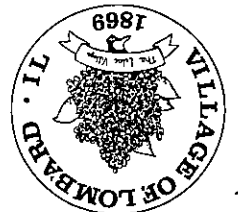
Date \_\_\_\_\_

Village Manager X *[Signature]*

Date \_\_\_\_\_

*10/9/07*

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



**MEMORANDUM**

**TO:** William T. Lichter, Village Manager

**THROUGH:** Wesley B. Anderson, PE, Director of Public Works *Wesley B. Anderson*  
David P. Gorman, PE, Asst. Director of Public Works *DPG*

**SUBJECT:** Proposed Ordinance for Emerald Ash Borer

**DATE:** October 8, 2007

The Emerald Ash Borer (EAB) is now decimating trees in northeastern Illinois. It has not yet been found in Lombard but it is only a matter of time. Public Works staff has prepared the attached draft ordinance in order to be prepared once the insect is here. The Public Works Committee has recommended that the ordinance be approved by the Village Board of Trustees. Please place this item on the Board's agenda for October 18<sup>th</sup>.

The proposed ordinance would amend Chapter 99, Trees and Shrubs as follows:

- (1) EAB would be a declared pest and infested trees would be defined as a public nuisance, similar to Dutch Elm Disease.
- (2) A no-fee permit would be required to trim or remove any tree on public or private property in order to determine the species and inspect for infestation.
- (3) Contractors working on ash trees would have to sign an EAB Compliance Agreement with the Illinois Department of Agriculture and they would have to look for and report any evidence of EAB.
- (4) Any EAB-infested tree on private property that is not removed by the owner would be subject to removal and lien by the Village. (The recently amended 65 ILCS 5/11-20-12 gives us this authority.)
- (5) The list of prohibited public trees would be updated.
- (6) Unused definitions in the existing Code would be deleted.

The ordinance has been reviewed by the Village Attorney. Please contact David Gorman at 620-5765 if you have any questions.

DG:dg H:\PWC\deputy Director\EAB - PWC Memo.doc  
cc: Keith Surges, Operations Superintendent  
Steve Kremnske, Streets/Forestry Supervisor



Forestry Division, Department of Public Works, 255 E. Wilson, Lombard, IL 60148  
(630) 620-5740 - Public Works (630) 620-5985 -- Forestry (630) 620-5982 - Fax

### VILLAGE OF LOMBARD TREE REMOVAL/TRIMMING PERMIT

Permit No. \_\_\_\_\_

This Section to be completed by Property Owner:

Permission is requested by the Contractor and by the Property Owner to perform work as described below.

DATE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
House Number \_\_\_\_\_  
Street \_\_\_\_\_

PROPERTY OWNER: \_\_\_\_\_  
Name \_\_\_\_\_  
Phone \_\_\_\_\_

WORK TO BE PERFORMED:  TREE TRIMMING (BY UTILITY)  TREE REMOVAL  
WORK TO BE PERFORMED:  BY PROPERTY OWNER  BY CONTRACTOR\*

\* CONTRACTOR: \_\_\_\_\_  
Name \_\_\_\_\_  
Phone \_\_\_\_\_

NUMBER OF TREES TO BE: TRIMMED: \_\_\_\_\_ REMOVED: \_\_\_\_\_  
LOCATION OF TREE(S): \_\_\_\_\_

HOW WILL WOOD WASTE BE DISPOSED:  LEFT ONSITE  HAULED AWAY

I ATTEST THAT THIS INFORMATION IS TRUE. I UNDERSTAND THAT THE EXPENSE AND  
RISK OF TREE WORK IS THE RESPONSIBILITY OF THE PROPERTY OWNER.

SIGNATURE OF APPLICANT: \_\_\_\_\_

\* Only Contractors that have signed a Compliance Agreement with the Illinois Dept. of Agriculture may trim/remove ash trees or remove ash  
logs/bush from the Village of Lombard. Permits will not be issued to contractors that do not have a signed Compliance Agreement on file with the  
Illinois Dept. of Agriculture.

This Section to be completed by Village of Lombard Personnel:

INITIAL INSPECTION DATE: \_\_\_\_\_

TREE SPECIES: \_\_\_\_\_

DIAMETER OF TREE(S): \_\_\_\_\_

PERMIT APPROVED  YES  NO REASON: \_\_\_\_\_

VILLAGE FORESTER SIGNATURE: \_\_\_\_\_

FINAL INSPECTION REQUIRED PRIOR TO REMOVING ANY MATERIAL FROM THE  
PROPERTY  YES  NO

\* A Final Inspection is required after completion of the work if the species to be trimmed or removed is ash.

FINAL INSPECTION DATE: \_\_\_\_\_

VILLAGE FORESTRY SUPERVISOR SIGNATURE: \_\_\_\_\_

This permit is valid for 6 months from date of issuance and valid only for the tree(s) specified on this form.

CHAPTER 99: TREES AND SHRUBS

Section

Street Trees

99.01	Intent/Disclaimer/ Definitions
99.02	Authority of Village Manager
99.03	Permits required
99.04	Planting standards
99.05	Injury to trees and shrubs prohibited
99.06	Prohibited trees

Trimming Standards

99.10	Standards
99.11	Application
99.12	Forfeitures

Tree Planting Program

99.20	Created
99.21	Purchase of trees by village
99.22	Property owner participation
99.23	Fees

Front Yard Tree Program

99.30	Program Description
99.99	Penalty

Cross-reference:

Street (parkway) trees, see § 154.045 Landscaping and Screening, see §§ 155.195 through 155.205.

STREET TREES

§99.01 INTENT/DISCLAIMER/DEFINITIONS.

(A) INTENT.

It is the intent of this Chapter to promote and protect the public health, safety, and general welfare on public rights-of-way and other Village-owned property by providing for the regulation of the planting, maintenance, and removal of trees, shrubs, and other plants within the Village of Lombard.

(B) DISCLAIMER OF LIABILITY.

Nothing contained in this Code shall be deemed to impose any liability upon the Village, its officers, agents or employees, nor to relieve the owner of any private property from the duty to keep any tree, shrub or plant upon any area abutting his property or under his control in such condition as to prevent it from constituting a hazard or an impediment to travel or vision upon any street, alley or public place within the Village.

(C) DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) ACCEPTABLE TREE SPECIES – A species of tree suitable for planting along streets and not listed in Section 99.06 of this Code.
- (2) ARBORICULTURAL STANDARDS MANUAL - ANSI Z-133.1 Standards: American National Standards Institute safety standards for tree care operations and ANSI A300: American National Standards Institute standard practices for tree care operations.
- (3) ARBORIST – One who is versed in the art and science of arboriculture, including tree surgery, the prevention and cure of tree diseases and the control of insect pests.
- (4) CALIPER – The diameter of a tree measured at six (6) inches above the finished grade at the base of the tree; used primarily for nursery stock.
- (5) CERTIFIED ARBORIST – A professional who is certified through the International Society of Arboriculture as possessing the technical competence through experience and related training to provide for or supervise the maintenance of trees and other woody plants in the residential, commercial and public landscape.
- (6) CLEAR VISION TRIANGLE – A triangular area on a corner lot measured thirty (30) feet from the intersection of the lot lines bordering the public streets.
- (7) CONTRACTOR – A person, company or organization employed to supply the necessary skills and services in trimming, removing, cabling and maintenance of trees and shrubs.
- (8) COUNTY – DuPage County, Illinois.
- (9) EASEMENT – That area of private property in relation to which another entity (public utility/governmental body) has the right to use said area for limited purposes such as access, drainage or utility distribution.
- (10) EMERALD ASH BORER (EAB) – (*Agrius planipennis* Fairmaire) A destructive, non-native insect pest that attacks ash trees.
- (11) EVERGREEN – Those trees and shrubs, including broad-leaf and conifer evergreens that maintain their leaves year-round.
- (12) FORESTRY SUPERVISOR – A full time Lombard Public Works employee trained and skilled in the theory and practice of municipal arboriculture, and who, if possible, shall hold a college degree or its equivalent in arboriculture, horticulture, urban forestry or another closely related field. This employee shall possess an International Society of Arboriculture certification and shall maintain the certification during his/her term of employment. This employee shall also possess an Illinois Department of Agriculture Pesticide Applicator's license.
- (13) FORESTRY TECHNICIAN – A full time Public Works employee performing all aspects of tree care. This employee shall possess an International Society of Arboriculture certification and shall

maintain the certification during his/her term of employment. This employee shall also possess an Illinois Department of Agriculture Pesticide Operator's license.

(14) HAZARDOUS TREE - Any tree deemed a public hazard by the Village's Forestry Supervisor or Forestry Technician. The hazardous tree may present possible or potential physical damage to person or property or biological danger to adjacent trees through transmittable disease or insect infestation.

(15) LOW-GROWING TREE - Those trees that attain a mature height of 25' (twenty-five feet) or less.

(16) MAINTENANCE - The pruning, mulching, watering, cabling/bracing, fertilization, and pest management practices necessary for plant/tree/shrub growth.

(17) MEDIUM-GROWING TREE - Those trees that attain a mature height of 25' (twenty-five feet) to 45' (forty-five feet).

(18) MINIMAL DISTANCE - The closest distance a tree can be planted in relation to a given object.

(19) MULCH - A layer of wood chips or other material placed on the surface of the soil around plants/trees/shrubs to retain moisture, prevent weed growth and protect against damage from lawn mowers or weed whips.

(20) OVERHEAD UTILITY - Any street light, telephone, communications, cable TV, primary or secondary electrical distribution line that is above ground.

(21) PARKWAY - That part of a street right-of-way not covered by sidewalk, curb, gutter or pavement, lying between the property line and that portion of the street used for vehicular traffic.

(22) PARKWAY TREE - Any tree on the street right-of-way.

(23) PERSON - Any person, firm, partnership, association, corporation, company, or organization of any kind except for a public utility.

(24) PRIVATE TREE - Any tree located on private property.

(25) PROHIBITED TREE SPECIES - Those tree species that, because of their undesirable traits, are prohibited from being planted on the Village right-of-way (see Section 99.06 of this Code).

(26) PROPERTY LINE - The outer edge of a street or highway right-of-way.

(27) PROPERTY OWNER - The person or persons owning a parcel of real property as shown by the DuPage County Recorder of Deeds office.

(28) PUBLIC HAZARD - A tree that is unsafe due to a structural defect and constitutes a threat of injury to persons or damage to property.

(29) PUBLIC NUISANCE - Any tree or shrub which, by reason of its condition, interferes with the use of any public place; is infected with an injurious plant disease; is infested with an injurious insect or other pest; is detrimental to the construction of public improvements; or endangers the life, health, safety or welfare of the public or its property.

(30) PUBLIC PLACE - That part of every street or alley between the lot line and curb and from property line to property line, and any other land owned or controlled by the Village.

(31) PUBLIC TREE - Any tree located on property belonging to or under the jurisdiction of the Village.

(32) PUBLIC UTILITY - Any utility company authorized by Illinois State Statute or Village franchise agreement to operate within the Village.

(33) PRUNING - The removal of specific branches (living or dead) from a tree to improve its structure, its health and/or to maintain safety while allowing for natural growth of the tree.

(34) RIGHT-OF-WAY - A strip of land over which the Village has the right by ownership or dedication to construct a public street, sidewalk, or use for public utilities.

(35) SHRUB - A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.

(36) SPACING REQUIREMENTS - All trees planted along the streets shall conform to the spacing requirements stated in section §99.04(C) of this Code.

(37) STREET TREE - See Parkway tree.

(38) TALL-GROWING TREE - Those trees that attain a mature height of more than 45' (forty-five feet).

(39) TOPPING - The severe cutting back of branches of a tree to a stub, bud, or a lateral branch not large enough to assume the terminal role to such a degree so as to remove the normal canopy and distort the tree.

(40) TRAFFIC CONTROL DEVICE - Any traffic signal, regulatory or warning sign erected in accordance with the Manual of Traffic Control Devices.

(41) TRIMMING - See pruning.

(42) VILLAGE - The geographically area lying within the municipal boundaries of the Village of Lombard, DuPage County, Illinois.

§ 99.02 AUTHORITY OF VILLAGE MANAGER.

- (A) The Village Manager shall have exclusive jurisdiction and supervision over all trees, shrubs, other plants, and grassy areas planted or growing in public places.
- (B) The Village Manager shall have the authority and it shall be his duty to order to plant, trim, spray, preserve, and remove trees, other plants, and grassy areas in public places to insure safety or preserve the symmetry and beauty of such public places.
- (C) The Village Manager shall have the authority and it shall be his duty to order the trimming, preservation, or removal of trees or plants upon private property when he shall find such action necessary to public safety or to prevent the spread of disease or insects to public trees and places.
- (D) Control of Dutch Elm Disease and Emerald Ash Borer.
- (1) Any elm tree infested with "Dutch Elm Disease" or any ash tree infested with the Emerald Ash Borer as determined by the Village of Lombard Forestry Division personnel is a public nuisance and shall be removed within thirty (30) days following notification of such infection. It is unlawful for any person, being the owner of the property whereon such tree is situated, to possess or keep such a tree after the expiration of the thirty (30)-day period following notification of the infection on their property.
- (2) Elm trees and ash trees or parts thereof in a dead or dying condition that serve as a breeding place for the Elm Bark Beetle (*Hylurgopinus rufipes* or *Scolytus multistriatus*) or the Emerald Ash Borer (*Agrius planipennis* Fatmairé) are a public nuisance and it is unlawful for the person owning such property whereon the same is situated to possess or keep same in such condition more than thirty (30) days following notification of the condition on their property.
- (3) The Village Manager or his agent to enforce this division may enter upon private property at all reasonable hours for the purpose of inspecting trees thereon, and may cause to be removed such specimens as are required for the purpose of analysis to determine whether or not the same is infected, and to cause to be removed such diseased trees upon failure of the owner to do so after due notification.
- (4) It is unlawful for any person, firm, or corporation to prevent the Village Manager or his agent entering on private property for purposes of carrying out his duties hereunder or to interfere with such Village Manager in the lawful performance of his duties.
- (5) In accordance with 65 ILCS 5/11-20-12, in cases where the property owner fails to remove the elm tree or ash tree as required by this Chapter, the Village Manager or his agents may go upon such property to cut down and remove such nuisance, and the owner shall be assessed the cost of removal. In cases where the owner is a nonresident of Lombard, notice shall be served by certified mail, addressed to said owner at his last known address.
- (6) In accordance with 65 ILCS 5/11-20-12, whenever such charges shall remain unpaid for a period of 30 days from the date of the bill herein provided for, the Village Attorney is authorized to:
- (a) Institute suit in the name of the Village to enforce collection of such charge; or
- (b) To file a sworn statement showing such obligation in the office of the Recorder of Deeds of the County; and the filing of such statement shall be deemed notice of the lien for payment of such charges.
- (E) The Village Manager shall have the authority and it shall be his duty to supervise all work done under a permit issued in accordance with the terms of this Chapter.
- (F) The Village Manager shall have the authority to affix reasonable conditions to the grant of a permit hereunder.

- (G) Removal of ash trees or parts thereof between April 15 and September 15 shall be prohibited unless the ash wood is processed onsite to less than 1" (one inch) in size.
- (H) Ash tree removal may only be performed by a contractor that has signed a Compliance Agreement with the Illinois Department of Agriculture.
- (I) Any ash tree or parts thereof that are positively identified as infested with EAB shall be removed and processed to less than 1" (one inch) in size, within 30 days.
- (J) In order to assure the proper identification, removal and processing of ash trees and parts thereof, a permit shall be required. (See Section 99.03)
- § 99.03 PERMITS REQUIRED.

- (A) No person or public utility shall spray, preserve, or remove public trees or other plants in public places without first filing an application and procuring a permit from the Village Manager.
- (1) The application required herein shall state the name and kind of trees to be sprayed, preserved, or removed; the kind of treatment to be administered; and such other information as the Village Manager shall find reasonably necessary to fair determination of whether a permit should be issued hereunder.
- (2) The Village Manager shall issue the permit provided for herein when he finds that the desired action or treatment is necessary and that the proposed method and workmanship are satisfactory.
- (3) Only Contractors that have signed a Compliance Agreement with the Illinois Department of Agriculture may trim/remove ash trees or remove ash logs/brush from the Village of Lombard.
- (B) No permit shall be required to cultivate, fertilize, or water public trees or shrubs.
- (C) As a condition to any permit to remove any public tree or shrub, the Village Manager may require that the permittee plant one or more trees or shrubs to replace the one removed. Whenever any such tree or shrub has been removed or destroyed pursuant to any such conditional permit, it shall be a misdemeanor for the permittee to fail, refuse, or neglect to plant another tree or shrub or other trees or shrubs of the type, size, and at the location specified in the permit, within the time specified by the Village Manager from the date of issuance of the permit.
- (D) No person or public utility shall plant or set out any tree or plant in a public place without first filing an application and procuring a permit from the Village Manager.
- (1) The application required herein shall state the number of trees or plants to be planted or set out; the location, grade, and variety of each tree or plant; the method of planting, including the supplying of suitable soil; and such other information as the Village Manager shall find reasonably necessary to a fair determination of whether a permit should be issued hereunder.
- (2) The Village Manager shall issue the permit provided for herein when he finds that the proposed plantings conform to an acceptable species as approved by the Village Manager and not listed in Section 99.06 of this Code.
- (E) Whenever a permit is issued under this section to a public utility to move, trim, prune, cut, remove, disturb, alter, or do surgery in any public tree or shrub, the Village Manager shall limit the work to be done to the actual necessities of the utility and may assign an inspector to supervise the work done under the provisions of the permit.
- (F) It shall be unlawful to remove or cut down any tree on private property without first filing an application and procuring a permit from the Public Works Department.



(G) The permitting process shall be as follows:

- (1) Apply for removal/trim permit at Public Works Department.
- (2) Site visit by Public Works staff to verify species to be trimmed or removed.
- (3) If tree species is not ash (*Fraxinus*):
  - i. Permit is approved and work can proceed.
- (4) If tree species is ash (*Fraxinus*), before permit is approved:
  - i. Proof that work is to be done by a contractor that has signed a Compliance Agreement with the Illinois Department of Agriculture.
  - ii. Proof that the contractor will sample at least 10 branches/logs for EAB through destructive bark stripping and will contact the Public Works Department if EAB is found.

- (5) Upon permit approval, contractor must:
  - i. Not transport ash logs or ash material from site from April 15 to September 15.
  - ii. Sample at least 10 branches/logs for EAB through destructive bark stripping and will contact the Public Works Department if EAB is found.
  - iii. Process all ash material left onsite to less than 1 inch in size.
  - iv. De-bark all ash logs left on-site.
  - v. Grind all ash stumps below grade.
- (6) Upon completion of the work, contact Public Works Department for site inspection to verify compliance with regulations set forth within this code.

(H) Removal and trimming permits shall remain in effect for 6 months and are only valid for the tree(s) specified at the time of approval.

#### § 99.04 PLANTING STANDARDS.

(A) Trees when planted shall have a minimum diameter of two inches at a distance of six inches above the ground and shall have a continuous single trunk. All trees shall be free from deformity and indication of undesirable growth characteristics.

(B) Trees when planted shall be free of infectious disease or insect infestation.

(C) Trees shall be planted on the centerline of the parkways or in line with the existing row of trees. No trees may be planted on parkways less than four feet wide. Planting of trees in situations which meet requirements of this Chapter will be prohibited if such planting will interfere with existing utilities.

(D) No tree shall be placed so as to cause a traffic hazard or within the Clear Vision Triangle.

(E) Spacing of trees shall be as follows unless otherwise approved by the Village Manager. Street trees will be planted:

- (1) At 35' (thirty-five foot) intervals from existing trees.
- (2) A minimum distance of 10' (ten feet) from driveway aprons.
- (3) A minimum distance of 5' (five feet) from water/sewer service lines.
- (4) A minimum distance of 15' (fifteen feet) from crosswalks.
- (5) A minimum distance of 5' (five feet) from sidewalks.
- (6) A minimum distance of 15' (fifteen feet) from street light poles and utility poles.
- (7) A minimum distance of 10' (ten feet) from fire hydrants.
- (8) A minimum distance of 10' (ten feet) from catch basins.
- (9) A minimum distance of 15' (fifteen feet) from any traffic control device.

(F) No tree shall be planted where the soil is too poor to ensure the growth of such tree.

(G) Trees required for new developments shall be planted by the Village at the owner's cost of three hundred and no/100 dollars (\$300.00) each. However, the owner will be responsible to plant any required trees in a State of Illinois or DuPage County right-of-way.

§ 99.05 INJURY TO TREES AND SHRUBS PROHIBITED.

(H) Only low-growing trees shall be planted under overhead utility lines.

(I) Only low-growing trees shall be planted in the Village's downtown area tree pits.

(J) No tree will be allowed to be planted in a parkway less than 4' (four feet) in width.

No person shall, without a written permit from the Village Manager, in the case of a public tree or shrub do, or cause to be done by others, any of the following acts:

- (A) Secure, fasten, or run any rope, wire, sign, unprotected electrical installation, or other device or material to, around or through a tree or shrub;
- (B) Cut (including the root system), break, injure, mutilate, deface, kill, destroy, or permit any fire to burn where it will injure any trees or shrub;
- (C) Permit any toxic chemical, gas, smoke, salt brine, oil, or other injurious substance to seep, drain, or be emptied upon or about any tree or shrub;
- (D) Erect, alter, repair, or raze any building or structure without placing suitable guard around all nearby public trees or shrubs which may be injured by such operations;
- (E) Knowingly permit any unprotected electric service wire to come in prolonged contact with any public tree or shrub;

- (F) Remove any guard, stake, or other device or material intended for the protection of a public tree or shrub, or close or obstruct any open space about the base of a public tree or shrub designed to permit access of air, water, and fertilizer.
- (G) Trim or remove any limbs in a manner that does not conform to Section 99.10 of this Code.
- (H) Do topping of any tree.
- (I) Use of any unnatural pruning techniques (stubbing, dehorning or lopping).

§99.06 PROHIBITED TREES.

It is unlawful to plant any of the following trees in the public parkway:

Common Name	Botanical Name
Fir	Abies (All species)
Box Elder	Acer negundo
Silver Maple	Acer saccharinum
Tree of Heaven	Ailanthus glandulosa
Catalpa	Catalpa (all species)
Hawthorn	Crataegus (varieties with thorns)
Russian or Autumn Olive	Elaeagnus (all species)
Ginkgo	Ginkgo (female varieties)
Walnut	Juglans (all species)
Juniper	Juniperus (all species)
Ash	Fraxinus (all species)
Osage Orange	Maclura pomifera
Mulberry	Morus (all species)
Spruce	Picea (all species)
Pine	Pinus (all species)
Sycamore or Plane-tree	Platanus (all species)
Poplar	Populus (all species)
Black Cherry	Prunus serotina

TRIMMING STANDARDS

Pseudotsuga menziesii	Douglas Fir
Pyrus calleryana 'Bradford'	Bradford Pear
Rhamnus (all species)	Buckthorn
Rhus (all species)	Sumac
Ronimia pseudoacacia	Black Locust
Salix (all species)	Willow
Taxus (all species)	Yew
Thuja (all species)	Arborvitae
Tsuga (all species)	Hemlock
Ulmus pumila	Siberian Elm

§ 99.10 STANDARDS.

All street trees shall be trimmed in accordance with the Arbicultural Standards Manual. The trimming of street trees will only be accomplished by Village of Lombard employees, those licensed tree care companies contracted by the Village to perform such work, or a public utility operating under a permit pursuant to Section 99.03 of this Code.

Wherever possible, all street trees will be pruned as follows:

- (A) Remove all lower limbs to a minimum height of fourteen (14) feet on all sides of the tree and uniformly balance the tree structure.
- (B) Remove all deadwood with a diameter of .5" (one half inch) or greater.
- (C) Remove all dying or diseased limbs.
- (D) Remove limbs that are crossing or rubbing.
- (E) Remove all broken and/or weakly attached limbs.
- (F) Remove all root suckers.
- (G) Remove all water sprouts up to the first major limb.
- (H) Remove all visible girdling roots.
- (I) All final cuts shall be "collar cuts" made sufficiently close to the trunk or parent limb, without cutting into the branch collar or leaving a protruding stub, so that closure can readily begin under normal conditions.
- (J) Clean cuts shall be made at all times without leaving any stubs.
- (K) All limbs to be removed shall be cut in such a manner so as to prevent any ripping or tearing of the wood or bark on the parent or remaining stem.
- (L) All limbs to be removed shall be brought to the ground in such a manner as to prevent any damage to real or personal property, publicly or privately owned.
- (M) Pruning tools for pruning shall be used for each cut, with the blades of each tool, including hand pruners, pole saws, hand saws, and chain saws being placed on each branch to obtain the proper pruning cut.
- (N) Pruning shall be done in a way that will not to cut, rip, or harm adjacent bark areas.
- (O) No tree topping shall be allowed.
- (P) No person working in trees shall use shoes with spikes, or any other footwear which will, in the opinion of the Village Forester, injure the tree being pruned.
- (Q) At no time shall any person working in trees for pruning purposes, wear spurs or climbing irons.
- (R) At least one individual on the job site must have a valid and current "Arborist Certification" from the International Society of Arboriculture.
- (S) No American elm (Ulmus Americana) shall be trimmed between April 15th and October 15th of each year unless to remove an immediate hazard.

§ 99.11 APPLICATION.

This Chapter shall apply to the following classes of persons and corporations:

- (A) Village employees, and parties or contractors employed by the village for such purpose.

(B) Subdividers, particularly when they are performing under the requirements of other local ordinances.

(C) Condominiums.

(D) All private persons, whether acting voluntarily and independently of village direction or request, or not.

(E) Public Utilities.

§ 99.12 FORFEITURES.

In the event any of the persons enumerated in Section 99.11 or corporations or legal entities have posted a performance or subdivision completion bond, as may be required by other local ordinance, and have violated this subchapter, the Director of Public Works may, upon the appropriate resolution of the Board of Trustees, retain such monies as may be necessary to correct and repair any violations by such person, corporation, or legal entity, until such violation has been corrected and repaired to the satisfaction of the said Director of Public Works. Such correction and repair may include, but shall not be limited to, replacement of trees improperly pruned or trimmed, in accordance with the requirements of this subchapter.

### TREE PLANTING PROGRAM

§ 99.20 CREATED.

The Board of Trustees hereby creates and sets up an annual tree planting program for new trees and tree replacement. The trees are to be placed in the Village right-of-way at Village-determined locations with no fees charged to the adjacent property owner.

§ 99.21 PURCHASE OF TREES BY VILLAGE.

The Village shall on an annual or bi-annual basis contract to purchase trees to be placed in Village right-of-way in front or on the side of homes, businesses, and the like within the corporate limits of the Village.

§ 99.22 PROPERTY OWNER PARTICIPATION.

Village property owners may participate in the program on a first come, first serve basis, and request the placement of a tree in the village right-of-way in front of their property. The Village shall determine the location and placement of the trees.

§ 99.23 FEES.

Village property owners participating in the program shall be charged a flat fee of three hundred and no/100 dollars (\$300.00) for each tree requested. Multiple requests shall be granted only after all single requests have been supplied. Said fee must be paid upon application for a tree.

§ 99.24 REMOVAL OF UNAUTHORIZED PLANTINGS.

The Village may remove any unauthorized plantings within any public place without compensation to the owner.

### FRONT YARD TREE PROGRAM

§ 99.30 PROGRAM DESCRIPTION.

In certain areas, chosen by the Village, where the right-of-way is too narrow to sustain a tree, but where the Village determines a tree is needed for Village beautification purposes, the Village, if the property owner executes a participation agreement provided by the Village, shall, without cost to the property owner, plant a tree in the front yard of private property, maintain the tree for one (1) year after planting and after one (1) year from the date of planting turn the title over to the property owner so that continued care and maintenance of the tree shall be the responsibility of the property owner.

§ 99.40 TREE REMOVAL.

Street trees shall be removed when removal is considered necessary by the Village's Forestry Supervisor for reasons of tree health and public safety. Prior to such removal, notice will be mailed to the resident of the abutting private property stating the reason for the removal. In the event of an emergency, Village staff has the authority to remove any street tree without notice when considered necessary for public safety. In regard to any such street tree removal:

1. All stumps will be ground to a depth of 12" below existing grade. Stump grindings will be removed, replaced with topsoil and restored with sod.
2. Any street tree that is removed will be replaced the following planting season providing there is sufficient spacing. More than one replacement tree possibly being planted provided there is sufficient spacing to do so.

§ 99.99 PENALTY.

Any person, firm, corporation or public utility who is found to be in violation of any provision of this Chapter 99 shall be fined not less than fifty and no/100 dollars (\$50.00), nor more than seven hundred fifty and no/100 dollars (\$750.00), with each day any such violation exists constituting a separate and distinct violation, and each tree impacted in violation of this Chapter 99 resulting in a separate and distinct violation.