

ORDINANCE NO. 84-3

AN ORDINANCE REGULATING THE PLANTING, REMOVAL,  
MAINTENANCE AND PROTECTION OF TREES AND SHRUBS IN  
THE VILLAGE OF WINNEBAGO, ILLINOIS.

ARTICLE I

GENERAL PROVISIONS

A. Ordaining Clause - The Village Board of the Village of Winnebago, Winnebago County, Illinois, does hereby ordain and enact an Ordinance with such provisions and regulations as are stated below.

B. Short Title - This Ordinance shall be known and may be cited as "The Tree and Shrub Ordinance", Village of Winnebago, Illinois.

C. Interpretation - It is hereby declared to be the policy of the Village to regulate and control the planting, transplanting, removal, maintenance and protection of trees and shrubs in the Village in order to eliminate and guard against dangerous conditions which may result in injury to persons using the streets, alleys, sidewalks or property of the Village; to promote and enhance the beauty and general welfare of the city; to prevent damage to any public sewer or water main, street, sidewalk or other public property; to protect trees and shrubs located in public areas from undesirable and unsafe planting, removal, treatment and maintenance practices; and to guard all trees and shrubs on Village property against the spread of disease or pests. It is the intent of the Village that the provisions of the Ordinance shall apply to all trees, shrubs growing or hereafter planted in or upon any public right-of-way or other premises owned or controlled by the Village.

D. Validity - The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof.

ARTICLE II

DEFINITIONS

1. Whenever the following words or terms are used in this Ordinance, they shall be construed to have the following meanings:

2. Public trees and shrubs shall mean all trees and shrubs located or to be planted on any park, playground or other property owned or controlled by the Village or any public street, alley, sidewalk or highway within the public right-of-way. Street terrace shall mean the area along a street or avenue from the public sidewalk to the curblin.

ARTICLE III

OFFICIAL TREE LIST AND SPECIFICATIONS ADOPTED

1. There is hereby adopted an official tree list and specifications for the Village showing the trees and varieties or species permitted to be planted in the public right-of-way of all streets within the Village.

2. No person shall hereafter plant, transplant, or move any public tree or shrub on any street or alley of the Village unless it is of a species or variety herein designated:

- |                 |                                 |
|-----------------|---------------------------------|
| Sugar Maple     | Locust and "Improved Varieties" |
| Norway Maple    | Pin Oak                         |
| Columnar Maple  | Bye Color Oak                   |
| Schwedler Maple | Linden                          |
| Black Maple     | American Plane                  |
| Ash             | Gingko (male only)              |

All other trees are prohibited.

ARTICLE IV

ACTS ENDANGERING TREES AND SHRUBS

1. No person shall without the consent of the Village of Winnebago do or cause to be done by others, any of the following acts:

- (A) Secure, fasten or run any rope, wire, sign, unprotected electrical installation or other device or material to, around or through a tree or shrub.
- (B) Break, injure, mutilate, deface, kill or destroy or permit any fire to burn where it will injure any tree or shrub.
- (C) Permit any toxic chemical, gas, smoke, salt brine, oil or other substance to seep, drain or be emptied upon or about any tree or shrub.
- (D) Excavate any ditch, tunnel or trench or lay any drive within a radius of five (5) feet from any tree or shrub, or any public parkway or property, or street terraces.
- (E) Erect, alter, repair or raze any building or structure without suitable guard around all nearby public trees or shrubs which may be injured by such operations.
- (F) Knowingly permit any unprotected electric service wires to come in prolonged contact with any public tree or shrub.
- (G) Remove any guard or other device or material intended for the protection of a public tree or shrub or obstruct any open space about the base of a public tree or shrub designed to permit access of air, water and fertilizer.

2. Trimming Required - Trees and shrubs standing in or upon any public right-of-way between the lot line and the curb or edge of the improved street or upon any private premises adjacent to any public street right-of-way, park, playground or place shall be kept trimmed by the owner or owners of the premises upon or in front of which such trees or shrubs are standing so that the lowest branches projecting over the public street or right-of-way provide a clearance of not less than fifteen (15) feet and over all other public places of not less than eight (8) feet. The Village may waive the provisions of this Ordinance for newly planted trees if it is determined that they do not interfere with public travel, obstruct the light of any street light or endanger public safety. Any tree or shrub

not trimmed as herein provided is hereby declared to be a public nuisance.

ARTICLE V

PLANTING SPACES REQUIRED

No tree should be planted in any street or avenue terrace that is less than six (6) feet in width measured from the outside edge or public sidewalk to the curb except trees that will not attain a trunk diameter greater than fifteen (15) inches and no tree shall be planted in terraces measuring four (4) feet or less from the sidewalk to curb.

1. Proximity to Driveways and Entrances - No tree or shrub shall be located closer than five (5) feet to any driveway and large trees shall be at least ten (10) feet away from such private or public entrance.

2. Planting on Unpaved, Ungraded Streets - No tree shall be planted on any street until the grade thereof has been established or permanent paving on curb and gutters are installed.

3. Spacing of Trees in the Parkway - In general, the minimum spacing of trees in the parkway shall be as follows:

- |  |               |
|--|---------------|
| (A) Large trees (over 40 feet in height) | 50 feet apart |
| (B) Medium trees ( 25 feet to 40 feet)   | 40 feet apart |
| (C) Small trees (15 feet to 25 feet)     | 30 feet apart |

ARTICLE VI

PERMITS

1. No person, except upon order of the Village of Winnebago shall plant, transplant, move, spray, brace, trim, prune, cut above or below ground, disturb, alter or do surgery on any public tree or shrub within the Village or cause such act to be done by others without first obtaining a written permit for such work from the Village of Winnebago as herein provided. Application for said permit may be made by phone and unless there exist special circumstances demanding explanation, will

be issued by mail. This Ordinance shall not affect the right of the Village to direct or cause the removal of any tree, plant or shrub planted in any street, alley, parkway or public place to accommodate public necessity or improvement.

2. Permits to Public Utilities - Whenever a permit is issued under this Ordinance to a public utility to move, trim, prune, cut, disturb, alter or do surgery on any public tree or shrub, the Village shall limit the work to be done to the actual necessities of the utility and may assign an inspector to supervise the work done under the provision of the permit, and the expense of such inspection or supervision shall be charged to the utility.

#### ARTICLE VII

##### REPLANTING AS CONDITION TO PERMIT

As a condition of granting any permit to remove a public tree or shrub, the Village may require that the permittee plant one or more trees or shrubs in the place of the one removed, and no permittee under such a conditional permit shall fail, refuse or neglect to plant trees or shrubs of the type, size and in the location specified in this permit. Permits issued under this section shall expire six (6) months after date of issue.

#### ARTICLE VIII

##### FEEES REQUIRED

No fee shall be charged for permits required by this Ordinance.

#### ARTICLE IX

##### PENALTY FOR VIOLATION

Any person or corporation or other entity violating any of the provisions of this Ordinance, upon conviction, shall be fined in a sum of not less than \$25.00 or more than \$500.00.

ARTICLE X

EFFECTIVE DATE

This Ordinance shall be published and shall be in force and effect from and after its passage, approval and publication, as is by law provided.

APPROVED:

  
\_\_\_\_\_  
President of the Board of Trustees of  
the Village of Winnebago, Illinois

ATTEST:

  
\_\_\_\_\_  
Village Clerk

PASSED: 3-4-84

APPROVED: 3-4-84

PUBLISHED: 3-8-84