

EXHIBIT “A”

158.034 TREE PRESERVATION AND PLANTING PLAN.

Purpose:

The purpose of this chapter is to establish policies and procedures to promote and protect the public health, safety and general welfare by providing for the regulation of the planting, maintenance and removal of trees or shrubs on Public property within the Village. This plan is to also provide for the proper parkway and right-of-way standards and establishment of new trees, the protection and maintenance of existing trees, and timely removal of hazardous and infectious diseased trees on both public and private lands. The complete urban forest is comprised of trees across all land uses and ownership on public and private land. This chapter will regulate public property trees but recognizes that trees on private property are part of the collective community resource.

Statement of Value:

Trees are a valuable infrastructure to the Village. The Village values trees as a critical infrastructure, and like other infrastructure, require maintenance and upkeep. Unlike other critical infrastructure, trees actually increase in value over time and the benefits they provide increase exponentially as they mature.

Definitions:

As used in this chapter and unless the context clearly requires otherwise, the words and terms listed shall have the meaning ascribed to them in this section. Any term not defined in this section shall have the meaning ascribed to it in 92 Ill. Adm. Code SS 530.30, unless the context clearly requires otherwise.

“ANSI.” American National Standards Institute.

“APPLICANT.” Person applying for a permit under this chapter

“ARBORIST.” An individual trained and experienced in the profession of forestry or other similarly degreed and/or licensed tree professional.

“CALIPER.” The diameter of the tree measured at six inches (6”) above ground level. Caliper measurements are typically used to report the diameter of trees that are less than three inches (3”) in diameter at 4.5 feet above ground level.

“CALIPER INCH(ES).” Unit(s) used to describe a tree’s diameter as measured by calipers or a diameter tape.

“CODE.” The Municipal Code of the Village of Romeoville.

“CONSTRUCTION” or “CONSTRUCT.” The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification, or abandonment in place of infrastructure.

“DECIDUOUS TREE.” A deciduous tree is one that loses most or all of its leaves for part of the year. Deciduous trees are also considered to be broad-leaf or hardwood trees.

“DIAMETER BREAST HEIGHT (DBH).” The diameter of the trunk of the tree measured in caliper inches at a point 4.5 feet above ground line. This point of measurement is used for established and mature trees and is referred to as DBH. All references to diameter size shall be to the DBH.

“DEVELOPMENT.” Any proposed change in the use or character of land, including but not limited to, the replacement of any structure or site improvements. When appropriate to the context, development may refer to any conduct which requires the receipt of a building, or site work permit.

“DIRECTOR.” The Village Director of Public Works or his or her designee.

“DRIP LINE.” The ground directly beneath the tips of a tree’s outermost branches.

“EQUIPMENT.” Materials, tools, implements, supplies and/or other items used to install or remove infrastructure.

“EXCAVATION.” The making of a hole or cavity by removing material or by digging.

“IMPACTED TREE.” A tree which has been negatively affected by proximity to development, vehicle or equipment traffic, material storage, excavation or other damages as determined by the Village.

“INFECTED (INFECTION).” Affected by tree diseases, such as Dutch Elm Disease or Oak Wilt.

“INFESTED (INFESTATION).” Inhabited by insects or overrun in numbers or quantities large enough to be harmful.

“MAINTENANCE ACTIVITY.” Any activity including, but not limited to, the pruning, spraying, injecting, bracing and nutrient supplementation of a tree with the intention of improving or maintaining tree health and/or structure.

“MULTI-STEM TREE.” A single tree made up of three or more main stems originating below the height used for measuring DBH.

“NATURAL AMENITY EXCEPTION.” A landscape and preservation plan intended as a substitute for the replacement requirements of this Chapter.

“PARKWAY.” An unpaved land within a public right of way parallel and adjacent to the roadway.

“PARCEL.” A lot of record, zoning lot or any grouping of adjacent lots under single ownership, serving a principal structure or use.

“PERMIT” A written authorization from the Governmental entity authorizing the “Applicant” or their designee to conduct work which may or may not impact a tree.

“PRIVATE PROPERTY.” Any property not owned by the Village.

“REMOVAL.” The cutting down or substantial destruction of a tree.

“RIGHT OF WAY.” A strip of land acquired by reservation, dedication, forced dedication, prescription of condemnation and intended to be occupied by a road, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer and other similar uses.

“SITE.” That parcel of land for which a permit for landscaping or tree removal is sought.

“SUPERINTENDENT OF OPERATIONS.” The person appointed by the Director of Public Works or their designee to serve as the primary authority on the establishment, care and removal of trees within the Village, or any person authorized to act in the Superintendent’s stead, referred to as “Superintendent” throughout this Chapter.

“TOPPING.” The severe cutting back of limbs to stubs within a tree’s crown to such a degree so as to remove the normal canopy and disfigure the tree.

“TREE.” Any self-supporting woody plant, together with its root system, growing upon the earth usually with one trunk, or a multi-stemmed trunk system, supporting a definitely formed crown. For regulatory purposes of this Chapter, the plant commonly referred to as “buckthorn” shall not be considered as a tree.

“TREE REMOVAL.” The cutting down, destruction, removal or relocation of any tree life processes, unaided by man, for a reasonable period of time.

(A) Applicability.

(1) The provisions of this section apply to trees planted in public right-of-way or on public property, without temporal limitation (i.e., the ordinance is in effect 24 hours per day, 7 days per week, 365 days per year, and application of the ordinance does not require a triggering event such as a building permit application). For regulations concerning tree planting and landscaping on private property refer to the Zoning Code, Chapter 159, § 159.030.

(2) The provisions of this section apply to any new development or plat, any redevelopment, any expansion or building addition, any modification of any existing parcel, or any construction taking place within the public right-of-way or on public property. Compliance with this section is a condition for the approval of any development/engineering plans or the issuance of any certificates of occupancy or review/approval of any permit application pertaining to or impacting trees upon all municipal streets, right-of-way, city parks, or other public property. It is further intended to balance the property rights of individual property owners with those of the overall health, safety and welfare interests of the Village.

(B) Delegation of Authority and Enforcement

The Superintendent of Operations and/or their designee, shall have full authority and responsibility to plant, prune, maintain and remove trees and woody plants growing in or upon all municipal streets, rights-of-ways, city parks, and other public property. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect or other pest disease. The Superintendent shall consult with a certified Arborist for tree removals, with the exception of an emergency weather or other casualty conditions a tree is endangering health, safety, or property and requires immediate removal.

(1) Other than Village staff that adequately display arboricultural training, degrees or certifications; only contractors that have a certified Arborist on staff or Contractors that adequately display arboricultural training, degrees, or certifications shall perform work or maintenance on right-of-way or public property trees. This shall include any maintenance or removal of trees that may threaten any municipal infrastructure, or any tree that is affected by fungus, insects, or other pest disease.

(2) Insurance Requirements for Contractors. All contractors performing forestry activities on Village owned trees shall possess an insurance policy approved by the Village.

(3) Coordination among Village departments. All Village departments will coordinate as necessary with the Director and will provide services as required to ensure compliance with this Ordinance as it relates to streets, alleys, rights-of-way, drainage, easements and other public properties not under direct jurisdiction of the Director.

(4) Tree Board. There is hereby created and established a committee to be known as the Village of Romeoville's Tree Board.

(a) Purpose. The purpose of the committee is to help assure the maintenance and expansion of the Village's tree canopy and the health and safety condition of the trees in the community. Members of the tree board shall assist the Village with tree preservation, planting, management, and protection of trees within the Village.

(b) Membership. The Village of Romeoville's tree board shall consist of up to thirteen (13) members, or which up to nine (9) of those members shall be members of the Conservation and Sustainability Committee (Ord. 35.201). The remaining members shall consist of the Village Manager, Director of Public Works, and Superintendent of Operations, all of which are appointed by the Mayor with the approval of the Village Board. Members of the tree board shall be the appointed staff as listed above, or residents of the Village of Romeoville that have a basic interest and understanding of urban forestry. The terms of office shall conform with those under the Conservation and Sustainability Committee (Ord. 35.201)

(c) Duties and Responsibilities. The following shall consist of a minimum of the following:

- Coordinating Arbor Day activities
- Assisting with Tree City USA application(s)
- Reviewing concerns and advising on tree related matters
- Promoting awareness and education on trees
- Organizing educational workshops
- Creating educational materials (i.e. brochures on proper tree planting and maintenance)
- Assist in developing and revising the comprehensive tree management plan (written plan for care, preservation, planting, pruning, removal, and disposition of trees in public areas)
- Provide input for the species list for planting

(5) Interference. No person shall hinder, prevent, delay, or interfere with the Superintendent or their agent(s) while engaged in carrying out the execution or enforcement of this Ordinance.

(6) Appeals. If any person contests a decision made by the Superintendent, that person shall appeal to the Village Board in writing. The decision of the Village Board shall be final.

(7) Penalties. Any person found guilty of violating any provision of this Section shall be assessed at a cost as prescribed in the General Penalty Section of the Code. Each tree cut down, destroyed, damaged, removed, or moved shall constitute a separate offense. In addition to these penalties, if a tree is removed in violation of this Section, all replacement requirements of this Section shall be applied. The cost associated with a tree removal that has not been approved by the Village shall consist of a minimum fine in the amount of five hundred dollars per DBH, in addition to the actual cost to purchase and install a new tree of the minimum requirement.

(8) Exceptions. If because of emergency weather or other casualty conditions a tree is endangering health, safety, or property and requires immediate removal, oral authorization may be given by the Superintendent for the tree removal without obtaining a written permit. Such oral authorization shall later be confirmed in writing to the Village.

(9) Severability. Should any part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part held to be invalid.

(C) Tree Planting and Maintenance

It shall be unlawful to plant any tree in any public street, parkway, right-of-way or other public place without having first secured a permit from the Village, therefore.

Applications for such permits shall be made to the Superintendent of Operations. No planting shall be underway until the approved permit is received by the Applicant. All

trees so planted in any right-of-way shall be placed subject to the directions and approval under the permit. It shall be unlawful to plant any tree under utility wires that is anticipated to grow in height that will interfere with the wires. All planting and maintenance activities for trees shall follow best management practices in accordance with the American National Standards Institute for planting, pruning, and maintenance. (ANSI A300). All safety measures shall be followed in accordance with the American National Standard for Arboricultural Operations – Safety Requirements (ANSI Z133). All trees planted on public property shall be from certified nurseries in accordance with the American National Standard Institute for nursery stock (ANSI Z60.1).

(D) Public tree preservation.

(1) It shall be unlawful for any person, group, entity, corporation, or organization to remove any tree in public right-of-way or on public property without the prior written approval of the village.

(2) It shall be unlawful for any person, group, entity, corporation, or organization to damage, deface, injure, or prune a tree in public right-of-way or on public property in such a way causes irrevocable harm to the tree. This includes "tree topping" or the cutting of branches and/or the trunk of a tree in a manner which will substantially reduce the overall size of the tree area so as to destroy the existing symmetrical appearance or natural shape of the tree in a manner which results in the removal of main lateral branches leaving the trunk of the tree in a stub appearance.

(3) It shall be unlawful for any person, group, entity, corporation, or organization to attach signs, notices, or other advertising to any tree in public right-of-way or on public property.

(4) Property owners are responsible for the maintenance of the trees in the public right-of-way adjacent to their property. The village and its authorized agents shall have the right but not the obligation to plant, prune, maintain or remove trees in the public right-of-way or on public property as may be necessary to ensure public safety, preserve or enhance the quality of the vegetation, and beautify the village. The village may remove or cause to be removed as soon as practical any tree in the public right-of-way or on public property that is diseased or dying, or that poses an irreconcilable threat to a utility, or that otherwise threatens the public health, safety, or general welfare.

(5) In areas where construction is taking place within the public right-of-way every effort shall be made to preserve the existing trees. A tree preservation plan shall be completed that includes:

(a) Trees to be saved shall be prominently marked, these markings to be visible at normal eye level and at the working level of equipment operators.

(b) Movement of construction equipment and any other vehicles shall be restricted to clearly marked routes.

(c) Temporary barriers shall be erected prior to construction to prevent damage to the trunk, canopy, or root zone of trees to be saved; for instance, stakes and rope,

snow fences, wooden frame, cinder block, planking over roots, and the like. Barriers equal in extent to the drip line of the tree may be required in case of species particularly susceptible to root zone damage.

(d) Use, storage, or other deposition of equipment or material shall be prohibited within the root zone of any tree to be saved; for example, paint, oil, solvents, fuel, gravel, fill, concrete, sand, mortar, rubbish, and the like.

(e) Grading, filling, excavating, or other disturbance within the root zone of any tree to be saved shall be avoided wherever possible. Where this cannot be avoided, a tree well, terrace, retaining wall, or other protective device shall be installed as the first step of construction.

(f) If tree roots must be cut in the course of installing streets, utility lines, foundations, or other construction activity, this cutting shall be by trenchers, backhoe equipment, or other equipment which will ensure clean cuts. Where damage is inflicted, pruning or other compensatory treatment shall be done as soon as possible.

(g) Trees to be saved shall not be subjected to unfavorable changes in drainage, either during or after construction.

(E) Public tree replacement. In the event that trees in the public right-of-way or on public property cannot be preserved, or must be removed due to disease or damage, they shall be replaced according to the following standards. The replacement cost of the tree shall include the cost of the removal and replacement of the tree that was damaged or could not be preserved. Relocation of the tree is not recommended and will not be allowed unless approved by the Superintendent for special circumstances.

(1) Two trees shall be planted for every tree removed.

(2) Tree selection and placement shall be according to division (F) below.

(3) In the event that the replacement trees cannot fit in the right-of-way adjacent to the project, a fee in lieu of can be assessed for the tree to be planted in right-of-way elsewhere in the village. The fee in lieu shall be determined by the Director of Community Development, not less than the amount of five hundred dollars per inch of DBH, in addition to the actual cost of purchasing and installing a tree of the minimum requirement. The fee in lieu of shall be paid to the Village of Romeoville and placed in a tree bank for tree replacement and care within the Village.

(F) Public tree planting. Any new development or subdivision, modification to an existing parcel, tree permitted for planting, tree damaged in any way that is not viable, or any tree required by this section shall be planted in accordance with the criteria below.

(1) All parkways or public rights-of-ways shall be planted with trees a minimum of two and one-half inches in caliper at the time of installation.

(2) Trees shall be planted a minimum of 30 feet and a maximum of 50 feet apart. Where trees cannot be planted due to conflicts with driveways or utilities, replacement trees shall be required according to division (C) of this section.

(3) Trees shall not be placed within the following distances:

(a) Fifteen feet of a fire hydrant, streetlight, and or street sign.

(b) Five feet of a residential driveway or ten feet of a commercial driveway unless authorized by the village.

(c) Twenty feet from the intersection of any residential, local, or minor street. Forty feet from the intersection of commercial, collector, or major street unless authorized by the village.

(d) Ten feet from any manhole, catch basin, water buffalo box or utility structure.

(e) Eight feet from any buried utility line.

(4) Tree species shall be varied so that no more than five of the same species are adjacent and that one species does not comprise more than 30% of all parkway plantings unless otherwise approved by the village.

(5) Trees shall be planted in the center of the parkway where possible. Trees shall not be closer than two feet from the back of curb and two feet from the sidewalk unless otherwise approved by the village.

(6) Trees are prohibited in parkways less than four feet wide. In parkways between four feet and six feet wide, the village may prohibit trees if they conflict with underground utility lines.

(7) In parkways between four feet and six feet wide trees shall be limited to the following species:

Common Name	Botanical Name
American Hornbeam	<i>Carpinus caroliniana</i>
Allegheny Serviceberry	<i>Amelanchier laevis</i>
American Hophornbeam aka Ironwood	<i>Ostrya virginiana</i>

(8) In parkways greater than six feet wide trees shall be any of the following species:

Common Name	Botanical Name
Frontier Elm	Ulmus 'Frontier'
Patriot Elm	Ulmus 'Patriot'
Princeton Elm	Ulmus americana 'Princeton'
Prospector Elm	Ulmus davidiana var. japonica 'Prospector'
Smoothleaf Elm (Dutch elm disease resistant cultivars only)	Ulmus carpinifolia (Accolade, Discovery, Homestead, Pioneer & Regal cultivars)
Triump Elm	Ulmus 'Morton Glossy'
Summer Elixir Elm	Ulmus chenmoui 'JAB Morton'
Common Hackberry	Celtis occidentalis
American Hophornbeam aka Ironwood	Ostrya virginiana
American Linden aka Basswood	Tilia americana
American Yellowwood	Cladrastis kentukea
Crescendo Sugar Maple	Acer saccharum 'Morton'
Marmo Maple	Acer x freemanii 'Marmo'
Red Maple	Acer rubrum
State Street Maple	Acer miyabei 'Morton'
Sugar Maple	Acer saccharum
Bur Oak	Quercus macrocarpa
Chinkapin Oak	Quercus muehlenbergii
Red Oak	Quercus rubra
Shumard Oak	Quercus shumardii
Swamp White Oak	Quercus bicolor
White Oak	Quercus alba
Shingle Oak	Quercus imbricaria
Northern Pin Oak	Quercus ellipsoidalis
American Hornbeam	Carpinus caroliniana
Northern Catalpa	Catalpa speciosa
Purple Catalpa	Catalpa x erubescens 'Purpurea'
Espresso Kentucky Coffeetree (male)	Gymnocladus dioicus 'Espresso-JFS'
Kentucky Coffeetree	Gymnocladus dioicus
Sycamore aka Exclamation London Plant	Plantanus occidentalis
Ohio Buckeye	Aesculus glabra
Allegheny Serviceberry	Amelanchier laevis
Tulip Tree	Liriodendron tulipifera