

## COUNCIL WORKSHOP ITEM

**ITEM:** Amendment to Municipal Code, Chapter 24 (Trees and Shrubs)

**DATE:** June 23, 2003

**PREPARED BY:** John J. Bajor, Jr., Public Works Director  
Kerstin G. von der Heide, Village Forester  
Ann Marie L. Perez, Staff Attorney

**PURPOSE:** Revisions to the Ordinance

**DISCUSSION:**

The proposed amendments to Chapter 24, Trees and Shrubs, of the Village's Municipal Code clarify usage and add defining language in several sections. Initially, these changes more fully describe the pruning requirements for Village trees and shrubs and, secondly, define the list of users or persons subject to these provisions to include "entities". Finally, staff is proposing these changes to avoid any possible conflicts or omissions with other cited Code sections since there have been recent changes to Chapter 19. These changes can only strengthen this code section and allow staff better enforcement ability.

**ATTACHMENT:**

An Ordinance Adopting Tree Pruning Standards

**RECOMMENDATION:**

Place this matter on the July 8<sup>th</sup> Workshop for Council consideration

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ADOPTING TREE PRUNING STANDARDS**

BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows: (Additions are indicated by shading; deletions by ~~strikeout~~.)

SECTION 1. That Section 24-3 of the Downers Grove Municipal Code is hereby amended as follows:

**24-3. Planting, pruning, removal, destruction of trees and shrubs.**

Unless otherwise authorized by a permit obtained from the Public Works Department pursuant to ~~Section 19-19 of this Code~~ **Chapter 19**, no **entity or** person shall plant, prune, remove, destroy, break, cut, deface, or in any way **cause the demise, damage,** injure or interfere with any tree ~~or~~, shrub **or vegetation** in any right-of-way of any street or alley or on any property owned or maintained by the Village. In addition to any fines that may be assessed for violation of this section, the person shall pay to the Village a sum equal to the value or partial value of the tree lost as a result of the violation. The value or partial value of the tree lost shall be as determined under Section 24-17. Any unauthorized plantings may be removed at the discretion of the Forestry Division. (R.O. 1925, § 207.)

SECTION 2. That Section 24-4 of the Downers Grove Municipal Code is hereby amended as follows:

**24-4. Prevention of injury to trees during erection, etc. of buildings or utility installation or repair.**

In the erection, alteration or repair of any building or structure, or the construction, installation, alteration or repair of any street, sidewalk, or utility, trees in the right-of-way or on any Village owned or maintained property shall be protected from damage or removal unless otherwise authorized by a permit issued by the Public Works Department pursuant to the provisions of ~~Section 19-19 of this Code~~ **Chapter 19**. Tree crowns and trunks shall not suffer any branch or bark loss. Roots shall be protected from compaction, storage of materials, and severing within a circle around the tree with the tree trunk as the focal point. The radius of the circle shall be determined by the tree diameter listed in the following table:

<u>Tree diameter</u> <u>4.5 feet above ground</u>	<u>Radius of circle -</u> <u>tree trunk in center</u>
0 - 4.0 inches	2.0 feet
4.1 - 9.0 inches	5.0 feet
9.1 - 14.0 inches	10.0 feet
14.1 - 19.0 inches	12.0 feet
19.1 or more inches	15.0 feet

Roots located within the determined circle shall be protected by such practices as temporary bridges for vehicles or auguring for utility installation. Any factors that would cause any deviations from the above table shall be noted on the permit issued for such work. In addition to any fines that may be assessed for violation of this section, the person shall pay to the Village a sum equal to the value or partial value of the tree lost as a result of the violation. The value or partial value of the tree lost shall be as determined under Section 24-17. (R.O. 1925, § 211.)

SECTION 3. That Section 24-6 of the Downers Grove Municipal Code is hereby amended as follows:

**24-6. Placing materials around trees.**

No person shall, without a written permit from the Public Works Department of the Village issued pursuant to ~~Section 19-19 of this Code,~~ **Chapter 19** deposit, place, store or maintain upon the ground in the right-of-way of any street or alley or on any property owned or maintained by the Village, any stone, cement or other material which shall impede free passage of water and air to the roots of any tree. Whenever conditions are found that restrict the water and air movement, the Forestry Division may cause conditions to be made for free passage of water and air. (R.O. 1925, § 210.)

SECTION 4. That Section 24-8 of the Downers Grove Municipal Code is hereby amended as follows:

**24-8. Pruning of trees when wires to be run through trees.**

When it becomes necessary to prune branches of trees **in any right of way of any street or alley or any property owned or maintained by the Village** for the benefit of any person running wire through such trees, the pruning shall be done consistent with the most currently accepted arboricultural practices at the expense of the person owning the wires. (R.O. 1925, § 208.)

SECTION 5. That Section 24-9 of the Downers Grove Municipal Code is hereby amended as follows:

**24-9. Electric wires—Attaching to trees.**

No **entity or** person shall, without a written permit from the Public Works Department of the Village, attach any **rope, wire,** electric wire, insulator or any other electric device for holding electric wire to any tree now or hereafter growing in any street or public highway in the Village. **Any entity or person in violation of this provision shall be subject to the provisions of Section 24-3.** (R.O. 1925, § 212.)

NOTE: As to electricity, see Ch. 10 of this Code.

SECTION 6. That Section 24-10 of the Downers Grove Municipal Code is hereby amended as follows:

**24-10. Same—Fastening to prevent contact with trees.**

Every **entity or person** having any wire charged with electricity shall, whenever practicable, securely fasten the same so that such wire shall not come in contact with any tree in any street or alley in the Village. **Any entity or person in violation of this provision shall be subject to the provisions of Section 24-3.** (R.O. 1925, § 213.)

SECTION 7. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 8. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

\_\_\_\_\_  
Mayor

Passed:

Published:

Attest: \_\_\_\_\_  
Village Clerk

[tree]