

City of Sterling Tree Ordinance

Sections:

1. Definitions
2. Creation and Establishment of City Tree Board
3. Term of Office
4. Compensation
5. Duties and Responsibilities
6. Operation
7. Street Tree Species to be Planted
8. Spacing
9. Distance from Curb and Sidewalk
10. Distance from Street Corners and Fire Hydrants
11. Utilities
12. Public Tree Care
13. Tree Topping
14. Pruning, Corner Clearance
15. Injuring Trees
16. Dead or Diseased Tree Removal on Private Property
17. Dead or Diseased Tree Removal on Public Property
18. Removal of Stumps
19. Interference with City Tree Board
20. Arborists License and Bond
21. Review by City Council
22. Penalty

Be it ordained by the City Council of the City of Sterling, Illinois.

Sec. 1: Definitions

This Ordinance shall be known and may be cited as the “Sterling Tree Ordinance” of Sterling, Illinois.

Arborist is defined as a specialist in the care and maintenance of trees.

City owned property means property within the city limits of Sterling, Illinois and;

1. Owned by the city in fee simple absolute or;
2. Implied or expressly dedicated to the public for present or future use for purposes of vehicular or pedestrian traffic or for public easements.

Parkway is defined as the street right of way existing between private property and the nearest adjacent paved street, or land lying between property lines on either side of all avenues, streets, or ways within the city of Sterling.

Property owner means the record owner or contract purchaser of any parcel of land.

Public tree means any tree located on right-of-way of the City or any other jurisdiction, or any other tree owned by the City.

Remove and *removal* mean the physical detachment or elimination of a tree, or the effective detachment or elimination of a tree through damage or otherwise. Without limitation of the foregoing, such terms do not include the pruning of trees in accordance with the pruning standards.

Topping refers to the severe cutting back of limbs to stubs to such a degree so as to remove the normal canopy and disfigure the tree.

Tree means a self-supporting, woody plant, together with its root system, having a well-defined stem or trunk or a multi-stemmed trunk system and a more or less well-defined crown. Such term shall not include trees in containers or nursery stock trees maintained for resale.

Sec. 2: Creation and Establishment of City Tree Board

There is hereby created and established a City Tree Board for the City of Sterling, which shall consist of five (5) members, who shall be appointed by the Mayor with the approval of the City Council.

Sec. 3: Term of Office

The term of the five (5) persons to be appointed by the Mayor shall be three (3) years except that the term of two of the members appointed to the first board shall be for only two years and the term of two members of the first board shall be for three years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

Sec. 4: Compensation

Members of the board shall serve without compensation.

Sec. 5: Duties and Responsibilities

In working with the City, it shall be the responsibility of the City Tree Board to study, investigate, council, 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 City parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official Comprehensive City Tree Plan for the City of Sterling, Illinois. The board, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work.

Sec. 6: Operation

The board shall choose its own officers, make its own rules and regulations and keep a record of its proceedings. A majority of the members shall be a quorum for the transaction of business.

Sec. 7: Recommended Street Tree Species to be Planted

Trees to be planted in city parkways are recommended to be selected from a list of authorized tree species, or other species approved by the City Tree Board, at the indicated spacing requirement. The Sterling Tree Board shall make and update whenever necessary a list of recommended trees and have it available for the public to reference. One copy of the recommended tree list shall be filed with the Sterling City Clerk and another copy shall be available on the City of Sterling website.

Small trees are those less than 30 feet in height; medium trees are those between 30 and 50 feet in height; large trees are those larger than 50 feet in height. Small trees are suitable for planting under low overhead utility wires or in otherwise limited areas. Medium to large trees are suitable for lawn trees. Medium to large trees are suitable for lawn tree planting or large parkways.

Sec. 8: Spacing

The spacing of trees will be in accordance with the species size classes listed in Sec. 7 of this ordinance, except in special plantings approved by the City Tree Board.

Small Trees	Medium Trees	Large Trees
20-30 feet apart	40 feet apart	50 feet apart

Sec. 9: Distance from Curb and Sidewalk

The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the species size classes listed in Sec. 7 of this ordinance. Any tree species not listed in the Recommended Street Tree Species List filed at City Hall must adhere to the following guidelines: no trees may be planted closer to any curb or sidewalk than the following: small trees, 2 feet; medium trees, 3 feet; and large trees, 4 feet.

Sec. 10: Distance from Fire Hydrants

No tree shall be planted closer than 5 feet of any fire hydrant.

Sec. 11: Utilities

No trees may be planted that mature within 10 lateral feet of any overhead utility wire.

Sec. 12: Public Tree Care

The City shall have the right to plant, prune, maintain and remove trees 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 City Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reasons of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any life-threatening 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 the other sections of this Ordinance.

Sec. 13: Tree Topping

It shall be unlawful as a normal practice for any person, firm, or city department to top any street, park, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs 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 approved pruning practices are impractical may be exempted from this ordinance at the determination of the City Tree Board prior to pruning.

Sec. 14: Pruning, Corner Clearance, Street Corners

All properties shall maintain a 20 foot triangular zone measured from the intersecting right-of-way lines bordering such corner lot, so that no shrub or tree over 3 feet above the adjoining street grade can be planted, maintained, or allowed to grow so as to cause a hazard to public places or interfere with proper lighting of public highways by streetlights or interfere with the view of traffic.

No person shall allow any tree or shrub to extend onto the abutting public way so as to cause a hazard to public places or interfere with proper lighting of public highways by streetlights or interfere with the view of traffic.

Any tree or shrub which hangs over any sidewalk, street or other place in the city in such a way as to impede or interfere with traffic or travel on the public place shall be trimmed by the owner of the abutting premises on which the tree or shrub grows so that the obstruction shall cease. Any limb of a tree which shall become likely to fall upon or across any public way or place shall be removed by the owner of the premises in which such tree or shrub grows or stands.

No person shall trim or cut any public tree or part thereof which is on or overhangs public property or any street or alley without first procuring a trimming license therefore as provided in this division. This division shall not apply to any person holding a franchise from the city to do work in and about the streets.

Application for a license under this division shall be made in writing to the City Clerk.

The application under this division shall also be accompanied by a license fee in the amount of \$100.00.

The application under this division shall be accompanied by a certificate of insurance evidencing the fact that the applicant has in force a public liability and property damage insurance policy covering the proposed work or contract with limits of \$500,000.00 liability for bodily injury and \$100,000.00 property damage, which policy shall name the city as an additional insured. If the applicant has such a certificate on file in the Office of the Clerk, it shall not be necessary to file additional certificates, provided the certificate on file covers the proposed work.

Any license issued under the provisions of this division shall be valid until April 30 next succeeding the date of issuance of such license.

Sec. 15 Injuring Trees

- (a) It shall be unlawful to injure any tree or shrub planted in any public place.
- (b) It shall be unlawful to attach any sign, advertisement or notice to any tree or shrub in any parkway, street or other public place.
- (c) It shall be unlawful to attach any wire or other rope to any public tree without permission of the City Tree Board.
- (d) In making excavations in streets or other public places proper care shall be taken to avoid injury to the roots of any tree or shrub wherever possible.

Sec. 16: Dead or Diseased Tree Removal on Private Property

The City shall have the right to cause the removal of any dead or diseased trees on private property within the City, when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a life-threatening risk to other trees within the City. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 30 days after the date of service of notice. Application for a Trimming License shall be made to the Code Enforcement Office, and if denied, shall be referred to the City Manager for review. In the event of a failure to comply with such provisions, the City shall have the authority to remove on the owner's property and a lien for the cost placed on the property.

Sec. 17: Dead or Diseased Tree Removal on Public Property

It shall be unlawful to remove or cut down any tree or shrub in any street, parkway or other public place without having secured permission from the City Tree Board.

Sec. 18: Removal of Stumps

All stumps of trees shall be removed below the surface of the ground at least six inches.

Sec. 19: Interference with City Tree Board

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any trees on public or private grounds, as authorized in this chapter.

Sec. 20: Trimming License

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing public trees within the City without first applying for and procuring a Trimming License. The license fee shall be \$100.00 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 \$500,000.00 for bodily injury and \$100,000.00 property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

Sec. 21: Review by City Council

The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the city tree board to the city council that may hear the matter and make final decision.

Sec. 22: Penalty

Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to the penalties as described below.

The appraised value of a tree unlawfully removed or destroyed or the partial loss in value for a tree shall be determined by the Sterling Tree Board using as a guideline, if necessary, the most current edition of the "Guide For Plant Appraisal" prepared by the council of tree and landscape appraisers, and edited, published and copyrighted by the International Society of Arboriculture. Various factors used in tree value calculations for northern Illinois may also be obtained from the most current edition of the "Species Ratings and Appraisal Factors" for Illinois prepared by the Illinois Arborist Association. If no evidence is available as to the quality, health, and/or desirability of the plant, the appraisal will assume perfection.

If the tree that was unlawfully removed or destroyed is of a size that is possible to replace, the value shall be all of the costs involved in replacing the tree regardless if the plant is in fact replaced. Inclusive of these cost are plant replacement, cost of watering for one year after planting, and administrative costs.

In the event any entity becomes civilly liable for payment of restitution to the City of Sterling, the Sterling Tree Board shall produce a determination as to the amount of damage

done based on the guides set forth in this article. Said valuation shall create a presumption as to the damage done. Said presumption if accepted by both parties and paid by the offending party to the City of Sterling shall settle the matter. If not, the City shall retain the right to bring a civil cause of action to recover damage done and shall be entitled to recover not only the fair market value of damage done but the costs of recovery including court costs, its reasonable attorney fees and other expenses including testimony by expert witnesses.

Signed: _____

Attested: _____

Date: _____