ORDINANCE NO. 2019 - 24

AN ORDINANCE TO AMEND SECTION 6-1B-3 OF THE VILLAGE OF POPLAR GROVE CODE OF ORDINANCES REGARDING DANGEROUS TREES AND SECTION 6-1B-4 OF THE VILLAGE OF POPLAR GROVE CODE OF ORDINANCES REGARDING REMOVAL OF DANGEROUS TREES, LIMBS AND SHRUBS

WHEREAS, the Village of Poplar Grove, Illinois ("Village") has adopted a Code of Ordinances ("Code"); and

WHEREAS, Section 6-1B-3 governs dangerous trees; and

WHEREAS, Section 6-1B-4 governs the removal of dangerous trees, limbs and shrubs; and

WHEREAS, the Village Board of Trustees desires to amend Section 6-1B-3 and Section 6-1B-4 as set forth herein; and

WHEREAS, the Village Board of Trustees finds that such amendments are in the best interest of the Village and its citizens.

NOW, THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of Poplar Grove, Boone County, Illinois, as follows:

Section 1. The foregoing recitals are incorporated herein by reference.

Section 2. Section 6-1B-3 of the Code regarding "Dangerous Trees" shall be amended to read as follows (added language shown as underlined and bold, deletions shown as strike through):

"6-1B-3: DANGEROUS TREES:

Any tree or shrub which is planted within the Village right-of-way shall be maintained and trimmed (so that such tree or shrub does not impede or interfere with traffic or travel on the right-or-way) by the Village at its sole costs and expense.

Any tree or shrub **which is planted on private property and outside of the Village right-of-way and** which overhangs any sidewalk, street, or other public place in the village at a height less than eight feet (8') or in such a way as to impede or interfere with traffic or travel on such

public place shall be trimmed by the owner of the abutting premises or of the premises on which such tree or shrub grows, so that the obstruction shall cease. **The costs and expense of such trimming shall be the sole responsibility of such property owner.**

Section 3. Section 6-1B-4 of the Code regarding "Removal of Dangerous Trees, Limbs and Shrubs" shall be amended to read as follows (added language shown as underlined and bold, deletions shown as strike through):

"6-1B-4: REMOVAL OF DANGEROUS TREES, LIMBS, AND SHRUBS:

A. Definitions:

PARK TREES: Trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the village or to which the public has free access as a park.

STREET TREES: Trees with single trunk between property lines on either side of all streets, avenues, or ways within the village.

B. Duties And Responsibilities Of The Village Board: It shall be the responsibility of the village **finance and public works** ~~street and alley~~ committee **of the whole** to study, investigate, counsel and develop and/or update annually and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas.

C. Street Tree Species To Be Planted: The following list constitutes the official street tree species for the village of Poplar Grove, state of Illinois. No species other than those included in this list may be planted as street trees without written permission of the village board.

Small Trees	Medium Trees	Large Trees
Crabapple (flowering)	Hackberry	Maple, red
Hawthorn	Mulberry	Maple, silver
Pear, Cleveland	Sassafras	Maple, sugar
Lilac	Sycamore	
Raspberry	Sycamore, London	

Plum **H**~~h~~eart (trees with single trunk)

Serviceberry

D. Spacing: The spacing of street trees will be in accordance with the three (3) species size classes listed in subsection C of this section, and no trees may be planted closer together than the following except in special planting designed or approved by a landscape architect:

Small trees: Thirty feet (30').

Medium trees: Forty feet (40').

Large trees: Fifty feet (50').

E. Distance From Curb And Sidewalk: The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three (3) species size classes listed in subsection C of this section and no trees may be planted closer to any curb or sidewalk than the following:

Small trees: Two feet (2').

Medium trees: Three feet (3').

Large trees: Four feet (4').

F. Distance From Street Corners And Fireplugs: No street tree shall be planted closer than thirty five feet (35') of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than ten feet (10') of any fireplug.

G. Utilities: No street trees other than those species listed as small trees in subsection C of this section may be planted under or within ten (10) lateral feet of any overhead utility wire or over or within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility.

H. Public Tree Care: The village ~~street and alley~~ **public works director** ~~committee~~ shall have the right to **recommend to the village board** plant**ing**, **pruning**e, maintain**ing** and **removale of** trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The village ~~street and alley~~ **public works director** ~~committee~~ may **recommend to the village board the removal of** ~~remove or cause or order to be removed,~~ any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with subsections C through G of this section.

I. Tree Topping: It shall be unlawful as a normal practice for any person, firm or village department to top any street tree, park tree, or other tree on public property. “Topping” is defined as the severe cutting back of limbs to stubs larger than three inches (3") in diameter with the tree’s crown to such degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this subsection at the determination of the village street and alley committee.

J. Pruning, Corner Clearance: Every owner of any tree overhanging any street or right of way within the village shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street in any section and so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. Said owners shall remove all

dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The village shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign.

K. Dead Or Diseased Tree Removal On Private Property: The village shall have the right to cause the removal of any dead or diseased trees on private property within the village, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the village. The village **public works department** ~~street and alley committee~~ will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such provision, the village shall have the authority to remove such trees and charge the cost of removal to the owner(s) of the property.

L. Removal Of Stumps: All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

M. Arborist's License And Bond: It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the village without first applying for and procuring a license. The license fee shall be twenty five dollars ($25.00) annually in advance; provided, however, that no license shall be required of any public service company or village employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of fifty thousand dollars ($50,000.00) for bodily injury and one hundred thousand dollars ($100,000.00) property damage resulting from the pursuit of such endeavors as herein described.

~~Any tree on the terrace section of property that is obstructing public walkways, public property, or is of a dangerous nature that is to be taken or trimmed shall be at a shared cost of the abutting property owner and the village of Poplar Grove with the village officials being the deciding factor whether or not the work needs to be done.~~"

Section 4. Except as amended in this Ordinance, all other provisions and terms of Village Code of Ordinances shall remain in full force and effect as previously enacted except that those ordinances, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. This Ordinance shall be in full force and effect after its approval, passage and publication in pamphlet form as required by law.

PASSED UPON MOTION BY _____

SECONDED BY _____

BY ROLL CALL VOTE THIS _____ DAY OF _____, 2019

AS FOLLOWS:

VOTING "AYE": _____

_____

VOTING "NAY": _____

_____

ABSENT, ABSTAIN, OTHER _____

_____

APPROVED_____, 2019

ATTEST:

_____ _____

CLERK VILLAGE PRESIDENT