

VILLAGE OF SAVOY
CHAMPAIGN COUNTY, ILLINOIS

ORDINANCE NO. 971203_6

AN ORDINANCE REGARDING TREES, SHRUBS AND
PLANTS ON AND AFFECTING PUBLIC PROPERTY

ADOPTED BY
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF SAVOY
CHAMPAIGN COUNTY, ILLINOIS
THIS 3RD DAY OF DECEMBER, 1997

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Savoy,
Champaign County, Illinois, this 4th day of December, 1997.

**VILLAGE OF SAVOY
CHAMPAIGN COUNTY, ILLINOIS**

ORDINANCE NO. 971203_8

DECEMBER 3, 1997

**AN ORDINANCE REGARDING TREES, SHRUBS AND
PLANTS ON AND AFFECTING PUBLIC PROPERTY**

WHEREAS, the Village of Savoy, Illinois (hereinafter called "Village") has jurisdiction over the maintenance and upkeep of all Village owned public properties including streets, alleys, parks, parkways, public playgrounds, sidewalks and other public places; and,

WHEREAS, portions of dedicated public street rights-of-way are not actually used for street purposes but are still owned by the Village of Savoy, Illinois, as public street rights-of-way and are thus subject to the control of the Village; and,

WHEREAS, portions of other Village owned property, including alleys and sidewalks, may not be actually occupied and used for public purposes from time to time, but are still subject to Village control and regulation; and,

WHEREAS, private property owners sometimes use or occupy portions of the Village street rights-of-way or other Village property adjacent to their private property for yard and other purposes without any legal right to do so, but with the express or implied consent of the Village licensing said use; and,

WHEREAS, unregulated trees, shrubs and other plants on, near or overhanging the public street rights-of-way or other Village public property can create public safety hazards; and,

WHEREAS, it is therefore in the interest of the Village of Savoy, Illinois, and its citizens that the planting and maintenance of trees, shrubs and plants on and adjacent to Village street rights-of-way and other Village property as herein defined, should be regulated and maintained as provided herein to promote the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF SAVOY, ILLINOIS, AS FOLLOWS:

1. DEFINITIONS.

The following terms used in this Ordinance shall have the following meanings for purposes of this Ordinance:

Alley: Alley includes the entire width of the dedicated or otherwise acquired alley and is not limited to that portion of the right-of-way actually utilized for the alley surface, but includes the entire width of said alley as so dedicated or otherwise acquired.

Department of Public Works: The Village of Savoy, Illinois, Department of Public Works.

Intersection of Street Lines: This term shall mean the total area between the right-of-way of both intersecting streets and is not limited to the portion of the intersecting streets used for street purposes.

Parkway: That portion of the street right-of-way that is not utilized for street, curb, shoulder or ditch purposes.

Sight Triangle: A triangular shaped portion of land at each street intersection corner, established by measuring forty (40) feet along the right-of-way boundaries at each intersection corner to create two (2) sides and the third side by drawing a line from the two (2) end points.

Street, or Public Highway: The entire width of any dedicated or otherwise acquired public street or highway right-of-way, including but not limited to the portion actually used for street purposes, and including any portion thereof used or occupied by the

abutting property owners.

Street Right-of-Way or Public Highway Right-of-Way: The entire width of any dedicated or otherwise acquired public street or highway, including but not limited to the portion actually used for street purposes, and including any portion thereof used or occupied by the abutting property owners.

2. **SUPERVISION OVER TREES, SHRUBS AND PLANTS.**

a.) The Department of Public Works shall have supervision over all trees, shrubs and other plant life growing upon or overhanging any street, highway, alley, park, parkway, public playground, sidewalk or any public place with the Village, including the planting and removal of any trees, shrubs and plants, as herein provided.

b.) The Department of Public Works shall superintend, regulate and encourage the preservation, culture and planting of shade or ornamental trees, plants and shrubbery in the parkways and in the parks and playgrounds and other public places, consistent with the provisions of this Ordinance.

c.) The Department of Public Works shall determine and advise property owners and occupants regarding the kind of trees, plants and shrubbery and the method of planting best adapted to, or most desirable on particular streets and places.

3. **PLANTING.**

a.) It shall be unlawful to plant any tree or shrub or other plant in any street, alley, park, parkway, public playground, sidewalk or other public place without the written approval of the Department of Public Works, which shall specify the type and site of the approved planting.

b.) Such tree planting shall be at least 40 feet from any other tree standing in the street or parkway on the same side of the street.

c.) Any planting of any trees, plants or other shrubs shall be at least 4 feet from any existing public sidewalk or, if no sidewalk is in place, at least 4 feet from the boundaries of the projected sidewalk line.

4. TRIMMING STANDARDS OF TREES, PLANTS OR SHRUBS ON PUBLIC PROPERTY.

a.) All trees, shrubs and plants growing upon any street, alley, park, parkway, playground or public place shall be trimmed or pruned in such manner as to promote the life and growth thereof.

b.) All trees, shrubs and plants shall be trimmed so that the branches thereof shall not obstruct the passage of light from any street light in any street, alley, or highway in the Village to the adjacent street or sidewalk.

c.) Branches of such trees which overhang any street, alley, or public highway shall be trimmed so that there shall be a clear height, unobstructed by branches, of at least fourteen (14) feet above the surface of the street, alley, or highway.

d.) Branches of such trees which overhang any public sidewalk shall be trimmed so there is a clear height, unobstructed by branches, of at least eight (8) feet above the surface of the sidewalk.

e.) Exception may be made by the Department of Public Works in the trimming of young trees.

f.) All dead, broken or decayed limbs or branches that overhang such street, alley highway or sidewalk shall be removed.

g.) All shrubs and plant life growing along any public sidewalk shall be trimmed or cut back so that no part thereof shall overhang such sidewalk.

5. TRIMMING PROCEDURES ON PUBLIC PROPERTY.

a.) If the Department of Public Works determines that it is necessary or advisable to trim trees, shrubs or plants on public property to comply with the standards set forth in Paragraph 4 or for any other public health, safety and welfare reason, the Department shall, unless the Director of the Department of Public Works, in his absolute discretion determines that immediate trimming or other corrective action is necessary, furnish a written notice to the affected adjacent property owner. Such notice shall inform the owner of the trimming standards and requirements and shall further explain that if the owner satisfactorily effects such said trimming with 7 days of said notice, the Village will not effect any such trimming.

b.) If the property owner does not satisfactorily effect such trimming within said 7 day period, then the Department of Public Works shall proceed to do so in accordance with the standards of Paragraph 4 hereof.

6. TRIMMING OF TREES OR SHRUBS ON PRIVATE PROPERTY.

a.) It is the duty of each property owner to trim and maintain trees, shrubs and plants located on that owner's private property in a manner consistent with provisions of Section 4 hereof in so far as said trees, shrubs or plants overhang or impact the streets, sidewalks or other public property.

b.) If an owner does not so maintain his property, the Director of Public Works shall cause a written notice to be furnished to said owner regarding that owner's maintenance obligation and advising the owner if that maintenance obligation is not satisfied, within 7 days, that the Village of Savoy, Illinois, will trim the trees, shrubs and plants as necessary to comply with the provisions of this Ordinance and that the cost thereof will be charged to that owner, and will be a lien against that owner's property.

c.) If the owner does not adequately trim the trees and plants on his property as required by Section 4 hereof, pursuant to said notice, the Public Works Department shall effect the trimming, and the cost thereof, including the labor for Village employees utilized, a reasonable cost for any Village equipment utilized, and the cost of any equipment or labor contracted for by the Village for said work, shall be the liability of the property owner, and if unpaid shall constitute a lien against said property.

7. VILLAGE LIEN FOR TRIMMING ON PRIVATE PROPERTY.

If the cost of such trimming, provided in Section 6 hereof, is not paid by the owner thereof within 30 days after written notice to the owner, the amount thereof shall be a lien against the property of said owner, which lien shall be enforceable by the Village as and in the case of foreclosure of other municipal liens against real property as authorized by Illinois law, including Illinois Compiled Statutes' Chapter 65, Section 11-20-7.

8. SETBACK REGULATIONS.

a.) Future Planting Prohibited.

1.) No tree shall hereafter be planted on parkways within the intersection of street lines.

2.) No shrubbery or plants shall hereafter be planted in any parkway at a distance of less than forty (40) feet from the intersection of the nearest street line.

3.) Any planting permitted under Sections 8 a.) 1.) or 2.) above must have prior written approval of the Department of Public Works, as provided in Section 3 hereof.

4.) If any person so plants any tree, shrubs, or plant in violation of Subsections 8 a.) 1.), 2.) or 3.) and fails to remove same after 7 days written notice to do so, then the Department of Public Works may do so.

b.) Removal of Existing Trees, Shrubbery or Plant Life.

Any tree, shrubbery or plant life located within the intersection of any street lines within the Village of Savoy, Illinois, and all shrubbery or plant life now and hereafter growing in any parkway at a distance of less than forty (40) feet from the intersection of the nearest street line, will be removed by the Department of Public Works, if the owner of the abutting property fails to do so after 7 days written notice to do so.

9. DEPOSITING MATERIALS ON PUBLIC PROPERTY.

It shall be unlawful for any person, without written permission from the Department of Public Works, to place or maintain upon the ground in any street, park or parkway in the Village any stone, cement or other material which shall impede free passage of water and air to the roots of any tree, without leaving an open space of ground not less than four (4) feet in width all around the trunk of such tree. Wherever there is no such open space about any existing tree in any street or public highway in the Village, the Department of Public Works may make open space or cause the same to be made, and charge the

expense thereof to the person so depositing such materials.

10. INJURY OR REMOVAL OR TREES, SHRUBS OR PLANTS ON PUBLIC PROPERTY.

It shall be unlawful for any person to remove or destroy any tree, plant, or shrub that is now or may hereafter be growing in any street, alley, parkway, park playground or public place in the Village without written permission from the Department of Public Works. Provided, however, that this Section 10 shall not prohibit removals, trimming, or other action authorized or required by other provisions of this Ordinance.

11. SIGHT TRIANGLE REGULATION.

- a.) No tree, or any portion thereof, shall be planted or maintained in the sight triangle, as defined in Section 1.
- b.) If any portion of any tree is in the sight triangle at the passage of this Ordinance, it shall be removed by the responsible property owner.
- c.) No vegetation or shrubs shall be permitted to grow in the sight triangle at a height in excess of 24 inches as measured from the street elevation.
- d.) Any vegetation or shrubs in the sight triangle in excess of 24 inches in height shall be cut or trimmed to a height of not more than 24 inches by the responsible property owner.
- e.) The owner of real estate is responsible for such tree removal and height control within the sight triangle.
- f.) If any owner fails to remove any tree or to maintain his vegetation or shrubs in the

sight triangle, the Department of Public Works may provide 7 days written notice to said owner of such violation and of the required actions, and if the owner fails to properly remove or trim and maintain trees, shrubs and plants in the sight triangle, the Village will do so at the owner's expense.

g.) If said owner does not do so, then the Department of Public Works may enter upon said property and so remove any trees or trim the vegetation and shrubs in compliance with this Ordinance and the cost thereof, including the cost of labor, materials and contractor costs as earlier defined in Section 6 c.) hereof, shall be a lien upon the property and be enforceable by the Village as in the case of municipal liens as aforesaid.

12. **VIOLATIONS.**

It shall be unlawful for any owner of any property or any occupant of any property to violate the terms of this Ordinance and the liability of each owner and each occupant shall be joint and several.

13. **SANCTIONS.**

Anyone violating any of the terms of this Ordinance shall be punished by a fine of not less than \$50.00 nor more than \$500.00. Each day that the violation continues shall be deemed a separate violation and a separate fine may be imposed for each day of such violation.

14. **NUISANCE.**

Any property in violation of this Ordinance is hereby declared to be a public nuisance and Village Department of Public Works may, if in its absolute discretion, it determines that such condition creates an immediate hazard to the health and safety of the Village

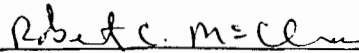
residents and others using the alleys, parks, parkways, public playgrounds, sidewalks or other public property of the Village of Savoy, Illinois, affected by such nuisance, enter upon the properties where the violations exist and abate said nuisance by trimming said trees, plants and shrubs and/or removing said trees, plants or shrubs as the case may be. The cost of such action by the Village, as defined in Section 6 hereof, shall be a lien against this property and may be enforced as provided herein.

15. **EFFECTIVE DATE/PUBLICATION.**

This Ordinance shall be effective 10 days after its publication in accordance with law, which publication shall be in pamphlet form.

PRESENTED, PASSED, APPROVED, AND ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF SAVOY, ILLINOIS, AT ITS REGULAR MEETING ON THIS 3RD DAY OF DECEMBER, 1997.

APPROVED:


ROBERT C. McCLEARY
Village President

ATTEST:


MARILYN I. DEVAL
Village Clerk

VILLAGE OF SAVOY
SAVOY, ILLINOIS

NAME OF ORDINANCE/RESOLUTION Tree Ord.

NUMBER 971203 B

DATE OF MEETING: Nov 3, 1997

	YEA	NAY
<u>TRUSTEE JIM PIRIE</u>	<input checked="" type="checkbox"/>	
<u>TRUSTEE DAVID LAWRENCE</u>	<input checked="" type="checkbox"/>	
<u>TRUSTEE MEDSIE BOLIN</u>	<input checked="" type="checkbox"/>	
<u>TRUSTEE BILL SMITH</u>	<input checked="" type="checkbox"/>	
<u>TRUSTEE LARRY KIENZLER</u>	<input checked="" type="checkbox"/>	
<u>TRUSTEE TED DAVIS</u>	<input checked="" type="checkbox"/>	

PRESIDENT ROBERT C. MCCLEARY

THE FOLLOWING VILLAGE CLERK OR DEPUTY CLERK CERTIFIES THAT THE FOLLOWING FOREGOING TRUSTEES AND PRESIDENT OF THE VILLAGE OF SAVOY, SAVOY, ILLINOIS VOTED IN THE FOREGOING MANNER BY INDIVIDUAL ROLL CALL VOTE ON THE FOREGOING ORDINANCE OR RESOLUTION AT A DULY CONDUCTED MEETING CONDUCTED ON THE DATE AFORESAID.

Marileyn A. Deval
VILLAGE CLERK/DEPUTY CLERK