

## ARTICLE 9

### PUBLIC WAYS

#### CHAPTER 4 TREES AND SHRUBS

##### SECTION

- 9-4-1 Control
- 9-4-2 Planting, Maintenance or Removal
- 9-4-3 Obstruction or Encroachment
- 9-4-4 Abuse, Mutilation or Injury
- 9-4-5 Removal, of Hazardous and/or Dead Trees and Limbs
- 9-4-6 Protection
- 9-4-7 Interference
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- 9-4-9 Tree Planting Required at New Construction
- 9-4-10 Conservator of Peace
- 9-4-11 Pruning by Utilities

#### 9-4-1 CONTROL

The Municipal authorities are hereby provided full and complete control over all trees, grass, shrubs and flowers which are outside the property line of privately owned real property and real property not owned by the City.

#### 9-4-2 PLANTING, MAINTENANCE OR REMOVAL

It shall be unlawful to plant, prune, remove or otherwise disturb any trees, shrubs or flowers in any parkway outside of the sidewalk line on any street or public way or on any City property in the City without having secured a permit therefor. Applications for permits shall be made in writing to the City Forester.

#### 9-4-3 OBSTRUCTION OR ENCROACHMENT

Any owner or occupant of any real property shall trim all trees and/or shrubs on property owned or occupied by him, overhanging any public thoroughfares, so that the branches thereon will not

interfere with pedestrian or vehicular travel. The owner or occupant shall cause the same to be removed within ten (10) days of notification from the City Forester, to such owner or occupant.

#### 9-4-4 ABUSE, MUTILATION OR INJURY

No person, without lawful authority, shall willfully injure, deface, disfigure, cut, carve, transplant, remove, destroy, attach any rope, wire, nail, advertising posters, election posters or other contrivance to any tree, shrub, grass or flower, allow any gaseous liquid, chemical or solid substance which is harmful to such trees, shrubs, grass and flowers to come in contact with them; or set fire to, or permit any fire to burn when such fire or the heat therefrom will injure any portion of any tree, shrub, grass or flower, located on any public place or thoroughfare.

#### 9-4-5 REMOVAL OF HAZARDOUS AND/OR DEAD TREES AND LIMBS

*(Ord. 2009-107, 12/21/2009)*

Any owner or occupant of any real property shall remove any hazardous, dead or dying trees or hazardous, dead or dying limbs dangerous to life, limb or property located upon the premises of such owner of property within ten (10) days whenever required to do so by notice from the City Forester served upon the owner or occupant of such property.

*(Ord. 2009-107, 12/21/2009)*

#### 9-4-6 PROTECTION

All trees along any street or on other publicly owned property near any excavation or construction of any building, structure or street construction, repair or improvement, shall be guarded so as to avoid all injury to the trunk, crown and unnecessary injury to the root system of the tree. Building materials, soil or other debris shall not be placed on City property in the root zone area of the City-owned trees, as determined by the City Forester. Persons, firms, corporations, and utility companies, when installing underground systems on City property, shall protect the root zone areas of City-owned trees by auguring the root zone area as follows:

(Tree diameter [DBH] measured at 4.5' above the ground)

0 - 2" D.B.H.	Auger 1 foot from face of tree in all directions.
3 - 4" D.B.H.	Auger 2 feet from face of tree in all directions.
5 - 9" D.B.H.	Auger 5 feet from face of tree in all directions.
10 - 14" D.B.H.	Auger 10 feet from face of tree in all directions.
15 - 19" D.B.H.	Auger 12 feet from face of tree in all directions.
19" and over D.B.H.	Auger 15 feet from face of tree in all directions.

New driveway and widening construction (not replacements) shall be placed at least 10 feet (10') from the trunk of City owned trees, or at the discretion of the City Forester.

#### 9-4-7 INTERFERENCE

No person shall hinder, prevent, delay or interfere with a City official engaged in the execution or enforcement of this Chapter; provided, however, that nothing herein shall prohibit the pursuit of

any remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the Municipality.

#### **9-4-8 VIOLATION AND PENALTY**

- A. Any person violating or failing to comply with any of the provisions of this Chapter, other than Sections 9-4-4 and 9-4-11, shall be guilty of a misdemeanor and upon conviction thereof shall be fined a sum of no less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).
- B. Any person violating or failing to comply with any of the provisions of Section 9-4-4 or 9-4-11 shall be required to pay the cost of removal and replacement of damaged parkway trees and shall be fined a minimum of five hundred dollars (\$500.00) per diameter inch, as defined by Section 15-18-9, of the tree removed. *(Ord. 2009-107, 12/21/2009)*

#### **9-4-9 TREE PLANTING REQUIRED AT NEW CONSTRUCTION**

Any application for any building permit for any residential construction in excess of 1,000 square feet, and any new business or institutional construction, and any additional construction at any business or institutional structure increasing the bulk thereof shall, in addition to any other fee, be subject to a fee for planting of parkway trees. The amount of the fee shall be determined by the City Forester in accordance with the following:

- A. The fee shall be the City's actual cost of acquiring and planting not less than one (1) tree for each thirty (30) linear feet of parkway at the subject property unless the City Forester shall determine in accordance with generally accepted forestry standards that the subject property cannot accommodate such trees; provided, however, that in the case of residential construction which consists of an addition to an existing residential building the fee shall be equal to that charged for three-inch diameter trees under the City's "Share-the-Cost" reforestation program.
- B. The trees shall be of a species determined by the City Forester to be appropriate for the particular location and shall be of a diameter not less than three inches measured six inches above the ground.

#### **9-4-10 CONSERVATOR OF THE PEACE**

The City Forester and Forester are hereby designated conservators of the peace.

#### **9-4-11 PRUNING BY UTILITIES**

- A. Whenever any utility company having overhead facilities in public rights-of-way or in utility easements on private property in the City shall receive a permit to conduct scheduled, non-emergency pruning of trees in such rights-of-way or easement, the company shall carry out that pruning in accordance with standards set forth by the International

Society of Arboriculture in its publication "Tree-Pruning Guidelines 1995" and the current ANSI A300 Integrated Vegetation Management Standard which is hereby adopted and incorporated into this Code.

- B. Permitted pruning may be conducted at any time of the year, except as follows:
- All species of elms shall not be pruned from March 1 through October 31.
  - All species of red oak shall not be pruned from April 1 through November 1.
- C. Before a permit will be issued, an arborist certified by the International Society of Arboriculture and representing the utility company, shall meet with the City Forester, together inspect each tree to be pruned, and agree on the manner of pruning each tree.
- D. Prior to conducting any scheduled, non-emergency pruning, a utility company shall notify owners of property adjoining the area to be pruned not less than seven days prior to commencing work. Notification shall be by door hanger or other writing, placed securely at the main entrance of the property.

*Supp 19 (December, 1999), (Ord. 2009-107, 12/21/2009)*

## ARTICLE 14

### CONDUCT AND OFFENSES

#### CHAPTER 19 INFECTED, INFESTED AND DEAD TREES

*(Entire rewrite, Ord 2007-14, 3/5/07, S25)*

##### SECTION

- 14-19-1 Definitions
- 14-19-2 Inspection
- 14-19-3 Declaration of Nuisance
- 14-19-4 Removal by Owner
- 14-19-5 Abatement by City Authorities
- 14-19-6 Penalty

##### 14-19-1 DEFINITIONS

"Infected" means the presence of a disease deemed a nuisance by the Illinois Department of Agriculture or the United States Department of Agriculture, the presence of circumstances that make it reasonable to believe that such a disease is present or the presence of any plant disease that is liable to spread to other plants, trees or shrubs to the injury of such plants, trees or shrubs or to the injury of humans or property.

"Infested" means the presence of a pest deemed a nuisance by the Illinois Department of Agriculture or the United States Department of Agriculture, the presence of circumstances that make it reasonable to believe that such a pest is present or the presence of any injurious insect or pest that is liable to spread to other plants, trees or shrubs to the injury of such plants, trees or shrubs or to the injury of humans or property.

##### 14-19-2 INSPECTION

The officers, agents, servants and employees of the City are hereby authorized and directed to enter upon private property whereon there is located any tree having the appearance of being dead or suspected of being infected or infested, for the purpose of inspecting said dead or suspected infected or infested tree and removing therefrom samples or portions thereof to be tested to establish whether said tree is in fact dead, infected or infested.

##### 14-19-3 DECLARATION OF NUISANCE

In the event that it is determined by said officers, agents, servants and employees of the City or by any forestry or agricultural laboratory, school or agency of the State of Illinois that the tree from which said samples have been taken, is in fact dead, infected or infested, said tree and all dead wood, or debris, which, because of its condition may serve as a breeding place for such pests or diseases or enable transmission of such pests or diseases shall forthwith be and it is hereby declared to be a nuisance.

#### 14-19-4 REMOVAL BY OWNER

The owner, or his agent or occupant, of the parcel of land on which said dead, infected or infested tree, dead wood, or debris exists shall forthwith remove and destroy the same or shall cause the same to be removed and destroyed, in accordance with the procedures prescribed by the City, within ten (10) days of notification to such owner, occupant or agent by the officers, agents, servants or employees of the City that said tree, dead wood, or debris situated on said parcel of land is in fact dead, infested or infected and is declared a nuisance. The notice shall include the following:

- a. the identity of the property, by common description;
- b. the tree(s) affected;
- c. notice that the dead, infected or infested tree(s) is a nuisance and that it is unlawful to permit the dead, infected or infested tree(s) to remain on the property;
- d. a request for the removal of the tree(s);
- e. notice that if the tree(s) is not removed within ten (10) days, the City will make necessary arrangements for the removal and destruction of the tree(s) and will charge the cost of removal and destruction to the owner or his agent or occupant; and
- e. instructions regarding the proper removal and destruction of each dead, infected or infested tree.

#### 14-19-5 ABATEMENT BY CITY AUTHORITIES

In all cases where the owner, occupant or agent of the parcel of land on which said dead, infected or infested tree, dead wood or debris is located cannot be found or if found and notified as aforesaid neglects or refuses to abate said nuisance, it shall be lawful for the Municipal authorities of the City, its officers, agents, servants and employees, to abate the same by the removal and destruction of said dead, infected or infested tree, dead wood, or debris; and in that event the said owner, occupant and agent, or any of them, shall be charged with those expenses which may be incurred by the City in the removal or abatement of the dead, infected or infested tree, dead wood, or debris, as aforesaid, which expense shall be collected by the City by suit or otherwise in addition to the fine or penalty herein provided.

#### 14-19-6 PENALTY

Any person who shall violate any of the provisions of this Chapter or who shall neglect or refuse to remove and destroy said dead, infected or infested tree, dead wood, or debris on any parcel of land of which said person is owner, agent, occupant or person in possession, when ordered so to do or who shall interfere with the removal and destruction of such dead, infected or infested tree, dead wood, or debris shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense. A separate offense shall be deemed committed for each day on which said person shall continue to maintain said nuisance or to permit said dead, infected or infested tree, dead wood, or debris to continue to exist on said parcel of land.

**ARTICLE 15****BUILDING REGULATIONS****CHAPTER 18 TREE PRESERVATION ON PRIVATE PROPERTY***(Ord. 2010-83, 12/06/2010)**(Please see Article 9, Chapter 4, for regulations regarding Parkway/Public trees.)***SECTION**

15-18-1	Policy
15-18-2	Definitions
15-18-3	Removal of Trees on Private Property Prohibited
15-18-4	Pruning
15-18-5	Permit Required for Removal of Protected Trees
15-18-6	Protected Tree Removal
15-18-7	Tree Removal Permit Application Procedure
15-18-8	Tree Replacement Requirements
15-18-9	Permit Issuance
15-18-10	Tree Protection During Construction
15-18-11	Emergencies
15-18-12	Penalty

**15-18-1 POLICY**

It has been determined that trees provide the following enhancements to the public health, safety and welfare:

- a. Enhance the scenic beauty of the City and its natural and unique environment.
- b. Enhance air quality by reducing and filtering air pollutants.
- c. Reduce topsoil erosion.
- d. Reduce stormwater runoff and replenish ground water supplies.
- e. Provide a buffer and screen against noise pollution.
- f. Reduce energy consumption by acting as a wind barrier and providing shade.
- g. Preserve and enhance nesting areas for birds and other forms of wildlife which assist in insect control.
- h. Protect and enhance property values.
- i. Protect and enhance the quality of life and general welfare of the City and its residents.

Therefore, it is the policy of this Chapter to preserve, protect, replace and properly maintain trees on private property within the City while at the same time respecting the private property rights of Park Ridge landowners.

## 15-18-2 DEFINITIONS

**BUFFER ZONE:** For the purposes of this ordinance, Buffer Zone shall be defined as an area of land extending out 12 feet from the exterior walls of the principal structure, measured perpendicular to the exterior wall at a height of 4.5 feet above the ground. The twelve-foot Buffer Zone shall be measured from the exterior walls only and not from unattached amenities, attached decks, patios or porches.

**BUILDING FOOTPRINT:** That precise portion of a lot or parcel where it is proposed that a structure will be placed.

**CIRCUMFERENCE:** The measure of the distance around a circle. The circumference of a circle is computed by multiplying the diameter by pi (3.1412).

**DBH:** The diameter in inches of a tree trunk measured at a height of four and one-half (4.5) feet above ground. (DBH = Diameter Breast Height)

**DIAMETER:** The width of a circular or cylindrical object; a straight line passing through the center of a circle or sphere and meeting the circumference or surface at each end.

**DRIP LINE:** An imaginary, perpendicular line that extends downward from the outermost tips of the tree branches to the ground.

**MAINTENANCE ACTIVITY:** Any activity including (but not limited to) the pruning, spraying, injecting, bracing, and nutrient supplementation of a tree with the intention of improving or maintaining tree health and/or structure.

**MULTI-STEM TREE:** A tree having two or more stems attached to the same common root system.

**PRINCIPAL STRUCTURE:** A non-accessory building in which the principal use of the lot on which it is located is conducted.

**PRIVATE PROPERTY:** Any property not owned by the City of Park Ridge.

**PROTECTED TREES:** (A) Any tree larger than ten (10") inches DBH (31.5" circumference) or multi-stemmed tree having a total diameter of fifteen (15") inches DBH (47.12" circumference); and (B) Any tree of any size that was required to be planted by City regulation, permit, ordinance or agreement.



Protected trees shall fall into one of two categories:

An At Risk Protected Tree is any Protected Tree that the City Forester, by applying accepted arboricultural standards, has determined that due to (1) loss of structural integrity resulting from internal defects or external factors; (2) aging; (3) disease; (4) damage; or (5) decay is either dead or would not be expected to be viable beyond three subsequent growing seasons.

A Healthy Protected Tree is any Protected Tree that has not been classified as an At Risk Protected Tree.

When the term Protected Tree is used, it shall mean both Healthy Protected Trees and At Risk Protected Trees.

**REMOVAL:** The cutting down or other Substantial Destruction of a tree.

**ROOT ZONE:** Portion of the tree located underground spreading out from the trunk in all directions, and at varying depths, generally confined to the drip line area. (Most root zones are found within eighteen (18") inches of the ground surface.)

**STRUCTURE:** Anything built, constructed, installed, erected or placed on, in or under the ground, or attached to something on, in or under the ground.

**SUBSTANTIAL DESTRUCTION:** The pruning out of more than thirty-five (35%) percent of the live branches of a tree; or an activity that in the opinion of the City Forester, is likely to result in the death of a tree; or any activity that puts a tree in an "At Risk" category.

**TOPPING:** The cutting back of a tree to buds, stubs or lateral branches not large enough to assume the terminal role.

**TREE BANK REPLACEMENT FUND:** That fund established by the City for the purpose of compliance with Section 15-18-6 of this Code.

**UNATTACHED AMENITY:** Any swimming pool, gazebo, patio, play apparatus, basketball court, tennis court or similar structure or installation which is not attached to the principal building on the lot, and which is a permitted accessory structure on the parcel.

### **15-18-3      REMOVAL OF TREES ON PRIVATE PROPERTY PROHIBITED**

Except as provided in this Chapter, it shall be unlawful for any person, including but not limited to the Property Owner, to remove a Protected Tree or cause the Substantial Destruction of a Tree.

**15-18-4 PRUNING**

No Healthy Protected Tree may be pruned except in compliance with American National Standards Institute (ANSI) A300 Tree Care Performance Standards. No permit is required for pruning a private property tree. However, any party performing such pruning shall do so in full compliance with the aforesaid ANSI standards. If any Healthy Protected Tree is subjected to Substantial Destruction, the Party doing the pruning shall be deemed to be in violation of Section 15-18-3.

**15-18-5 PERMIT REQUIRED FOR REMOVAL OF PROTECTED TREES**

No Protected Tree may be removed without first obtaining a tree removal permit from the City Forester pursuant to the provisions of this Chapter.

Permits authorizing the removal of trees may be issued by the City Forester in accordance with, but not necessarily limited to, the following conditions:

- A. The tree is dead, dying, diseased, or within the Buffer Zone.
- B. The tree is damaged or injured to the extent that it is likely to die or become hazardous within three (3) years.
- C. Removal of the tree is consistent with good forestry practices in consideration of the species, location, condition, age, safety, and historic/aesthetic value of the tree to be removed.
- D. Removal of the tree will enhance the health of one or more trees, of greater relative value, within the immediate vicinity of the tree to be removed.
- E. Reasonable efforts have been undertaken in the architectural layout and design of the proposed development or improvement to minimize tree damage and/or removal.

**15-18-6 PROTECTED TREE REMOVAL****A. Removal of At Risk Protected Trees**

Upon proper application, the City Forester shall inspect and issue a permit for the removal of any At Risk Protected Tree.

**B. Removal of Healthy Protected Trees**

1. Removal of Healthy Protected Trees due to New Construction of One Single Family Residence, an Addition to Such a Residence, or an Unattached Amenity Serving One Single Family Residence shall be subject to the following:

- a. A Healthy Protected Tree in any area falling within a Buffer Zone or footprint of a detached garage or new driveway may be removed but shall be replaced as set forth in Section 15-18-8. However, the City Forester, in consultation with the Department of Community Development and Preservation, may require the reduction in size, relocation or other modification of any attached deck, new driveway, patio, porch or detached garage that would require the removal of a Healthy Protected Tree.
  - b. No Healthy Protected Tree may be removed for the placement of an Unattached Amenity or for expansion or relocation of a front or side yard driveway or sidewalk.
2. Removal of Healthy Protected Trees for a non-residential development, a residential development that involves two or more principal structures or any multifamily development shall be subject to the following:
- a. No Healthy Protected Tree may be removed unless it is within a building footprint or the Buffer Zone.
  - b. All Healthy Protected Trees that are removed shall be replaced according to Section 15-18-8.
  - c. The City Council may approve exceptions to this Paragraph pursuant to approval of a Subdivision Plan, Planned Unit Development or Special Use. Any such exception must include a specific finding that the alternative will be in furtherance of the City's policies as a Tree City.

C. Other City Landscaping Requirements

To the extent that this Article imposes greater planting requirements than any other regulations of the City, this Article shall control.

D. Escrow

1. If tree replacement is required by this Chapter, then as a condition of the tree removal permit, the applicant shall place into escrow with the City an amount of money equal to tree replacement value, as determined by the City Forester. The money shall be returned once the new tree(s) is planted or deposited to the tree bank if no tree has been planted after a period of one year. The City Forester shall maintain a current schedule of the cost (including planting expenses) for replacement of trees.
2. If it is determined that practices which violate any portion of the City Code have resulted in tree damage, then the City may require that an escrow payment, equal to the replacement value of the damaged tree(s) (See §15-18-08). The City Forester shall determine the period for which the cash escrow shall be held (not to exceed 36 months).

That period shall be reasonably related to the amount of time that is necessary to determine the health of the damaged tree(s). The escrow shall be held for the purpose of assuring that all remedial actions required by the City to restore the health of the tree(s) are taken, and/or for the purpose of assuring the appropriate tree replacement should any damaged tree die or show noticeable signs of decline as determined by a certified arborist.

#### 15-18-7 TREE REMOVAL PERMIT APPLICATION PROCEDURE

##### A. Tree Removal Permit Application When a Building or Site Work Permit is Being Sought

When a building or site work permit is being sought, a tree removal permit application shall be submitted which includes three (3) copies of a legible Tree Preservation Plan, drawn to scale of 1 inch equals 20 feet, and indicating the following information for the entire site:

1. A tree survey indicating location, size, and species of all Protected Trees on site. All trees requiring a tree removal permit must be specifically labeled on the survey.
2. All tree protection measures to be taken to minimize damage to trees. At a minimum, all fencing shall go to the dripline or to the excavation limits. Excavation limits falling within the dripline shall be subject to the approval of the City Forester.
3. Location, shape and spatial arrangement of all existing and proposed buildings, walls, impervious surfaces, improvements and structures.
4. Location, shape and spatial arrangement of all driveways, construction access roads, and construction material/debris storage areas.
5. Existing and proposed utility services including gas, electric, telephone, cable TV, water and sewer.
6. Existing and proposed elevations with contour lines at 1 foot intervals.
7. Setbacks, yard requirements, easements and conservancy areas.

##### B. Tree Removal Permit When No Building or Site Work Permit is being sought

The applicant seeking a Tree Removal Permit shall provide the City with a completed permit application that includes the following information:

1. First and last name, address and telephone number of applicant.
2. General location and size (DBH) of tree(s) for which permit is sought.

3. Reason why applicant seeks removal of tree(s).

C. Review of Tree Removal Permit Application

The City Forester shall review the tree removal permit application. This review may include an inspection of the site and/or meetings with the applicant. The City Forester shall render a decision on the tree removal permit request within ten (10) working days of the receipt of a properly filed request.

D. Appeals

Any appeal of the denial of a Tree Removal Permit shall be heard by the City's Public Works Committee of the Whole. Appeals must be filed, in writing with the City Forester, within ten (10) days of denial of the Tree Removal Permit. Appeals will be heard within thirty (30) days of such filing.

**15-18-8 TREE REPLACEMENT REQUIREMENTS**

Any Healthy Protected Tree that is removed, and requires replacement by this Chapter shall be replaced with single stem trees from Appendix A. The minimum size of any replacement tree shall be two (2") inch DBH; the maximum size shall be four (4") inch DBH. The number of replacement inches is determined on the following basis:

- DBH of 1-10 inches: No replacement trees required.
- DBH of greater than 10 inches to 20 inches: 1 replacement tree required.
- DBH of greater than 20 inches to 30 inches: 2 replacement trees required (Min. of 1 tree planted back on site).
- DBH of greater than 30 inches to 40 inches: 3 replacement trees required (Min. of 1 tree planted back on site).
- DBH of 40 inches or larger: 4 replacement trees (Min. of 2 trees planted back on site).
- At Risk Protected Trees that are removed do not require tree replacement.

If the City Forester determines that it would not be consistent with best arboricultural practice to plant replacement trees on the parcel from which trees were removed, then an amount of money equal to the value of the replacement trees shall be deposited into a tree bank replacement fund. This fund may only be used for the planting of trees on public property.

**15-18-9 PERMIT ISSUANCE**

- A. Issuance. The City Forester shall issue a tree removal permit upon compliance with the requirements described in this Chapter and payment of any required fees and escrows.
- B. Time Limitations. A permit shall expire if the work authorized by the permit is not commenced within one (1) year from the date of the permit or if such work, when commenced, is suspended or abandoned at any time for a period of six (6) months. If a permit expires, a new permit must be obtained before work may be resumed.

**15-18-10 TREE PROTECTION DURING CONSTRUCTION**

Where any construction activity is taking place, the following preservation methods and standards must be followed:

- A. No construction activity, movement and/or placement of equipment, vehicles, material, spoils excess soil, additional fill, liquids, or construction debris shall be placed within the protected root zone or at any elevation above the root zone.
- B. Crushed limestone and other materials detrimental to trees shall not be dumped within the protected root zone of any tree nor at any location above the root zone where drainage toward the tree could reasonably be expected to affect the health of the tree.
- C. Appropriate protective fencing shall be temporarily installed at the periphery of the tree's root zone/dripline. All fencing must be secured to metal posts driven into the ground no further than 10' apart. The entire parkway must be fenced and maintained for the period of the construction whether trees are present or not. Either the existing drive or the proposed drive may remain open.
- D. No attachments, signs, fences, or wires, other than approved for bracing, guying, or wrapping shall be attached to trees during the construction period.
- E. Other measures, including but not limited to, construction pruning and root pruning may be required upon the written demand of the City Forester.
- F. Unless otherwise authorized by the City Forester, no soil is to be removed or added within the root zone area of any tree.
- G. All Protected Trees within twelve (12') feet of the building footprint shall be evaluated by the City Forester to determine the effect of the construction on the trees' long-term survivability and safety. Protection or removal may be required accordingly.

The general contractor shall be responsible for the construction, erection, and maintenance of temporary fencing in accordance with the conditions of the building permit around tree preservation areas. Violation will result in the stoppage of all work until corrections have been made to the satisfaction of the City Forester.

#### **15-18-11 EMERGENCIES**

In the event of emergency conditions requiring the immediate cutting or removal of a tree or trees protected by this Chapter in order to avoid danger or hazard to persons or property, an emergency permit will be issued by the City Forester without formal application. If City Hall is closed when the emergency arises, the Police Department shall be contacted for appropriate assistance before any action is taken.

#### **15-18-12 PENALTY**

1. Any person, who removes or substantially destroys a tree(s) without a City tree removal permit, in violation of Section 15-18-3, shall be fined a minimum of Five Hundred Dollars (\$500.00) per inch of tree DBH.
2. Any person who violates any other provision of this Chapter shall be fined not less than Two Hundred and Fifty Dollars (\$250.00) and not more than Two Thousand Five Hundred Dollars (\$2,500.00) for each violation.
3. Where applicable, each day that a violation exists shall constitute a separate offense.
4. The payment of a fine shall not relieve any violator of this Chapter from tree replacement requirements.

**Appendix A**

<b>Common Name</b>	<b>Scientific Name</b>
Black Maple	<i>Acer nigrum</i>
Red Maple	<i>Acer rubrum</i>
Sugar Maple	<i>Acer saccharum</i>
Ohio Buckeye	<i>Aesculus glabra</i>
Common Horsechestnut	<i>Aesculus hippocastanum</i>
Red Buckeye	<i>Aesculus pavia</i>
European Black Alder	<i>Alnus Glutinosa</i>
River Birch	<i>Betula nigra</i>
American Hornbeam	<i>Carpinus caroliniana</i>
Bitternut Hickory	<i>Carya cordiformis</i>
Shagbark Hickory	<i>Carya ovata</i>
Catalpa	<i>Catalpa Speciosa</i>
Hackberry	<i>Celtis occidentalis</i>
Katsura	<i>Cercidiphyllum Japonica</i>
Yellowwood	<i>Cladrastis kentukea</i>
American Beech	<i>Fagus grandifolia</i>
Ginkgo	<i>Ginkgo Biloba</i>
Thornless Honeylocust	<i>Gleditsia triacanthos</i>
Kentucky Coffeetree	<i>Gymnocladus dioica</i>
Butternut	<i>Juglans cenera</i>
Black Walnut	<i>Juglans nigra</i>
Larch	<i>Larix Americana</i>
Sweetgum	<i>Liquidambar styraciflua</i>
Tulip Tree	<i>Liriodendron tulipifera</i>
Dawn Redwood	<i>Metasequoia Glyptostreboides</i>
Black Tupelo	<i>Nyssa sylvatica</i>
American Hophornbeam	<i>Ostrya virginiana</i>
Sycamore	<i>Plantanus Occidentalis</i>
London Plane Tree	<i>Plantanus X Acerfolia</i>
Sawtooth Oak	<i>Quercus Acutissima</i>
White Oak	<i>Quercus alba</i>
Swamp White Oak	<i>Quercus bicolor</i>
Scarlet Oak	<i>Quercus coccinea</i>
Hill's Oak	<i>Quercus ellipsoidalis</i>
Shingle Oak	<i>Quercus imbricaria</i>
Bur Oak	<i>Quercus macrocarpa</i>
Chinkapin Oak	<i>Quercus muehlenbergii</i>
Chestnut Oak	<i>Quercus prinus</i>
Red Oak	<i>Quercus rubra</i>
English Oak	<i>Quercus robur</i>
Schumard Oak	<i>Quercus shumardii</i>
Black Oak	<i>Quercus velutina</i>
Bald Cypress	<i>Taxodium Distichum</i>
Linden	<i>Tilia Americana</i>
American Elm	<i>Ulmus Americana</i>
Japanese Zelkova	<i>Zelkova Serrata</i>