

## ORDINANCE

### **AN ORDINANCE AMENDING CHAPTER 22 (“STREETS AND SIDEWALKS”) OF THE OAK PARK MUNICIPAL CODE BY ADOPTING REGULATIONS FOR MAINTENANCE OF PARKWAYS FRONTING OR ABUTTING PARCELS OR LOTS.**

**WHEREAS**, The Village of Oak Park (“Village”) as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970 has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

**WHEREAS**, pursuant to its Constitutional home rule powers, the Village has the authority “to regulate for the protection of the public health, safety, morals, and welfare,” Ill. Const art. 7 § 6; and

**WHEREAS**, the “powers and functions of home rule units shall be construed liberally,” and written “with the intention that home rule units be given the broadest powers possible,” *Scadron v. City of Des Plaines*, 153 Ill.2d 164 (1992); and

**WHEREAS**, the Village of Oak Park acknowledges the interdependence of ecological health, climate resilience, and community well-being; and

**WHEREAS**, the Village of Oak Park has adopted the Climate Ready Oak Park Plan (the “Plan”), which sets forth a vision for a sustainable and equitable future and includes commitments to restoring and enhancing local ecosystems through the prioritization of pollinator gardens and native plantings; and

**WHEREAS**, the Plan’s objectives include establishing thirty percent (30%) of the Village’s land as green infrastructure or under enhanced park management for native plants, wildlife, and people, thereby strengthening habitat connectivity and resilience; and

**WHEREAS**, the Plan includes the goal to “Prioritize native species over non-native species” and includes the action to adopt an ordinance allowing residents to garden on the parkways they maintain with sustainable and native plantings;” and

**WHEREAS**, the Village’s parkways offer an opportunity for individual property owners to utilize public property to plant and maintain native gardens; and

**WHEREAS**, native gardens provide essential benefits, including improved stormwater management, enhanced carbon sequestration, and the creation of wildlife corridors, all of which are integral to sustaining pollinator species and supporting the Village’s broader environmental and sustainability goals; and

**WHEREAS**, such efforts also advance equitable access to green spaces, encouraging community engagement, learning opportunities, and social cohesion, particularly among historically underserved and vulnerable communities; and

**WHEREAS**, the Village desires to integrate native gardens into the public way, including parkways and other rights-of-way, in alignment with the Plan’s goals to reduce impervious surfaces, enhance biodiversity, mitigate biodiversity loss, and create pollinator pathways; and

**WHEREAS**, the Village intends to ensure the long-term sustainability of these efforts by promoting and encouraging the replacement of turf grass with native plantings across public and private properties; and

**WHEREAS**, the Village Board has determined to adopt this Ordinance pursuant to the above authority in order to clarify the maintenance responsibility in the parkways and encourage Village residents to plant native gardens subject to the conditions set forth herein;

NOW, THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of the Village of Oak Park, Illinois, in the exercise of their home rule powers, as follows:

**Section 1. Recitals Incorporated.** The above recitals are incorporated herein by reference as though fully set forth.

**Section 2. Village Code Amended.** Chapter 22 (“Streets and Sidewalks of the Oak Park Village Code is amended to add Article 16 as follows

## **CHAPTER 22 STREETS AND SIDEWALKS**

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### **ARTICLE 16 PARKWAY MAINTENANCE**

#### **22-16-1: DEFINITIONS**

**CULTIVATED GARDEN:** An area of land in which plants, other than turf grasses, are intentionally grown and receive care such as mulching, watering, pruning, or the removal of noxious plants. Plants within a cultivated garden may be installed or naturally recruited, as may occur with native plants.

**NATIVE GARDEN:** A native garden is a cultivated garden containing a minimum of seventy percent (70%) plants which are native to Northeastern Illinois or which provide nourishment or habitat for native or migratory pollinators during any stage of their lifecycle, or both.

PARKWAY: The portion of VILLAGE OWNED PROPERTY generally described as the public property between the public sidewalk and the street curb.

TREES AND SHRUBS: All woody vegetation with a height in excess of 30" at maturity.

**22-16-2: PERSONS REQUIRED TO MAINTAIN PARKWAY FRONTING OR ABUTTING PARCELS OR LOTS OWNED, OCCUPIED, LEASED OR OTHERWISE CONTROLLED BY THEM WITHIN THE VILLAGE:**

- A. The maintenance of trees and shrubs in the parkway is the responsibility of the Forester as set forth in chapter 25 of this code.
- B. The owner, occupant, lessee or person otherwise legally in possession and control of any lot or parcel in the Village is responsible for the condition and maintenance of the parkway fronting, abutting, or adjacent to any such lot or parcel, per IPMC General Requirements, Section 302 (Exterior Property Areas) 302.4 Weeds/Plants, except for the installation of a cultivated or native garden, for which no permit is required.
- C. All plants within the cultivated and native gardens in the parkway shall be maintained in a manner consistent with their habit, except that within clear site areas plants must be maintained per section 25-1-6 of this code and in no case shall plants exceed 36" in height, or otherwise by reason of location or condition constitute an imminent danger to the health, safety or welfare of the general public.
- D. Cultivated and native gardens in the parkway shall not be placed within four (4) feet of a fire hydrant.
- E. Between March 1 and October 31 containers smaller than thirty (30) gallons may be placed in the parkway as a feature of a cultivated or native garden so long as their placement by reason of location or condition does not constitute an imminent danger to the health, safety, or welfare of the general public.
- F. The Village shall not be responsible for compensating, financial or otherwise, persons for gardens, containers, fences, or structures in the parkway if their disturbance is a result of Village work on Village owned property.

**Section 4. Severability and Repeal of Inconsistent Ordinances.** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5. Effective Date.** This Ordinance shall be in full force and effect after its approval, passage and publication as provide by law.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2025, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Scaman				
Trustee Buchanan				
Trustee Enyia				
Trustee Parakkat				
Trustee Robinson				
Trustee Straw				
Trustee Wesley				

**APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2025.

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Vicki Scaman, Village President

**ATTEST**

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Christina M. Waters, Village Clerk

Published in pamphlet form this \_\_\_\_ day of \_\_\_\_\_, 2025.

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Christina M. Waters, Village Clerk