ORDINANCE 2015-014            PASSED: MARCH 9, 2015

AMENDING THE MUNICIPAL CODE OF THE CITY OF DEKALB, ILLINOIS REGARDING CHAPTER 6 “TREES,”
SECTION 6.20 “TREES AND SHRUBS ON PUBLIC AND
PRIVATE PROPERTY”.

WHEREAS, the City of DeKalb, DeKalb County, Illinois is a home rule community with those
powers granted under the provisions of the Illinois Constitution and the Illinois Municipal Code,
65 ILCS 5/1-1-1, et. seq.; and,

WHEREAS, the Corporate Authorities of the City have heretofore established Chapter 6 of the
City Code of the City of DeKalb which regulates the arboricultural standards within the City;
and,

WHEREAS, the Corporate Authorities have determined that certain updates to said Chapter 6
are required;

THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of DeKalb,
DeKalb County, Illinois, as follows:

Section 20. Ordinance Amended.

Chapter 6 of the City of DeKalb Code of Ordinances is and shall be amended as follows:

a) 6.20 is amended as follows:

ARBORICULTURAL SPECIFICATIONS AND STANDARDS OF PRACTICE
FOR TREES AND SHRUBS ON PUBLIC AND PRIVATE PROPERTY.

b) 6.20(a) is amended with the addition of a sentence as follows:

a) Purpose. It is hereby declared to be the policy of the City of DeKalb,
Illinois, to promote and enhance the beauty and general welfare of the City; to
regulate and control the planting, transplanting, removal, maintenance and
protection of trees, plantings and shrubs in the City 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 City; to prevent damage to any
public sewer or water main, street, sidewalk or other public property and to
protect trees, plantings and shrubs located in or upon public property from
undesirable and unsafe planting, removal, treatment and maintenance practices;
and to guard all trees, plantings and shrubs within the City against the spread of
disease or pests. It is the intent of the City Council that the provisions of this
Section 6.20 shall apply, as defined, to all trees, shrubs, or plants growing or
hereafter planted in or upon any public right of way, public property, or other
premises owned or controlled by the City, and also to all trees, plantings or shrubs
growing or to be planted in or upon private property, where indicated, which shall
threaten the lives, health, safety or welfare of the public. All parkway tree, plantings and shrub maintenance will be done so under the guidelines set forth by the National Tree Care Industry.

c) Chapter 6.20.D.2(g) is amended with the addition of language, as follows:

(g) The care and maintenance needed to nurture and protect newly planted trees in accordance with these guidelines shall be the responsibility of the adjacent private property owner for a period of 12 months after the initial planting date. If the tree dies, after twelve (12) months of the planting date, it will be at the discretion of the Director of Public Works, or his designee, to determine if the City will replace said tree.

d) Chapter 6.20.D.2(h) is amended with the addition and removal of language, as follows:

(h) Trees planted in the parkway shall become the joint responsibility of the City of DeKalb after 12 months.

e) Chapter 6.20.G.1(h) is amended with the addition, as follows:

(h) Public utility companies must use reasonable care to avoid unnecessary damage to trees, plantings and shrubs, both public and private, in the normal conduct of their business. Permits will be required by the Department of Public Works prior to any utility work involving public or private trees located within the City of DeKalb. A detailed description outlining said work will be reviewed by an arborist, acceptable to the City, prior to any work. All work performed will be done in compliance will all ANSI A300 regulations.

f) Chapter 6.20.G.2 is amended with removal of language, as follows:

2. Trees, Plantings and Shrubs to be Kept Trimmed. Trees, plantings and shrubs standing upon any private property adjacent to any public street, roadway, right-of-way, park, or playground shall be kept trimmed by the owner or owners of the premises upon or in front of which such trees, plantings or shrubs are standing so that the lowest branches projecting over the public streets, roadways, sidewalks or other public right of way provide a clearance of not less than nine feet above the level of the sidewalk and not less than fourteen feet above the level of the street. The Director of Public Works, or his designee, may waive the provisions of this section for newly planted trees if he determines that they do not interfere with public travel, obstruct the light of any street light or endanger public safety.

g) Chapter 6.20.G.3 is amended with the addition, as follows:

3. Private plantings shall be kept trimmed by the adjacent private property owner so that no stems, leaves or other parts of a plant lay upon, across, or extend over a public sidewalk, curb or edge of pavement. For purposes of this Section, the placement of plantings and shrubs shall be at the sole risk and expense of the
adjacent private property owner of the premises whose property fronts the right-of-way where such plantings are located. Plant and shrub height shall not interfere with vision triangle regulations as prescribed in the Unified Development Ordinance nor impede the path of travel or safe use of the public right-of-way. The Director of Public Works, or his designee, may waive the provisions of this section if determined that a planting or shrub does not interfere with public travel, the vision triangle, or endanger public safety.

**Section 2.** All ordinances or portions thereof in conflict with this ordinance are hereby repealed. All agreements in violation of the terms of this Ordinance shall be terminated, effective immediately.

**Section 3.** Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

**Section 4.** This Ordinance shall be in full force and effect immediately after passage, based upon the statement of urgency included in the preamble above (incorporated by reference herein). Publication date: March 10, 2015. Effective date: March 20, 2015.

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois at a regular meeting thereof held on the 9th day of March 2015 and approved by me as Mayor on the same day. First reading February 23, 2015. Passed by Omnibus roll call vote of 8-0 under the Consent Agenda. Aye: Jacobson, Finucane, Lash, Snow, Naylor, Baker, O’Leary, Rey.

**ATTEST:**

[Signature]

MARcia E. SWeIGERT, City Clerk

JOHN A. REy, Mayor