

ARTICLE A. TREE ORDINANCE¹

2-16A-1: ESTABLISHMENT:

The Dixon tree ordinance is hereby established. Its purpose, requirements and authority are set forth in this article. (Ord. 2583, 5-15-2006)

2-16A-2: DEFINITIONS:

For the purposes of this article, the following definitions are adopted:

ARBORIST: A tree care professional, who is licensed, trained, and educated in the proper care of trees.

CALIPER: Tree stem or branch diameter.

COMMISSION: The Dixon tree commission, appointed by the Dixon city council. A principal responsibility of this commission is to carry out provisions of this article.

PRIVATE TREES: All trees on lands owned by individuals, businesses, or corporations.

PUBLIC TREES: Trees, shrubs, bushes, and all other woody plants lying on lands owned by the city of Dixon, state of Illinois, or Lee County, yet within the city limits of Dixon (such as, but not limited to, boulevards, parks, greenbelts, and landscapes adjacent to state, municipal, and county buildings).

STREET TREES: Trees, shrubs, and all other woody plants lying between, above, or under power lines or utilities, and between curbs and sidewalks on either side of all streets, avenues, or ways within the city.

URBAN FOREST: All street, public, and private trees within city limits, and potential tree planting sites for future developments. (Ord. 2583, 5-15-2006)

2-16A-3: PURPOSE:

It is the purpose of the Dixon tree ordinance to help restore, revitalize, and expand Dixon's urban forest by providing for the wise management of trees. "Wise management" shall be defined as actions which demonstrate proper tree maintenance and care, planting, removal, protection, and the education of residents and tree care professionals. (Ord. 2583, 5-15-2006)

2-16A-4: AUTHORITY:

Inasmuch as this chapter established the Dixon tree commission to consult with the

director of public works and thereby make recommendations to the city council regarding tree removal and reforestation within the city limits of Dixon, this article further defines the commission's responsibilities as they relate to expanding Dixon's urban forest, removal or pruning of hazardous trees, and the overall protection and improvement of tree health within the city landscapes. (Ord. 2583, 5-15-2006)

2-16A-5: APPLICABILITY:

The Dixon tree ordinance provides direction and authority regarding all street and public trees, trees for newly proposed residential and commercial developments, as well as trees and wood products on private land where they constitute an immediate hazard or threat as described herein. (Ord. 2583, 5-15-2006)

2-16A-6: DEVELOPMENT THAT PROMOTES THE URBAN FOREST:

- (A) New residential and commercial development shall demonstrate vigorous planting and a successful establishment of trees. Planning for residential developments should include planting street trees at forty foot (40') intervals. Since street corridors bordered with the same tree species favor rapid spread of insect and disease, tree diversity in size, shape, and arrangement is encouraged.

- (B) New parking lots greater than one acre should incorporate one 60-square foot tree planting site for each three thousand six hundred (3,600) square feet of lot area (i.e., 1 acre = 208 feet x 208 feet = 12 sites/acre). Such sites will provide adequate growing room and allow for tree selections which offer maximum shade (i.e., reference appendix B, large shade trees, attached to the ordinance codified herein). Accenting these trees with small shrubs and flowers is encouraged (i.e., in contrast to simply mulching the remaining areas).

- (C) New construction should take precautions to retain existing trees and flow with natural landscapes. Barriers should be used to protect existing and newly planted trees, and site grading plans should route heavy equipment no closer than fifteen feet (15') from planting sites and outside the drip line of existing trees. The Dixon tree commission shall review all development plans and make appropriate tree protection and planting recommendations.

- (D) Developers and property owners are encouraged to follow a guide used by the Dixon tree commission, "Managing The Urban Forest", by the National Arbor Day

Foundation ("A Handbook For Tree Board Members", pages 19-29), appendix A, attached to the ordinance codified herein. (Ord. 2583, 5-15-2006)

2-16A-7: REFORESTATION:

This article emphasizes that successful tree planting involves:

(A) **Planning Before Planting:** Thoughtful consideration of many factors leads to successful survival (i.e., planting the right tree, in the right spot, at the right time, and caring for trees after they are planted). For these reasons and more, the tree commission should consider developing, and the city council support, a tree planting permit used for public plantings. Further, the Dixon tree commission should work with the director of public works to help prepare annual work plans that consider these planting projects, prioritize them, and budget accordingly for their accomplishment.

(B) **Funding To Purchase Trees And Ensure Their Health To Maturity:**

1. **Annual Expenditure:** Tree City USA, as cited in this chapter which created the Dixon tree commission, requires that at least two dollars (\$2.00) per capita be spent annually on a community's forestry program.

2. **Sharing The Green:** The tree commission should work with city council, utilities, corporate entities, IDOT, and private citizens to cost-share expenses for street tree and public plantings. Planting sites and tree selections for public trees should be finalized annually by December 1; bids for planting stock should be accepted, then finalized by February 1 the following year. Public plantings should require stock with a minimum three inch (3") caliper.

(C) **Proper Selection:** Appendix B, attached to the ordinance codified herein, is a recommended species list for public tree plantings, as well as species to avoid for street tree plantings. Planting sites and conditions vary, but in most cases, trees should be mulched, staked, and stems protectively wrapped. Deciduous trees should be planted prior to bud break or after leaf drop (i.e., October 15 to April 15). Evergreen plantings should be completed by mid May, and since their roots and crowns are active through October, fall plantings of this tree group should be avoided. Evergreen trees, though not recommended for street plantings, should be given high priority for park and open space projects since they provide year round shelter and cover for wildlife.

(D) Spacing And Placement: Spacing and placement that promotes good tree vigor, yet does not harm property nor obstruct sight lines. Small trees should be planted no closer than three feet (3') on either side from curbs or sidewalks; large class trees should allow four feet (4') on both sides. No tree should be planted within thirty five feet (35') of street corners. Only small class trees (appendix B, attached to the ordinance codified herein) should be planted under or within fifteen (15) lateral feet of overhead utilities; and only small class trees should be planted above underground utilities (such as water, sewer, and gas lines) but more than five (5) lateral feet away from their network. (Ord. 2583, 5-15-2006)

2-16A-8: TREE PROTECTION:

The tree commission shall publicly recruit property owners to voluntarily offer forth notice of trees which they believe to have landmark status by means of age, size, species, or historic value. At the owner's consent, should a tree meet criteria developed by the commission, the tree will be certified and designated as a Dixon historic tree. Such trees will be mapped and tagged and shall be removed only with consent from the property owner and tree commission.

The removal of any public tree should be compensated for by replanting on a one for one basis. If a removed tree was planted in a poor location, or the site is being altered, the public works director should consult with the tree commission for properly locating the replacement tree.

As the mere presence of natural woodlands improves our community and environment in countless ways, native public forests, such as Lowell park, shall be protected. Excluding wildfire, and such other events that may immediately threaten itself or other properties, management measures should be excluded in Lowell park. (Ord. 2583, 5-15-2006)

2-16A-9: TREE HEALTH:

(A) Prevention And Suppression Of Harmful Agents: The Dixon tree commission will be aware and take measures to educate the entire community to insects or diseases that pose a serious threat to Dixon's urban forest. The commission will alert and work to enforce Illinois statutes regarding such agents. The commission may order the pruning or removal of any street or public tree which poses an imminent physical hazard to persons or property. In addition, as directed by Illinois statutes, the city council may order the removal of wood products, any tree, public or private, confirmed to have such pests, disease carrying agents, or hazards as identified in the following titles and Illinois statutes:

505 Illinois Compiled Statutes 90/1 through 90/30, insect and pest and plant disease act

65 Illinois Compiled Statutes 5/11-20-11, Dutch elm disease (control and eradication)

65 Illinois Compiled Statutes 5/11-20-12, Dutch elm disease (removal of trees; costs)

65 Illinois Compiled Statutes 5/11-20-11, control and eradication of fungus (Illinois municipal code)

30 Illinois Compiled Statutes 735/1 through 735/7, urban and community forestry assistance act

20 Illinois Compiled Statutes 805/63, protection of forests

- (B) The State Of Our Forest: The tree commission, public works, and parks shall be funded beyond the limits of volunteer time and donated expenses, to accurately assess and inventory Dixon's public trees by the year 2010. Surveys should note species, size, age, vigor, location, presence of insect and disease, and checkoff boxes for "requires immediate attention". Residents may also volunteer to participate, for public record, for their own trees. As individual tree surveys are mapped and logged into a central network, updated data should be used to adapt, prioritize, and budget citywide tree care.
- (C) Pruning And Removal Of Street And Public Trees: The tree commission should be notified and have authority regarding the removal of state mandated insect and disease infested trees on city property. For all other tree situations on city owned property, the commission will serve to consult, support, and make recommendations to the director of public works and park district director, as called for in this chapter. Removal of hazardous or diseased trees should be carried out within sixty (60) days from the time of discovery. Public works and parks directors shall annually request funds specifically for tree removal and pruning. It should be a duty of the tree commission to examine procedures and permits for the removal or pruning of public trees, both internally (i.e., city owned resources and personnel) and externally (i.e., private resources and arborists). These findings should then be presented for review by the city council.
- (D) Guides To Promote Tree Health:

1. Ensure city workers are properly trained and confirm that private contractors are properly licensed in urban tree care. For work done internally and externally, utilize a permit system to specify all requirements. It should be the duty of the tree commission to promote continuing education seminars for public and private tree care professionals.

2. There shall be no "topping" of street or public trees. "Topping" is defined as the severe cutting back of limbs to stubs larger than three inch (3") diameter within the tree's crown; the normal canopy is amputated, and this eliminates the tree's natural development. Temporary exceptions to this are in emergency situations resulting from storm breakage or wind throw.

3. Pruning enhances tree health, eliminates hazards, and, timed correctly, reduces or prevents harmful insects and disease. The city's budget should allocate funds each year to bid out tree maintenance by local arborists. Public works and parks personnel shall consult with commission members to jointly decide where these funds will be spent, as well as provide before and after photo documentation to support these projects to the city council. The highest priorities for such work are trees obstructing views near street signs, or at intersections, and those trees that have rot, wounds, or substantial deadwood that threaten persons or property.

4. Stumps of all street tree removals shall be ground to below surface level or removed.

5. To allow proper healing prior to insect activity, planned pruning should be completed during or near tree dormancy. Street trees should allow for at least an eight foot (8') clearance over sidewalks and fifteen feet (15') over streets. All branches should be pruned only at the nodes or crotches, just above, and parallel to, the branch collar. Limbs greater than two inch (2") diameter should be pruned with at least two (2) cuts, the last of which should abut the branch collar. Pruning cuts should guard against tearing the cambium layer; and in most cases, sealing treatments of these sites serves little benefit and is not necessary (exceptions to this would include sealing off further rot or decay).

6. Pruning or removal recommendations shall be alert to wildlife activity and improving, not removing, habitat. (Ord. 2583, 5-15-2006)

2-16A-10: PRIVATE LANDOWNER RESPONSIBILITY:

Whereas Illinois statutes provide for urban forestry assistance², control of harmful tree insects and disease³, and protection of persons and property from hazards⁴, the city of Dixon shall have the right to cause the removal or pruning of any dead or diseased tree, wood products, or limbs on private property when these objects pose a hazard to other persons, property, or plants. Following written notification, property owners shall have

sixty (60) days to comply or thirty (30) days to file a written appeal with the city council. Failure to do either of these shall give the city, through its designated representative, the authority to remove such tree and collect such costs from the property owner.

When disputes occur, or if immediate and critical decisions are needed concerning the future of a tree and its impact on others, being aware of several factors can help to resolve the issue:

- (A) Obtain an unbiased appraisal of the situation from a professional arborist.

- (B) The Illinois DNR, division of forestry, should be utilized by the city and residents for consultation and confirmation of state mandated tree insects or diseases.

- (C) When necessary, as provided for by Illinois statutes, the city, or its designated representative, may enter onto private property to examine a tree.

- (D) In almost all applications, though it will not often eliminate insect or disease, pruning a tree is less costly than removing a tree.

- (E) Dead trees eventually weaken and fall. Prompt removal of such trees (i.e., within 60 days) saves money in the long run and reduces future tree losses and liabilities.
(Ord. 2583, 5-15-2006)

2-16A-11: ARBORIST LICENSE AND INSURANCE:

Any for profit business that is selling nursery stock, planting, pruning, removing, spraying, and otherwise treating trees or woody plants within Dixon city limits, should not do so without first obtaining an arborist's license from the city. Licenses shall be free of charge and available beginning in 2007. Before any license is issued, applicants shall provide proof to the city of workers' compensation and liability insurance in minimum amounts of one million dollars (\$1,000,000.00) for bodily injury or death and one hundred thousand dollars (\$100,000.00) for property damage. Applicants will be given a copy of the Dixon tree ordinance, be made aware of resources available to them to answer tree care concerns, and be asked to indemnify the city for any legal suits resulting from their actions. (Ord. 2583, 5-15-2006)

2-16A-12: PENALTIES AND FINES FOR VANDALISM AND DAMAGE TO TREES:

Any person who is found to cause significant harm, injury, or death to any public or private tree, or any person who is found to have trespassed and stolen woody plants from another's property, shall be liable to pay the property owner the full replacement value as determined by certified appraisal methods specified in the latest revision of "A Guide To The Professional Evaluation Of Landscape Trees, Specimen Shrubs, And Evergreens", as published by the International Society of Arboriculture. (Ord. 2583, 5-15-2006)

2-16A-13: REVIEW BY CITY COUNCIL:

The Dixon city council shall have the right to review the conduct and decisions of the tree commission. Any person may appeal any ruling by the tree commission and request a final judgment by the city council. (Ord. 2583, 5-15-2006)

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1:](#) See also [title 3, chapter 6](#) of this code.

[Footnote 2:](#) 30 ILCS 735/1 _ 735/7.

[Footnote 3:](#) 505 ILCS 90/1 _ 90/30; 65 ILCS 5/11-20-11.

[Footnote 4:](#) 65 ILCS 5/11-60-2.