

Chapter 21

VEGETATION*

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ARTICLE I. IN GENERAL

Sec. 21-1. Nuisance vegetation and weeds.

The Village hereby declares the following to be a nuisance: jimson, burdock, ragweed, thistle, cocklebur, or other weeds of a like kind, and grass or plants, weeds other than trees, bushes, flowers, or other ornamental plants which have grown to a height exceeding one (1) foot. However, properly maintained native plantings, like prairies, rain gardens, etc. can be allowed by permit. (Code 1958, Sec. 28.201, (Ord. No. 12-04, Sec. 1, 1-19-2012) Cross reference--For settlement and compromise of violations of this section, see Sec. 13-96 et seq.

Sec. 21-2. Notice and Abatement.

It shall be the duty of the Superintendent of Streets and Parks to serve or cause to be served, by regular United States Mail or personal service on the owner, occupant or last taxpayer of record of any premises on which weeds or plants are permitted to grow in violation of this Article, a notice demanding that the weeds or plants be cut or otherwise removed within five (5) days from the date of the notice so that the weeds or plants no longer constitute a nuisance under the provisions of this Article.

If the weeds or plants are not cut or otherwise removed, the Superintendent of Public Works may proceed to cut or otherwise remove the weeds or plants so that the weeds and plants no longer constitute a nuisance under the provisions of this Article. The Superintendent of Streets and Parks or another Village official designated by the Village Administrator shall keep a record of the costs incurred by the Village in cutting or otherwise removing the weeds or plants, and such costs shall be charged to the person to whom was sent the tax bill for general taxes for the last preceding year on the property where the weeds or plants were cut or otherwise removed, and while unpaid, such cutting or removal costs shall constitute a lien against the property. - Notice of the costs and lien shall be personally served or served by certified mail on the person to whom was sent the tax bill for general taxes for the last preceding year for the property. The Superintendent of Streets and Parks, or such other person as may be designated by the Village Administrator, shall cause notice of the lien to be filed in the Office of the Recorder of the county on which the property where the weeds or plants were cut or otherwise removed within sixty (60) days after the date the weeds or plants were cut or

* Cross reference - Roots of trees and shrubs not to be injured during excavation operations, Sec. 18-52.

otherwise removed. (Code 1958, Sec. 28.204, Ord. No. 94-15, Sec. 3, 3-17-94, Ord. No. 2003-24, Sec. 1 & 2, 7-17-2003; Ord. No. 12-04, Sec. 1, 1-19-12) State law reference--Authority of village to provide for destruction of weeds at expense of owner of property upon which the weeds are growing, 65 ILCS 5/11-20-7

Secs. 21-3--21-15. Reserved.

ARTICLE II. VEGETATION

DIVISION 1. GENERALLY

Sec. 21-16. Improvements to Park and Right-of-Way Vegetation--Permit required; application; approval.

Other than by the Village or its agents, it shall be unlawful to plant, restore, maintain, remove, trim or cut down any tree, plant, shrub or other vegetation in any park right-of-way or other public place without having first secured a permit therefor. However, maintenance of right-of-way lawns which are adjacent or near to private lawns are exempt. Applications for such permits shall be made to the Public Works Superintendent. Any appeals shall be referred to the Parks Commission (if park property included), Public Works Committee and Village Board of Trustees for approval, modification or rejection. (Code 1958, Sec. 9.301, 9.302; Ord. No. 94-15, Sec. 3, 3-17-94; Ord. No. 09-02, Sec. 2, 1-15-09; Ord. No. 09-22, Sec. 2, 9-17-09)

Sec. 21-17. Approved vegetation for planting in public places.

Trees, shrubs, and plants to be planted in Village right-of-ways, parks and other public places shall be selected from the following authorized species with a preference for native species and are subject to the approval of the Superintendent of Streets and Parks:

LARGE TREES

<u>Botanical Name</u>	<u>Common Name</u>
Abies concolor	Concolor Fir
Acer nigrum	Black Maple
Acer platanoides	Norway Maple
Acer rubrum	Red Maple
Acer saccharum*	Sugar Maple*
Aesculus glabra	Ohio Buckeye
Betula nigra	River Birch
Betula papyrifera	Paper Birch
Carya cordiformis*	Bitternut Hickory*

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<i>Carya ovate</i> *	Shagbark Hickory*
Catalpa speciosa	Catalpa
<i>Celtis occidentalis</i> *	Common Hackberry*
<i>Corylus colurna</i>	Turkish Filbert
<i>Fagus grandifolia</i>	American Beech
<i>Fagus sylvatica</i>	European Beech
<i>Ginkgo biloba</i>	Ginkgo
<i>Gleditsia triacanthos</i> f. <i>inermis</i>	Thornless Honeylocust
<i>Gymnocladus dioicus</i>	Kentucky Coffeetree
Juglans nigra	Black Walnut
Metasequoia glyptostroboides	Dawn Redwood
Picea abies	Norway Spruce
Picea glauca	White Spruce
Picea pungens	Colorado Blue Spruce
Pinus resinosa	Red Pine
Pinus strobes	Eastern White Pine
<i>Platanus occidentalis</i>	Sycamore
<i>Platanus x acerifolia</i>	London Planetree
Prunus serotina	Black Cherry
Pseudotsuga menziesii	Douglas Fir
<i>Quercus alba</i> *	White Oak*
<i>Quercus bicolor</i> *	Swamp White Oak
<i>Quercus coccinea</i> *	Scarlet Oak*
<i>Quercus ellipsoidalis</i>	Hill's Oak
<i>Quercus imbricaria</i> *	Shingle Oak*
<i>Quercus macrocarpa</i> *	Bur Oak*
<i>Quercus muehlenbergii</i>	Chinquapin Oak
<i>Quercus prinus</i>	Chestnut Oak
<i>Quercus robur</i>	English Oak
<i>Quercus rubra</i> *	Red Oak*
Robinia pseudoacacia	Black Locust
Taxodium distichum	Baldcypress
<i>Tilia Americana</i>	American Linden (Basswood)
<i>Tilia cordata</i>	Littleleaf Linden
<i>Tilia x euchlora</i> 'Redmond'	Redmond Linden
<i>Tsuga Canadensis</i>	Hemlock
<i>Ulmus x</i>	Elm hybrid
(suitable cultivars i.s. "Accolode", "Frontier", "Homestead")	
<i>Zelkova serrata</i>	Zelkova

Bold type = parks only
Asterisk = native species

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SMALL TREES

<u>Botanical Name</u>	<u>Common Name</u>
Acer canoest	Hedge Maple
Acer ginnala	Amur Maple
Amelanchier	Serviceberry (tree form only for parkway)
Carpinus caroliniana*	American Hornbeam (blue beech)*
Cercis Canadensis	Redbud
Cornus alternifolia	Pagoda Dogwood
Crataegus crus-galli	Cockspur Hawthorn
Crataegus laevigata	English Hawthorn
Crataegus mollis	Downy Hawthorn
Crataegus phaenopyrum*	Washington Hawthorn*
Magnolia x soulangiana	Saucer Magnolia
Malus spp.	Crabapple (tree form only for parkway)
Ostrya virginiana*	Ironwood*
Prunus serrulata	Japanese Flowering Cherry
Prunus virginiana	Chokecherry
Pyrus calleryana	Callery Pear
Syringa reticulata	Japanese Tree Lilac
Thuja occidentalis	Eastern White-cedar

Bold type = park only
Asterisk = native species

OTHER SHRUBS AND PLANTS

The following may be used in public parks and conservation easements per approval of the Superintendent of Streets and Parks.

<u>Botanical Name</u>	<u>Common Name</u>
Actaea pachypoda	Baneberry, White
Allium canadense	Onion, Wild
Allium cernuum	Onion, Nodding Wild
Allium tricoccum	Leek, Wild
Amphicarpaea bracteata	Hog Peanut, Upland
Andropogon scoparius	Grass, Little Bluestem
Anemone quinquefolia	Anemone, Tall (Thimbleweed)
Anemonella thalictroides	Rue Anemone
Apocynum androsaemifolium	Dogbane, Spreading
Aquilegia Canadensis	Columbine, Wild

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Arisaema triphyllum	Jack-in-the-Pulpit
Asarum canadense	Ginger, Wild
Aster lateriflorus	Aster, Side-Flowering
Aster sagittifolius	Aster, Arrow-Leaved
Botrychium virginianum	Fern, Rattlesnake
Bouteloua curtipendula	Gramma, Side-Oats Prairie Grass
Carex pensylvanica	Sedge, Common Oak (Penn)
Carex stricta	Sedge, Common Tussock
Caulophyllum thalictroides	Blue Cohosh
Cypripedium acaule	Lady's Slipper, Stemless (Moccasin Flower)
Cypripedium calceolus var. parviflorum	Lady's Slipper, Small Yellow
Dicentra cucullaria	Dutchman's Breeches
Dioscorea villosa	Yam, Wild
Dodecatheon meadia	Shooting Star
Dryopteris spinulosa	Fern, Spinulose Shield
Elymus villosus	Rye, Silky Wild
Erythronium albidum	Trout Lily, White
Eupatorium purpureum	Joe Pye Weed, Purple
Galium concinnum	Bedstraw, Shining
Galium triflorum	Bedstraw, Sweet-Scented
Geranium maculatum	Geranium, Wild
Hamamelis virginiana	Witch Hazel
Helianthus divaricatus	Sunflower, Woodland
Heliopsis helianthoides	Sunflower, False
Hepatica acutiloba	Hepatica, Sharp-Lobed
Hepatica americana	Hepatica, Round-Lobed
Hydrophyllum virginianum	Waterleaf, Virginia
Isopyrum biternatum	Anemone, False Rue
Kuhnia eupatorioides var. corymbulosa	Boneset, False
Lathyrus ochroleucus	Vetchling, Pale
Lobelia siphilitica	Lobelia, Great Blue
Lycopus americanus	Water Horehound, Common
Lycopus virginicus	Bugle weed
Mertensia virginica	Bluebells, Virginia
Mitella diphylla	Bishop's Cap (Mitrewort)
Orchis spectabilis	Showy Orchis
Panicum virgatum	Grass, Switch
Penthorum sedoides	Stonecrop, Ditch
Phlox divaricata	Phlox, Blue (Phlox, Woodland)
Pilea pumila	Clearweed

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<i>Podophyllum peltatum</i>	May Apple
<i>Polemonium reptans</i>	Jacob's Ladder
<i>Polygonatum canaliculatum</i>	Solomon's Seal, Smooth
<i>Polygonum hydropiperoides</i>	Water Pepper, Mild
<i>Potentilla simplex</i>	Cinquefoil, Common
<i>Ranunculus fascicularis</i>	Buttercup, Early
<i>Ranunculus recurvatus</i>	Buttercup, Hooked
<i>Ranunculus septentrionalis</i>	Buttercup, Swamp
<i>Ratibida pinnata</i>	Coneflower, Yellow
<i>Ribes americanum</i>	Currant, Wild Black
<i>Sanguinaria canadensis</i>	Bloodroot
<i>Scirpus atrovirens</i>	Bulrush, Dark Green
<i>Scutellaria epilobiifolia</i>	Skullcap, Marsh
<i>Senecio pauperculus</i>	Ragwort, Balsam
<i>Silphium terebinthinaceum</i>	Prairie Dock
<i>Smilacina racemosa</i>	Solomon's Seal, Feathery False
<i>Smilacina stellata</i>	Solomon's Seal, Starry False
<i>Smilax ecirrhata</i>	Carrion Flower, Upright
<i>Smilax lasioneura</i>	Carrion Flower, Common
<i>Solidago gigantea</i>	Goldenrod, Late
<i>Solidago graminifolia</i>	Goldenrod, Common Grass-Leaved
<i>Solidago nemoralis</i>	Goldenrod, Old-Filed
<i>Solidago rigida</i>	Goldenrod, Stiff
<i>Solidago ulmifolia</i>	Goldenrod, Elm-Leaved
<i>Spiranthes cernua</i>	Ladies' Tresses, Nodding
<i>Stachys tenuifolia</i> var. <i>hispida</i>	Hedgenettle, Rough
<i>Tilia americana</i>	Basswood, American
<i>Trillium erectum</i>	Trillium, Wake-Robin
<i>Trillium recurvatum</i>	Trillium Red (Prairie)
<i>Triosteum aurantiacum</i>	Horse Gentain, Early
<i>Uvularia grandiflora</i>	Bellwort
<i>Verbena urticifolia</i>	Vervain, Hairy White
<i>Veronicastrum virginicum</i>	Culver's Root
<i>Viburnum lentago</i>	Nannyberry
<i>Viburnum rafinesquianum</i>	Arrow-wood, Downy
<i>Vicia americana</i>	Vetch, American
<i>Vicia caroliniana</i>	Vetch, Wood
<i>Viola affinis</i>	Violet, Leconte's
<i>Viola sororia</i>	Violet, Common Blue

(Ord. No. 09-02, Sec. 3, 1-15-09; Ord. No. 09-22, Sec. 2, 9-17-09)

Sec. 21-18. Prohibited trees enumerated.

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The following trees shall not be planted on Village right-of-ways, parks or other public property:

<u>Botanical Name</u>	<u>Common Name</u>
Acer negundo	Box Elder
Acer saccharinum	Silver Maple
Ailanthus altissima	Tree-of-Heaven
Ailanthus glandulosa	Tree-of-Heaven/Chinese Sumac
Catalpa speciosa	Catalpa-all species
Elaeagnus angustifolia	Russian Olive
Fraxinus spp.	Ash species
Ginkgo biloba –Female	Female Ginkgo Tree
Gleditsia triacanthos	Thorned Honeylocust
Juglans nigra	Black Walnut
Maclura pomifera	Osage Orange
Morus spp.	Mulberry species
Populus spp.	Poplar specials
Populus nigra	Lombardy Poplar
Rhamnus cathartica	Buckthorn
Salix spp.	Willow species
Ulmus Americana	American Elm
Ulmus chinensis	Chinese Elm
Ulmus pumila	Siberian Elm
	All types of fruit trees

(Ord. No. 09-22, Sec. 2, 9-17-09)

Sec. 21-19. Certain trees to be removed or replaced.

- (a) Where the above trees prohibited by Section 21-18 have been planted and are growing on city parkways, they shall gradually be removed and, if appropriate, replaced with approved trees.
- (b) All crippled, deformed and physically damaged trees, regardless of species, if professional opinion indicates recovery and normal development cannot be expected, shall be removed and replaced.
- (c) All trees infected with non-curable disease that will result in deformation, death or infection of other trees, shall be replaced.

Sec. 21-20. Manner of planting trees in right-of-ways and parks.

- (a) Trees shall have a minimum diameter of two (2) inches at a distance of four (4) feet above the ground, shall have a continuous single ten (10) to twelve (12) foot trunk for large trees and six (6) to eight (8) foot trunk for small trees before pruning and shall be free from deformity, infectious disease or insect infestation and any indication of undesirable growth characteristics.
- (b) Trees and shrubs may not be located where they might interfere with existing underground or overhead utility lines.
- (c) Planting sites shall be approved by the Superintendent of Streets and Parks. (Ord. No. 09-02, Sec. 4, 1-15-09; Ord. No. 09-22, Sec. 2, 9-17-09)

Sec. 21-21. Injuring trees and shrubs in public places.

It shall be unlawful to injure any tree or shrub planted in any public place. (Code 1958, Sec. 9.303)

Sec. 21-22. Placing signs and notices on trees and shrubs located in public places.

It shall be unlawful to attach any sign, advertisement or notice to any tree or shrub in any street, park, right-of-way or other public place. (Code 1958, Sec. 9.304; Ord. No. 09-02, Sec. 5, 1-15-09)

Sec. 21-23. Materials around base of park and right-of-way trees.

No person shall place or maintain upon the ground around a park or right-of-way tree any surfacing or material which will impede free passage of water and air to the roots without leaving an open space of not less than two (2) feet in width all around the tree. (Ord. No. 09-02, Sec. 6, 1-15-09)

Sec. 21-24. Protecting trees during construction operations.

During any type of construction work, the owner or contractor shall place such guards around all nearby public trees to prevent injury to such trees. (Ord. No. 09-22, Sec. 3, 9-17-09)

Sec. 21-25. Wires, ropes, etc., on trees located in public places; duties of utility companies.

- (a) It shall be unlawful to attach any wire or rope to any public tree without permission of the Superintendent of Streets and Parks. (Ord. No. 09-22, Sec. 3, 9-17-09)
- (b) Any person given the right to maintain poles and wires in the streets, alleys or other public places in the Village shall, in the absence of a provision in the franchise concerning the subject, keep wires and poles free from and away from trees or shrubs in public places so far as may be possible and shall keep all such trees and shrubs properly trimmed and subject to

the supervision of the Superintendent of Streets and Parks, so that no injury shall be done to the poles or wires or shrubs and trees by contact with wires or poles. (Code 1958, Sec. 9.306; Ord. No. 94-15, Sec. 3, 3-17-94)

Sec. 21-26. Duty to trim or remove dangerous trees; trimming and removal by Village; lien.

- (a) Any tree or shrub which overhangs any sidewalk, street or other public place in the Village in such a way as to impede or interfere with traffic or travel shall be trimmed by the owner of the abutting premises or of the premises on which such tree or shrub grows so that the obstruction shall cease.
- (b) Any tree or limb of a tree which has become likely to fall on or across any public place or way by reason of disease, age or any other reason shall be removed by the owner of the premises on which such tree grows or stands.
- (c) Upon failure of the occupant and taxpayer of record of any property to comply with this Section within five (5) days after the date written notice is mailed by regular United States Mail or personally delivered to the occupant and the person to whom was sent the tax bill for the property for the last preceding year informing the occupant and taxpayer that there is a violation of this Section, the Superintendent of Streets and Parks or such other person as may be designated by the Village Administrator, may cause any such tree or shrub to be trimmed or removed so that the obstruction or danger to traffic or travel shall be eliminated, provided that if the Superintendent of Streets and Parks determines that there is an imminent danger to the safety of persons or property unless a tree or shrub is promptly trimmed or removed, then the tree or shrub may be trimmed or removed without prior notice being given to the owner or occupant of the property. The Superintendent of Streets and Parks, or another Village official designated by the Village Administrator, shall keep a record of the costs incurred by the Village in trimming or removing a tree or shrub and such costs shall be charged to the person to whom was sent the tax bill for general taxes for the last preceding year for the property where the tree or shrub that was trimmed or removed was growing, and while unpaid such costs shall constitute a lien against such property. The Superintendent of Streets and Parks, or such other person as may be designated by the Village Administrator, shall cause notice of such costs to be sent to the person to whom was sent the tax bill for general taxes for the last preceding year for such property and shall also cause notice of the lien to be filed in the Office of the Recorder of the county in which the property is located. (Code 1958, Sec. 9.305, Ord. No. 2003-25, Sec. 1, 7-17-03)

Sec. 21-27. Notice to remove trees constituting nuisance.

The Superintendent of Streets and Parks or such other person as may be designated by the Village Administrator shall give to the occupant and taxpayer of record of any property where any public nuisance described in this Article shall be found, a written notice of the existence of such nuisance,

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which notice shall require the removal or abatement of the condition which constitutes the public nuisance within five (5) days following the date on which such notice is personally delivered or mailed by regular United States Mail to the occupant and the person to whom was sent the tax bill for the property for the last preceding year, with such removal or abatement to occur under the direction and supervision of the Superintendent of Streets and Parks or such other person as may be designated by the Village Administrator. The notice shall also notify the occupant and taxpayer of record that unless such nuisance is removed or abated in compliance with the notice, the Village will proceed with the removal or abatement of the nuisance and that the taxpayer of record shall be liable to pay to the Village any and all costs incurred by the Village in removing or abating the nuisance. (Ord. No. 94-15, Sec. 3, 3-17-94; Ord. No. 94-25, Sec. 1, 9-15-94, Ord. No. 03-25, Sec. 2, 7-17-03)

Sec. 21-28. Removal of trees constituting nuisance; costs; lien.

If the occupant or taxpayer of record fails to remove or abate a public nuisance after receiving the notice provided for in Section 21-27 within five (5) days following the date on which such notice was personally delivered or mailed by regular United States Mail, then the Superintendent of Streets and Parks or such other person as may be designated by the Village Administrator, may cause any such condition to be removed or abated so that the nuisance shall be eliminated. The Superintendent of Streets and Parks or another Village official designated by the Village Administrator shall keep a record of the costs incurred by the Village in removing or abating the nuisance, and while unpaid such costs shall constitute a lien against the property on which the nuisance was located. The Superintendent of Streets and Parks or such other person as may be designated by the Village Administrator, shall cause notice of such costs to be sent to the person to whom was sent the tax bill for general taxes for the last preceding year for the property on which the nuisance was located and shall also cause notice of the lien to be filed in the Office of the Recorder of the county in which such property is located. (Code 1958, Sec. 28.329, Ord. No. 2003-25, Sec. 3, 7-17-03)

Secs. 21-29--21-39. Reserved.

DIVISION 2. DISEASED TREES

Sec. 21-40. Authority of Village to enter premises for purposes of inspections.

The officers, agents, servants, and employees of the Village are hereby authorized to enter on and upon private property whereon there is located any tree having the appearance of or suspected of having an infectious disease or parasite certified to be a significant danger to the community by a certified arborist for the purpose of inspecting said suspected tree to establish whether said tree is in fact diseased or infected. The officers, agents and employees of the Village are also authorized to enter on and upon private property whereon there is located any tree having the appearance of or suspected of having an infectious disease or parasite determined to be a significant danger to the community by a certified arborist for the purpose of taking and removing therefrom samples or portions thereof to be tested. If the tree having the appearance of or suspected of having the

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infectious disease or parasite is not visible from a public right of way or from public property or is otherwise not in plain view of the Village officer, agent or employee, then, the officer, agent or employee of the Village shall obtain the appropriate court authorization to enter onto the private property prior to entering upon the property unless the owner or occupant of the property voluntarily consents to the inspection. (Code 1958, Sec. 28.329, Ord. No. 2006-43, Sec. 1, 10-19-06; Ord. No. 09-22, Sec. 4, 9-17-09)

Sec. 21-41. Diseased trees declared a nuisance.

In the event that it is determined that any tree which has been inspected or from which samples have been taken, is in fact infected with a disease, according to a certified arborist to be a significant danger to the community, the tree shall forthwith be and it is hereby declared to be a nuisance. Any tree which is of a species that the State of Illinois or another unit of government having jurisdiction has ordered to be destroyed or removed in order to prevent or inhibit the spread of disease, is hereby declared to be a nuisance. (Code 1958, Sec. 28.329, Ord. No. 2006-43, Sec. 2, 10-19-06; Ord. No. 09-22, Section 4, 9-17-09)

Sec. 21-42. Diseased and infected trees not to remain on premises.

It shall be unlawful for the owner of any premises in the Village to permit any tree or portion thereof infected with a disease which is determined by a certified arborist to be a significant danger to the community to remain on such premises. If a tree is of a species covered by an order or directive issued by the State of Illinois or another unit of government having jurisdiction which requires that trees of such species be destroyed or removed in order to prevent or inhibit the spread of disease, then it shall be unlawful for the owner of any premises in the Village to permit the tree or portion thereof to remain on such premises. (Code 1958, Sec. 28.329, Ord. No. 2006-43, Sec. 3, 10-19-06; Ord. No. 09-22, Section 4, 9-17-09)