

ORDINANCE REGULATING THE PLANTING, MAINTENANCE,
AND REMOVAL OF TREES, SHRUBS, AND OTHER PLANTS;
CREATING AN URBAN FORESTRY BOARD AND CREATING AN
OFFICE OF URBAN FORESTRY MANAGER
NO. 94-301

WHEREAS, this Ordinance is intended as, and is in the exercise of certain powers and functions pertaining to the government and affairs of Blue Island, Illinois.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF BLUE ISLAND, ILLINOIS THAT:

SECTION I. Title. This Ordinance shall be known as and may be cited as the "Blue Island Tree Ordinance" of Blue Island, Illinois.

SECTION II. Purpose and Intent.

(A) PURPOSE. It is the purpose of this Ordinance to make the residents of Blue Island more aware and concerned about one of our most valuable assets (Trees) and to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs and other plants within Blue Island. Blue Islanders have a long and proud history of beautiful tree lined streets and landscaped homes. Every Fall and Spring the trees in Blue Island add to the charm of our community.

They also add financial value to property in Blue Island. This plan is necessary to insure that Blue Island protects one of its most valuable commodities.

(B) Intent. It is the intent of the City Council of Blue Island that the terms of this Ordinance shall be construed so as to promote:

- (1) the planting, maintenance, restoration and survival of desirable trees, shrubs and other plants within the city; and
- (2) the protection of Blue Island from damage, caused or threatened by the improper planting, maintenance, or removal of trees, shrubs, or other plants located within the community.

SECTION III. Definitions. As used within this Ordinance, the following terms shall have the meanings set forth in this Section.

(A) Arboricultural Specifications and Standards of Practice for Blue Island. (hereinafter, "Arboricultural Specifications Manual"). A manual prepared by the Urban Forestry Manager, after consulting with the Urban Forestry Board, containing regulations and standards for the planting, maintenance and removal of trees, shrubs and other plants upon city owned property.

(B) City owned Property. Property within the city limits of Blue Island, Illinois and;

(1) owned by the city in fee simple absolute or;

(2) impliedly or expressly dedicated to the public for present or future use for purposes of vehicular or pedestrian traffic or for public easements.

(C) Property Owner. The record owner or contract purchaser of any parcel of land.

(D) Trees, Shrubs and Other plants. All vegetation, woody or otherwise, except lawn grass and flowers less than 24 inches in height.

(E) Urban Forestry Manager. (hereinafter UF Manager) The person who is responsible in the first instance to enforce the terms and provisions of this ordinance..

SECTION IV. The Blue Island Urban Forestry Board; Establishment, Composition, Appointment, of Members and Duties

(A) Establishment. The Blue Island Urban Forestry Board (hereinafter Forestry Board) is hereby established. Its functions and duties are limited to those set forth in this Ordinance.

(B) Composition. The Forestry Board shall be composed of seven commissioners. Seven commissioners shall be appointed by the Mayor with the approval of the City Council. These seven commissioners shall serve without pay and shall reside within the City of Blue Island, Illinois. Any additional commissioners shall be ex-officio and shall not vote.

(C) Appointment of Members. Two of the seven commissioners initially appointed to the Forestry Board shall serve for a term of one year; three of the seven commissioners initially appointed shall serve for a term of three years. Two commissioners appointed will serve for two years. The terms shall start on a common date. The Mayor shall designate the Chairperson of the Forestry Board.

(D) Expiration or Vacation of Terms. Within thirty

days following the expiration of the term of any appointed commissioner, a successor shall be appointed by the Mayor with the approval of the City Council and the successor shall serve for a term of three years. Should any commissioner resign or be removed from the Forestry Board a successor shall be appointed by the Mayor with the approval of the City Council and shall serve for the unexpired period of the vacated term. A member of the Forestry Board may be removed by the Mayor with the approval of a majority of the City Council.

(E) Duties. The Forestry Board shall perform the following duties:

(1) Within a reasonable time after the appointment of the Forestry Board, upon call of the Chairperson of the Forestry Board, shall meet and adopt rules of procedure for regular and special meetings to fulfill the duties imposed upon it by this Ordinance.

(2) The Forestry Board shall advise and consult with the UF Manager on any matter pertaining to the Blue Island Arboricultural Specification Manual and Urban Forestry Plan. The topics under which this advise and consultation may be given may include, but are not limited to, any of the following.

(a) amendments to the Blue Island Tree Ordinance and alteration or revisions to the Arboricultural Specifications Manual and alterations or revisions of the Urban Forestry Plan;

(b) policy concerning selection, planting, maintenance and removal of trees, shrubs and other plants within the City and preparation of a "List of Recommended Street Trees";

(c) allocation of funds to the Urban Forestry Division and expenditures of funds by the Urban Forestry Division;

(d) establishment of educational and informational programs for the public;

(e) development of policies and procedures regarding the UF Managers's duties;

(f) issuance of permits required by this Ordinance;

(3) The Forestry Board, upon the request of any person who disagrees with the decision of the UF Manager, shall hear all issues concerning disputes which arise between the City

UF Manager and any such person whenever those issues involve the interpretation or enforcement of the Arboricultural Specifications Manual, the Urban Forest Plan, or of the interpretation or enforcement of this Ordinance. This shall also include disputes regarding the issuance of permits required under this ordinance and the abatement of nuisances as defined herein. The decision of a majority of the appointed members of the Forestry Board with regard to such dispute shall be binding upon the UF Manager. Nothing in this Section shall be construed to limit the jurisdiction of any Court of Law with respect to such disputes.

SECTION V. Urban Forestry Manager; Establishment, Duties.

(A) Establishment. The position of UF Manager is hereby established.

(B) Duties. The UF Manager shall perform the following duties:

(1) The UF Manager, with the assistance of the Forestry Board, shall develop and each subsequent year, update the Urban Forestry Plan. The Plan shall outline urban forestry program activities for a minimum of the next five years. This plan shall describe the urban forestry activities to be undertaken by the city, the reasons for those activities, the possible funding source (s), the means of accomplishing the activities, the alternatives available to the city to fund or accomplish the activity, the projected date of completion, and the consequences if the activity is not completed. Activities may include but are not limited to street inventory, planting, tree removal, beautification projects and educational projects.

(2) The UF Manager with the direction of the Forestry Board shall develop and periodically review and revise, as necessary, the Arboricultural Specification Manual. This manual shall contain regulations and standards for the planting, maintenance, protection and removal of trees, shrubs and other plants upon city owned property.

(3) The UF Manager shall cause the Urban Forestry Plan and the Arboricultural Specifications Manual and all revisions and amendments to it, to be published in pamphlet form, promulgated and shall cause three copies of the Arboricultural Specifications Manual, and all revisions and amendments to it, to be available for public inspection at the office of the City Clerk; Notice that such information is available for public inspection shall be published in pamphlet form in the office of the City Clerk for three consecutive weeks immediately following the initial availability of the Arboricultural Specification Manual or revisions or amendments thereto. The Arboricultural Specifications Manual and any revisions and additions thereto

shall become effective on the tenth day following approval by the Forestry Board and the City Council after publication as provided herein.

(4) The UF Manager shall make available to any interested person information about the activities of the Forestry Board, copies of the Arboricultural Specifications Manual and copies of the Urban Forestry Plan.

(5) The UF Manager shall administer the Tree Ordinance, Urban Forestry Plan and the provisions of the Arboricultural Specifications Manual.

(6) The UF Manager shall perform those acts which are necessary, including the planting and maintenance of trees, shrubs and other plants located on city owned property, to implement the Urban Forestry Plan, the Arboricultural Specifications Manual and this Ordinance.

(7) The UF Manager shall issue such permits as are required by this Ordinance and shall obtain as a condition precedent to the issuance of such permits the written agreement of each person who applies for such permits that he or she will comply with the requirements of this Ordinance, the Urban Forestry Plan and with the regulation and standards of the Arboricultural Specifications Manual. The UF Manager shall have the right to inspect all work performed pursuant to such permits. If the UF Manager finds that the work performed is not in compliance with the requirements of this Ordinance the Urban Forestry Plan or with the regulations or standards of the Arboricultural Specifications Manual, the UF Manager shall provide written notice of his/her finding to the permit applicant. The notice shall contain a copy of Section VI and VII of this Ordinance and/

(a) the permit shall be nullified and shall be void and;

(b) the UF Manager may issue a written order that the permit applicant cease and desist all work for which the permit was required and;

(c) the permit applicant shall be subject to penalty under the terms of this Ordinance and;

(d) The UF Manager may take steps to correct the results of the noncomplying work and the reasonable costs of such steps shall be charged to the permit applicant.

(8) The UF Manager 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 goals of the Urban

Forestry Plan.

SECTION VI. Required and Prohibited actions.

(A) Protection of trees during building operations.

During the erection, alteration, repair, demolition or removal of any building or structure, or excavation in connection therewith, the owner of the affected property shall place or cause to be placed around each nearby public tree one or more protective devices sufficient to prevent injury to the trunk, crown and root system of each such tree. No such device may be installed without a permit issued by the UF Manager who shall first determine that the devices will not injure the tree; such permit shall specify the manner of erecting or installing each protective device. There will be no charge for this permit.

(B) Removal of Protective Device.

No person shall remove any permitted device intended for the support or protection of a public tree without a permit issued by the UF Manager.

(C) Pruning Corner Clearance.

The owner of any tree overhanging any corner or right-of-way within the City shall prune the branches so that such branches will not obstruct the light from any street lamp or obstruct the view of any street intersection 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 hazard to the safety of the public. The city 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 street light or interferes with visibility of any traffic control device or sign. Prior to entry on to private property the city shall obtain the consent of the owner to prune the tree or shrub.

(D) Spacing.

The spacing of Street Trees will be in accordance with the three species size classes listed in the List of Recommended Trees and no trees may be planted closer together than the following: Small Trees 20 feet; Medium Trees 30 feet; and Large Trees 40 feet; except in special plantings designed or approved by the Forestry Board.

(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 species size classes listed in the List of Recommended Street Trees and no trees may be planted closer to any curb or sidewalk than the following: Small Trees, 2 feet; Medium Trees, 2 feet; and Large Trees, 3 feet.

(F) Distance from Street Corners and Fireplugs.

No Street Tree shall be planted closer than 25 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No Street Tree shall be planted closer than 8 feet of any fireplug.

(G) Utilities.

No Street Trees other than those species listed as Small Trees on the List of Recommended Street Trees may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

(H) 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. This requirement shall also apply on private property if said tree had an infectious disease.

(I) Tree Topping.

It shall be unlawful as a normal practice for any person, firm, or city 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 one inch, in diameter within the tree's crown to such a 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 ordinance at the determination of the Forestry Board.

(J) Street Tree Species to be Planted.

No species other than those included in the List of Recommended Street Trees, published by the Forestry Board, may be planted as Street Trees without written permission of the Forestry Board.

(K) Causing injury to public tree or shrub.

No person shall break, tear, paint, deface or damage any public tree shrub or plant nor shall any person cause or allow any toxic chemical, gas, salt, oil, or other injurious

substance to be dumped, drained or applied to or to seep or drain upon or about any public tree, shrub or other plant materials; provided, however, that this section shall not apply to the salting of streets by the City for the purpose of melting ice and snow.

(L) Replacement Value of Healthy Trees on Private/Public Property. Replacement Values of Healthy Trees shall be determined in accordance with the latest revision of the "Guide for Plant Appraisal" as published by the International Society of Arboriculture.

SECTION VII. Permits

(A) Scope of Requirement. No person except the UF Manager, an agent of the UF Manager, or a contractor hired by the UF Manager may perform any of the following acts without first obtaining from the UF Manager or the Building Department a permit for which no fee shall be charged, and nothing in this Section shall be construed to exempt any person from the requirements of obtaining any additional permits as are required by law.

- (1) plant on city owned property or treat, prune, remove or otherwise disturb any tree, shrub or other plant located on city owned property, except that this provision shall not be construed to prohibit owners of property adjacent to city owned property from watering or fertilizing, without a permit, any tree, shrub or other plant located on such city 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 city owned property and thereby to cause damage to persons or property;
 - (3) place on city owned property, either above or below ground level, a permanent container for trees, shrubs or other plants;
 - (4) damage, cut, tap, carve, or transplant any tree, shrub, or other plant located on city owned property;
 - (5) attach any rope, wire, nail, sign, poster or any other man-made object to any tree, shrub or other plant located on city owned property;
 - (6) dig a tunnel or trench on city owned property;
 - (7) place, maintain or allow to be placed upon a parkway or median any asphalt, cement, stone, lumber, or other substance without a permit issued by the UF Manager. In determining whether to grant such a permit the UF Manager shall consider, the nature of the
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substance; the quantity of the substance; the length of time during which the substance will remain on the parkway or median; its effect on trees, shrubs and other plant material on the parkway or median; the purpose of placing or maintaining the substance on the parkway or median; and the alternatives which may be available to the applicant.

(B) Issuance. Within 10 working days of receipt of the application, the UF Manager shall issue a permit to perform within 90 days of the day of issuance any of the acts specified in Section VI and VII, immediately above, for which a permit is requested whenever;

(1) such acts would result in the abatement of a public nuisance;

(2) such acts are not inconsistent with the development and implementation of the Urban Forestry Plan or with any regulations or standards of the Arboricultural Specifications Manual; and whenever;

(3) an application has been signed by the applicant and submitted to the UF Manager detailing the location, number, size and species of trees, shrubs or other plants 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 UF Manager may find reasonably necessary.

(4) the applicant agrees to perform the work for which the permit is sought in accordance with the provisions of this Ordinance, the Urban Forestry Plan and with the regulations and standards set forth in the Arboricultural Specifications Manual; and

(5) the applicant certifies that he or she has read and understands those provisions of the Urban Forestry Plan, this Ordinance and of the Arboricultural Specifications Manual which are pertinent to the work for which the permit is sought; and

(B) if the work for which a permit is issued 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 upon city owned property and if such felling is done by one other than the owner of the property on which such felling is done, then the applicant shall agree to indemnify and to hold the city of Blue Island harmless for all damages resulting from work conducted pursuant to the permit.

(C) Public Utility Companies. Nothing in this Section shall be construed to exempt public utility companies or

their agents from any of the requirements of this Ordinance.

SECTION VIII. Public Nuisances.

(A) Definition. The following are hereby declared public nuisances under this Ordinance:

- (1) any dead or dying tree, shrub, or other plant, whether located on city owned property or on private property;
- (2) any tree, shrub or other plant or portion thereof, whether located on city 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;
- (3) any tree, shrub or other plant or portion thereof whether located on city owned property or on private property which obstructs the free passage of pedestrian or vehicular traffic or which obstructs a street sign on city property.
- (4) any tree shrub or other plant or portion thereof whether located on city owned property or on private property which dangerously obstructs the view as such may be determined by the UF Manager pursuant to Ordinance.

(B) Right to inspect. The UF Manager, Building Commissioner and Superintendent of Streets or designated city employee of the city have the authority to enter onto private property whereon there is located a tree, shrub, plant or plant part that is suspected to be a public nuisance.

(C) Abatement. The following are the prescribed means of abating public nuisances under this Ordinance:

- (1) Any public nuisance under this Ordinance which is located on city owned property adjacent to privately owned 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 within 30 days after its notification.
 - (2) Any public nuisance under this Ordinance which is located on private owned 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 found guilty of violating this provision unless and until the following requirements of notice have been satisfied.
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(a) the UF Manager shall cause a written notice to be personally served or sent, by registered mail, to the person to whom was sent the tax bill for the general taxes for the last preceding year;

(b) such notice shall describe the kind of tree, shrub or other nuisance, its location on the property and the reason for declaring it a nuisance;

(c) such notice shall describe by legal description or by common description the premises;

(d) such notice shall state the actions that the property owner may undertake to abate the nuisance;

(e) such notice will require the elimination of the nuisance no less than 30 days after the notice is delivered or sent to the person to whom was sent the tax bill for the general taxes for the last preceding year.

(3) The UF Manager is empowered to seek the immediate abatement of any public nuisance provided that the nuisance is determined by the UF Manager to be an immediate threat to any person or property.

(4) In the event of Failure of property owner to comply with such provisions, or notice, the UF Manager shall have the authority to request removal of such trees, shrubs, or plants.

SECTION IX. Interference with Urban Forestry Manager. No person shall unreasonably hinder, prevent, delay or interfere with the UF Manager or his/her agents while engaged in the execution or enforcement of this Ordinance.

SECTION X. Violation and Penalty. Any alleged violation of this ordinance may be prosecuted in accordance with the terms and provisions of Ordinance 93-240 of the City of Blue Island entitled "An Ordinance Establishing a Code Hearing Department, providing for a Hearing Officer, Establishing Rules of Procedure and Other Rules and Regulations in Order to Create a System to expedite the Prosecution and Correction of Code Violations within the City of Blue Island, Cook County, Illinois".

Any person who violates any provision of this Ordinance or who fails to comply with any notice issued pursuant to the provisions of this ordinance shall upon being found guilty of

a violation or after entry of an administrative finding that a violation has occurred made in accordance with Ordinance 93-240 of the City of Blue Island, be fined not less than One Hundred (\$100.00) Dollars and not more than Five Hundred (\$500.00) Dollars for each offense. Each day during which any violation shall occur or continue shall be a separate offenses.

If, as the result of the violation of any provision of this Ordinance, the injury, mutilation, or death of a tree, shrub or other plant located on city owned property is caused, the cost of repair or replacement of such tree, shrub or other plant shall be paid by the party in violation. The replacement value of trees and shrubs shall be determined in accordance with the latest revision of A Guide for Plant Appraisal, as published by the International Society of Arboriculture.

(A) Use of fines to defray expenses. Whenever any public tree, shrub or other plant material has been damaged or killed and a fine has been recovered therefor under the provisions of this chapter, or where the amount of such damage has been ascertained and the settlement of such claim has been authorized, such fine or the amount so paid in settlement, or any necessary part thereof, when transferred to the city collector, may in the discretion of the City Council to be used for the purpose of defraying all necessary expenses incurred in and by the removal of such tree, shrub or other plant material and in replacing the same by a living tree, shrub or other plant material.

SECTION XI. Appeal. Should any person or entity dispute in whole or in part, any decision of the UF Manager or Forestry Board made pursuant to the terms of this ordinance, they may appeal the decision within Thirty (30) days to the Community Development and Human Services Committee of the City Council. The decision of the majority of this committee shall be binding upon the person making the appeal, the UF Manager and the Forestry Board.

SECTION XII. Public Tree Care.

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The UF Manager may 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 public sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. The 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 this ordinance.

SECTION XIII. Arborists License and Bond.

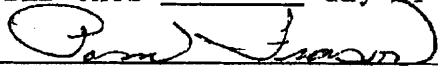
It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the City without first applying for and procuring a license. The license fee shall be \$75.00 annually in advance; provided, however, that no license shall be required of any public service company or City 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 \$100,000 for bodily injury and \$100,000 property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

SECTION XIV. Severability. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid by any court, other provisions or applications of the Ordinance which can be given effect without the invalid provision or application shall not be affected, and to this end the provisions of this Ordinance are declared to be severable.

SECTION XV. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION XVI. This ordinance shall be in full force and affect from and after its passage, approval and publication in pamphlet form as provided by law. A full, true and complete copy of this ordinance shall be published in pamphlet form, by authority of the City Council as corporate authorities.

PASSED this 9th day of August, 1994



CITY CLERK OF THE CITY OF BLUE ISLAND,
COUNTY OF COOK AND STATE OF ILLINOIS

VOTING AYE: Ald. Dinovo, Westcott, Deiters, Veyette, Rangel, Vargas,
Bliss, Hauschild, Luciano, Buccheri.

VOTING NAY: None

ABSENT: Ald. Rauch, Elton, McDermott, Mindeman.

ABSTAIN: None

APPROVED this 9th day of August, 1994.

Donald E. Pelagum
MAYOR OF THE CITY OF BLUE ISLAND,
COUNTY OF COOK AND STATE OF ILLINOIS

ATTESTED and FILED in my office this
9th day of August, 1994.

James Trason
CITY CLERK

PUBLISHED in pamphlet form this
9th day of August 1994.

James Trason
CITY CLERK