

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 25 (“TREES, SHRUBS, AND OTHER PLANTS”), ARTICLE 1 (“PLANTING, MAINTENANCE AND REMOVAL OF TREES AND SHRUBS AND CREATION OF FORESTRY COMMISSION”) OF THE OAK PARK VILLAGE CODE REGARDING THE VILLAGE OF OAK PARK’S URBAN FOREST MANAGEMENT PLAN

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, as a home rule unit, the Village of Oak Park’s powers shall be construed liberally as held by the Illinois Supreme Court in the case of *Scadron v. City of Des Plaines*, 153 Ill.2d 164 (1992); and

WHEREAS, the Village’s Community Design Commission unanimously adopted a motion at its October 25, 2023 meeting recommending that the Village Board adopt the Urban Forest Management Plan referenced herein; and

WHEREAS, the Village has determined to amend the Oak Park Village Code to include the Village’s Urban Forest Management Plan in Chapter 25 (“Trees, Shrubs, and Other Plants”) of the Village Code and remove all references to the Arboricultural Specifications and Standards of Practice for the Village of Oak Park pursuant to the Village’s authority as set forth above and pursuant to the recommendation of the Community Design Commission.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, Cook County, 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 25 (“Trees, Shrubs, and Other Plants”), Article 1 (“Planting, Maintenance and Removal of Trees and Shrubs and Creation of Forestry Commission”) of the Oak Park Village Code is amended to delete the overstricken language and add the underlined language to read as follows:

ARTICLE A PLANTING, MAINTENANCE AND REMOVAL OF TREES AND SHRUBS ~~AND CREATION OF FORESTRY COMMISSION~~

25-1-1: Purpose And Intent

25-1-2: Definitions

~~25-1-3: Oak Park Forestry Commission; Establishment; Composition, Appointment Of Members, Duties~~

~~25-1-4~~ 25-1-3: Village Forester; Duties

~~25-1-5~~ 25-1-4: Tree And Shrub Maintenance And Planting Approval

~~25-1-6: Tree Contractor Registration~~

~~25-1-7~~ 25-1-5: Public Nuisances

~~25-1-8~~ 25-1-6: Clear Sight Areas At Street Intersections

~~25-1-9~~ 25-1-7: Violation And Penalty

25-1-1: PURPOSE AND INTENT:

A. Purpose: It is the purpose of this article to promote and protect the public health, safety and general welfare by providing for the regulation of the planting, maintenance and removal of trees and shrubs within the Village.

B. Intent: It is the intent of the Village Board that the terms of this article shall be construed so as to promote:

1. The planting, maintenance, restoration and survival of desirable trees and shrubs within the Village; and
2. The protection of community residents from personal injury and property damage, and the protection of the Village from property damage, caused or threatened by the improper planting, maintenance or removal of trees and shrubs located within the community.

25-1-2: DEFINITIONS:

The following words and phrases shall have the meanings, and are hereby defined, as follows:

~~ARBORICULTURAL SPECIFICATIONS AND STANDARDS OF PRACTICE FOR THE VILLAGE OF OAK PARK (Hereinafter, "Arboricultural Specifications Manual"): A manual adopted by the Board, copies of which are on file in the offices of the Village Clerk and Village Forester and available to the public, which contains regulations and standards for the planting, maintenance and removal of trees and shrubs upon Village owned property; said manual also contains a general program in regard to the tree and shrub resources of the Village.~~

FORESTER: The Village Forester of the Village of Oak Park, Illinois.

PROPERTY OWNER: The record owner or contract purchaser of any parcel of land.

TREES AND SHRUBS: All vegetation, woody or otherwise, except lawn grass and herbaceous flowers.

URBAN FOREST MANAGEMENT PLAN: A plan adopted by the Village Board to regulate the management of public trees in the Village, three (3) copies of which are on file in the offices of the Village Clerk and Village Forester and shall be available for public inspection.

VILLAGE OWNED PROPERTY: Property within the Village limits and: a) owned by the Village in fee simple absolute, or b) impliedly or expressly dedicated to the public sewer easements.

~~**25-1-3: OAK PARK FORESTRY COMMISSION; ESTABLISHMENT; COMPOSITION, APPOINTMENT OF MEMBERS, DUTIES:**~~

~~**25-1-4**~~ **25-1-3: VILLAGE FORESTER; DUTIES:**

A. The Forester shall administer the Village forestry program and the provisions of the ~~arboricultural specifications manual~~ Urban Forest Management Plan;

B. The Forester shall approve or disapprove tree plantings on public property and approve or disapprove any other acts in regard to tree and shrub removal and maintenance as are required by this chapter and shall obtain as a condition precedent to the granting of any approval, the written agreement of each person who applies for such approval that he or she will comply with the requirements of this chapter and with the ~~regulations and standards of the arboricultural specifications manual~~ Urban Forest Management Plan. The Forester shall have the right to inspect all work performed after such approval is granted. If, pursuant to such inspection, the Forester finds that the work performed pursuant to the approval has not been performed in compliance with the requirements of this article or with the ~~regulations or standards of the arboricultural specifications manual~~ Urban Forest Management Plan, the forester shall provide written notice of such finding to the applicant, and the notice shall contain a copy of this subsection, and

1. The approval shall be rescinded and shall be void ab initio, and
2. The Forester may issue a written order that the applicant cease and desist all work for which the approval was granted, and
3. The applicant shall be subject to penalty under the terms of this chapter, and
4. The Forester may take steps to correct the results of the noncomplying work and the reasonable costs of such steps shall be charged to the applicant.

C. The Forester shall establish a program of public information and education that will encourage the planting, maintenance or removal of trees, shrubs and other plants on private property in

furtherance of the general program for optimizing the tree, shrub and other plant resources of the Village.

~~25-1-5~~ 25-1-4: TREE AND SHRUB MAINTENANCE AND PLANTING APPROVAL:

A. Scope Of Requirement: No person except the Forester, an agent of the Forester or a contractor hired by the Village may perform any of the following acts without first obtaining approval from the Forester:

1. Plant on Village owned property, or spray, fertilize, prune, remove or otherwise disturb any tree or shrub located on Village owned property, except that this provision shall not be construed to prohibit owners of property adjacent to or appurtenant to Village owned property from watering without approval any tree or shrub located on such Village owned property;
2. Trim, prune or remove any tree or portions thereof if such tree or portions thereof reasonably may be expected to fall on or across Village owned property and thereby to cause damage to persons or property;
3. Place on Village owned property, either above or below ground level, a container for trees or shrubs;
4. Damage, cut, tap, carve or transplant any tree or shrub located on Village owned property;
5. Attach any rope, wire, nail, sign, poster or any other manmade object to any tree or shrub located on Village owned property;
6. Make or cause to be made any tree well or sidewalk cut on Village owned property.

B. Approval: Within seven (7) days of receipt of the application, set forth in subsection ~~25-1-5B3~~ 25-1-4B3 of this Section, the Forester shall grant approval to perform within thirty (30) days of the day of approval any of the acts specified in subsection ~~25-1-5A~~ 25-1-4A of this Section, for which approval is requested whenever:

1. Such acts would result in the abatement of a public nuisance; or
2. Such acts are not inconsistent with the ~~Arboricultural Specifications Manual~~ Urban Forest Management Plan; and whenever:
3. A letter of application has been signed by the applicant and submitted to the Forester detailing the location, number, size and species of trees or shrubs that will be affected by such acts, setting forth the purpose of such acts and the methods to be used, and presenting any additional information that the Forester may find reasonably necessary to a determination of whether such acts are consistent with this Chapter and with the provisions of the ~~Arboricultural Specifications Manual~~ Urban Forest Management Plan; and

4. The applicant agrees in writing to perform the work for which approval is sought in accordance with the provisions of this Chapter and with the regulations and standards set forth in the ~~Arboricultural Specifications Manual~~ Urban Forest Management Plan; and

5. If the work for which approval is sought entails the felling of any tree or part thereof located on private property, which as a result of such felling, reasonably may be expected to fall on or across Village owned property, the applicant agrees in writing to indemnify and hold harmless the Village for all damages resulting from work conducted pursuant to the approval; and

6. Further in regard to the felling of any tree or part thereof located on private property, which as a result of such felling may reasonably be expected to fall upon or across Village owned property, if such felling is done by a contractor or some person other than the owner of the property upon which the tree is located, the contractor shall deposit with the ~~Village Clerk or the~~ Forester a liability insurance policy in the amount of three hundred thousand dollars (\$300,000.00) per accident for bodily injury liability and fifty thousand dollars (\$50,000.00) aggregate for property damage liability. A blanket certificate may be filed with the ~~Village Clerk~~ Forester covering all tree work by the contractor during the policy period.

C. Exemptions Not Construed From Section: Nothing in this Section shall be construed to exempt:

1. Public utility companies or their agents from any of the requirements of this Chapter; or
2. Any person from the requirements of obtaining any permits as are required by law.

D. Granting Approval For Removal And Maintenance Of Trees On Private Property: Nothing in this Section shall be construed as granting the Forester the authority to disapprove tree removal or maintenance on private property provided the Forester is notified of such removal or maintenance pursuant to subsection ~~25-1-5B3~~ 25-1-4B3 of this Section and provided the applicant under subsection ~~25-1-5B3~~ 25-1-4B3 of this Section complies with subsection ~~25-1-5B3~~ 25-1-4B3 of this Section.

~~25-1-6: TREE CONTRACTOR REGISTRATION:~~

~~A. Scope Of Requirement: No person shall engage in the business of removing, pruning or spraying for hire any trees in the Village unless and until a tree contractor registration form has first been obtained from the Village Clerk.~~

~~B. Issuance Of Registration Form: The Village Clerk shall issue a tree contractor registration form valid for one year to any person who applies for such a registration form provided: 1) said person(s) adhere to the "Arboricultural Specifications And Standards Of Practice For The Village Of Oak Park;" and 2) said persons comply with insurance regulations (subsection 25-1-5B6 of this Article) and 3) that such person(s) agree in writing to remove all tree and shrub refuse.~~

~~C. Fee: The annual fee for such a tree contractor registration form shall be five dollars (\$5.00).~~

~~25-1-7~~ 25-1-5: PUBLIC NUISANCES:

A. Definition: The following are hereby declared public nuisances under this Article:

1. Any dead or dying tree or shrub, whether located on Village owned property or on private property;
2. Any otherwise healthy tree or shrub, whether located on Village owned property or on private property, which harbors insects or diseases which reasonably may be expected to injure or harm any tree or shrub;
3. Any tree or shrub or portion thereof, whether located on Village owned property or on private property, which by reason of location or condition constitutes an imminent danger to the health, safety or welfare of the general public;
4. Any tree or shrub or portion thereof whether located on Village owned property or on private property which obstructs the free passage of pedestrian or vehicular traffic or which obstructs a streetlight; and
5. Any tree or shrub or portion thereof whether located on Village owned property or on private property which obstructs the view of any vehicular traffic in or approaching an intersection.

B. Abatement: The following are the prescribed means of abating public nuisances under this Section:

1. Any public nuisance under this Section which is located on Village owned property shall be pruned, removed or otherwise treated by the Forester in whatever fashion is required to cause the abatement of the nuisance within a reasonable time after its discovery.
2. Any public nuisance under this Section which is located on private property shall be pruned, removed or otherwise treated by the property owner or his/her agent in whatever fashion is required to cause the abatement of the nuisance. No property owner may be in violation of this provision unless and until the following requirements of notice have been satisfied:
 - a. The Forester shall cause a written notice to be sent by registered or certified mail to the owner of the property upon which the nuisance is found;
 - b. Such notice shall describe with particularity the tree or shrub which has been declared to be a public nuisance;
 - c. Such notice shall state with particularity the alternative actions that the property owner may undertake to abate the nuisance;

d. Such notice will require the elimination of the nuisance within thirty (30) days after receipt of the notice by the property owner, although, upon a showing of good cause, said period may be extended by the Forester for a reasonable period.

In the event that the nuisance is not abated within thirty (30) days following receipt of notice by the property owner or within any further time period allowed by the Forester ~~or the Forestry Commission~~, the Forester is authorized to cause the abatement of said nuisance, and the reasonable cost of such abatement shall be filed as a lien against the property on which the nuisance was located, and the property owner of the property upon which the nuisance is located shall be subject to prosecution under Section ~~25-1-9~~ 25-1-7 of this Article. Nothing in this provision shall be construed to exempt any person from the requirements of obtaining approvals under Section ~~25-1-5~~ 25-1-4 of this Article.

3. The provisions of subsections ~~25-1-5B1~~ 25-1-4B1 and B2 of this Article notwithstanding, the Forester is hereby empowered to cause the immediate abatement of any public nuisance under this Article, provided that the nuisance is declared by the Forester to threaten imminent and serious danger of injury or death to any person, and provided that the owner of the property on which the nuisance is located cannot be found through the reasonable efforts of the Forester.

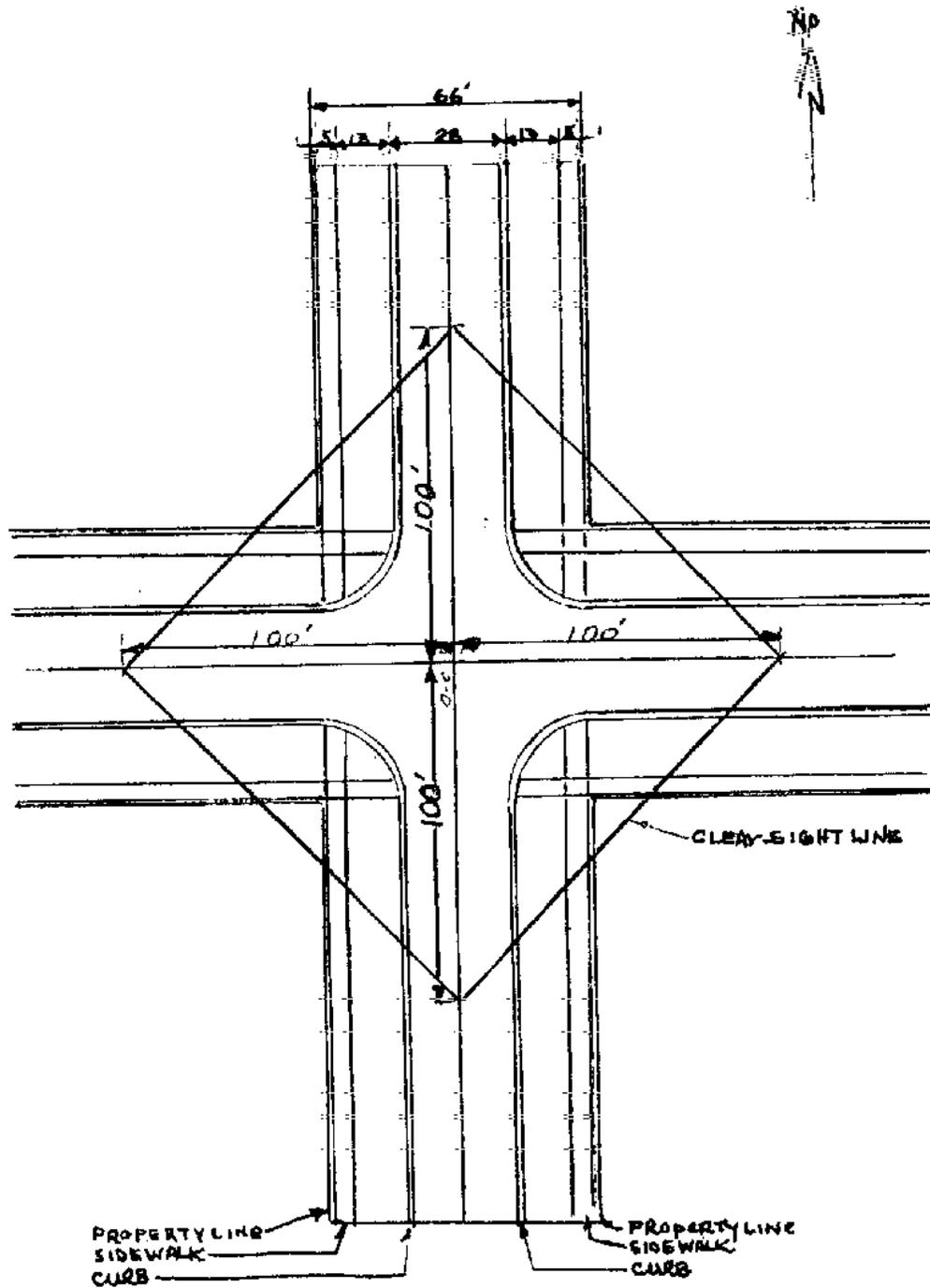
4. The Forester is hereby empowered to seek from any court of competent jurisdiction an order directing the immediate abatement of any public nuisance under this Chapter.

C. The control of trees infected with Dutch ~~elm disease~~ Elm Disease shall be governed by Article 2 of this Chapter.

~~25-1-8~~ 25-1-6: CLEAR SIGHT AREAS AT STREET INTERSECTIONS:

A. Finding: In order to promote greater safety at street intersections, it is in the public interest that shrubs, solid fences and other interferences with the sight of pedestrians or of operators of vehicles at such intersections be regulated in accordance with the daylighting standards hereinafter set forth.

B. Definition Of Clear Sight Area: A clear sight area is that area between the roadways of intersecting streets containing no traffic control signs or signals, which is included within lines connecting the centerlines of such intersecting streets at points one hundred feet (100') from the center of the intersection. In a usual four-way intersection, the clear sight area is the area included in a diamond the corners of which are in the centerlines of the intersecting streets and one hundred feet (100') from the center of the intersection as illustrated by the diagram below:



C. Trees: Except for trimming standards set forth in subsection ~~25-1-8D~~ 25-1-6D of this Section, trees shall be exempt from clear sight area standards unless warranted as set forth in Section 15-11-3 of this Code.

D. Overhanging Branches Of Trees And Bushes: Branches of trees and bushes overhanging in the clear sight area shall be trimmed to a height of no less than seven feet (7') from the ground, or higher if necessary to comply with subsection ~~25-1-8F~~ 25-1-6F of this Section.

E. Maximum Height Of Shrubs And Plantings: When warranted as set forth in Section 15-11-3 of this Code, shrubs, bushes and plantings within the clear sight area shall be trimmed or limited to a maximum height of thirty inches (30"). Measurements shall be from the ground to the top of the object. When warranted as set forth in Section 15-11-3 of this Code, a lesser height must be maintained if necessary to comply with the minimum horizontal sight distance across such clear sight area specified in subsection ~~25-1-8F~~ 25-1-6F of this Section.

F. Minimum Horizontal Sight Distance: When warranted as set forth in Section 15-11-3 of this Code, no overhanging branches, shrubs, bushes or plantings in clear sight areas may be of a height which obstructs horizontal sight lines across such clear sight areas measured from points forty five inches (45") above the centerlines of the intersecting streets along such centerlines for a distance of one hundred feet (100') from the center of the intersection.

G. No Future Plantings Of Trees And Shrubs In Parkways Within Clear Sight Areas: No future plantings of trees and shrubs shall be permitted in parkways within clear sight areas.

H. Enforcement Of Daylighting Standards: The Public Works Department shall be responsible for issuing warnings to homeowners not complying with the daylighting standards herein specified, advising them of proper application of same in relation to their property, and notifying the Law Department for enforcement if noncompliance continues.

~~25-1-9~~ 25-1-7: VIOLATION AND PENALTY:

Any person who violates any provision of this Chapter or who fails to comply with any notice issued pursuant to the provisions of this Chapter, upon being found guilty of violation, shall be subject to a fine as provided in Section 1-1-5 of this Code. If, as the result of the violation of any provision of this Article, the injury, mutilation or death of a tree or other plant located on Village owned property is caused, the cost of repair or replacement of such tree or other plant shall be borne by the party in violation. The replacement value of trees may be determined in accordance with the latest ~~revision~~ version of the "A-Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs and Evergreens for Plant Appraisal as published by the International Society of Arboriculture".

Section 3. 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 4. Effective Date. This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

ADOPTED this 30th day of January, 2024, pursuant to a roll call vote as follows:

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

APPROVED this 30th day of January, 2024.

Vicki Scaman, Village President

ATTEST

Christina M. Waters, Village Clerk

Published in pamphlet form this 30th day of January, 2024.

Christina M. Waters, Village Clerk