

Appendix A
Organizations Involved in Urban
& Community Forestry

American Forests

PO BOX 2000

Washington, DC 20013

(202) 955-4500

<http://www.amfor.org/>



Illinois Arborist Association

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Illinois Dept of Natural Resources

Division of Forest Resources

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217-785-5517 (fax)



Illinois Nurserymen's Association

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**ILLINOIS
NURSERYMEN'S
ASSOCIATION**

International Society of Arboriculture

PO Box 3129

Champaign IL 61826-3129

<http://www2.champaign.isa-arbor.com>



**INTERNATIONAL SOCIETY
OF ARBORICULTURE**

The Morton Arboretum

4100 Illinois Rte 53

Lisle IL 60532-1293

(630)-968-0074

<http://www.mortonarb.org/>



**The
Morton
Arboretum**

National Arbor Day Foundation

100 Arbor Ave

Nebraska City NE 68410

402-474-5655

<http://www.arborday.org/>



**The National
Arbor Day Foundation®**

100 Arbor Avenue • Nebraska City, NE 68410 • 402-474-5655

National Tree Trust
1120 G Street NW, Suite 770
Washington DC 20005
<http://www.nationaltreetrust.org/>



Southern Illinois University Carbondale
Department of Forestry
Mailcode 4411
Carbondale IL 62901
618-453-3341
618-453-7475 (fax)
<http://www.siu.edu/~forestry/outreach.html>



United States Forest Service, Northeast Area
1992 Folwell Ave
St. Paul MN 55108
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Appendix B

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Appendix C

**Checklist for
Hiring a Qualified Arborist**

- ✓ Who tops trees in your community? Hire someone else.

When you shop for an arborist ask:

- ✓ What services do you provide?
- ✓ Do you provide free written estimates?
- ✓ Where are the locations of trees you worked on recently?
- ✓ Are you an ISA Certified Arborist?
- ✓ Are you licensed in my city?
- ✓ Do you have liability insurance?
- ✓ Do you have workers' compensation insurance on your employees?
- ✓ What professional organizations are you a member of?

Before you hire an arborist:

- ✓ Be sure you understand what the arborist plans to do and why
- ✓ Be sure the arborist understands what you want done and why
- ✓ Get a written estimate and know the total price including sales tax
- ✓ Know when the work will start and when it will be completed
- ✓ Know who is responsible for cleanup
- ✓ Find out what it will cost (an hourly rate for example) if you want to have additional work done
- ✓ Go look at trees the arborist pruned recently

- ✓ Ask around - Does this arborist have a good reputation?
- ✓ Call city hall to see if the arborist is licensed
- ✓ Ask to see the identification card of an ISA Certified Arborist.

It is a good idea to:

- ✓ Ask for proof of insurance. You can call the arborist's insurance company to be sure that the policies are current.
- ✓ Check qualifications
- ✓ Get estimates from more than one company
- ✓ Have a contract with the arborist.

* These tips were taken from the "Tree Trust Community Outreach Manual" distributed by the Tree Trust and funded by the United Power Association and the USDA Forest Service, Northeastern Area State & Private Forestry.

Appendix D

Grant Writing Tips

by Dr. Cem Basman

Tips for applying for grants.

- Get yourself on mailing lists from agencies and organizations that offer grants and read/skim these as soon as you get them so that you are immediately aware of funding opportunities and deadlines.
- Be realistic in your expectations. Read the criteria carefully so that you are certain the scope and intent of the grant matches your situation and the resources you have to do the job.
- Don't procrastinate. Writing and processing grants can be time consuming especially if supporting documentation is needed. Start assembling information and contacting the necessary people immediately.
- Find out more about the grant program. Make some phone calls to people closer to the process. Some important questions can include What kind of projects have been funded in the past? What individuals/agencies are on the committee awarding the grants and what are their agendas? Is the grant program seeking to fund a different kind of project this year? This information is not always included in the request for proposals (RFP). Find out if the program is 'wired" (i.e. a program appears to be open for new proposals but the money just goes to current recipients. If this is the case, don't waste your time with an application.

- If possible, make yourself known to the decision makers. This puts a voice/face to your application. It also shows them that this grant is something you really want and helps instill confidence that you have the interest and capability to carry the project to completion. A successfully completed project makes their program look good. While it is a good idea to call if you have questions, use discretion in the kind of questions you have and the frequency with which you contact the funding agency.
- Make your application specific to the grant for which you are applying. Don't recycle old applications.
- Follow the instructions carefully. Some applications appear unnecessarily tedious. Fill out every blank, even those that don't appear relevant or redundant. Provide all requested supporting documents.
- Emphasize the uniqueness of the project and clearly justify the need for this project to the reviewers.
- Write clearly and carefully. This is your only chance to explain your idea to a committee that is invariably short on time and patience. Get their attention with the first sentence and do everything possible to keep it. Do everything possible to eliminate confusion. Have someone else proofread, edit and interpret your application.

- Organize your proposal carefully so that the reviewer can find all the necessary parts.
- Be specific in you plans for the grant money. This shows them you have a plan beyond just having more money to spend. Be certain the budget is realistic (not too large or too small) to do the job you spelled out in the application.
- Whenever possible, leverage or match funds you are seeking with those from another source.
- Meet the grant application deadline.
- If your grant application fails, find out why. But remember, you may or may not get a straight answer.
- Don't get discouraged. Many good ideas never get funded and some bad ones do! Remember this is usually a politically-influenced process. Also, the reviewers sometimes just don't understand what you are doing, no matter how clearly you try to explain it. Try again next time learning from your mistakes.

The Private Sector

The information provided on the previous page applies primarily to public sector granting agencies. When working in the private sector,

other forces come into play. Some important considerations are as follows.

- Personal contacts are critical to build credibility. Other important factors may be whether someone known/respected by the benefactor is involved, how long your program has been in existence, your programs overall goals, other endorsements and sources of funding.
- Understand why the individual/organization is interested in supporting a program and use this to your advantage.

Corporations- Contributions are an investment in its own image.

Want immediate action and results.

Frequently insist on matching funds.

Foundations- Are required to give each year.

Often look for dynamic and stable leadership.

Individuals- Hard to reach.

Give because they want to.

May have motivation that is not always clear (i.e. guilt, building a legacy, want personal ownership, don't like their heirs).

● Provide recognition to the funding source and continue to cultivate your relationship.

- Don't ignore "in kind" support.

Appendix E

Sample Inventory Method

Sampling Procedures

STREET LOCATION AND ID# - Indicate the "from" street to the "to" street and the "on" street. Always sample in the direction of traffic, even if on a one-way street. Record the street number and address and number each tree per property front. Record trees on the street which the property front faces.

SIDE - Please record the tree as a Front tree (F) or a Side tree (S). Site number should increase in the direction of traffic flow and begin new numbers at each property front.

SPECIES CODE - Please record the appropriate species code which simply reflects the first two letters of the genus and species names.

DBH - Record the diameter at breast height of the tree to the nearest inch using the diameter scale on the Biltmore. For multi-stemmed trees measure dbh on the largest stem and record the total number of stems in the comments section.

HEIGHT - Record the tree height to the nearest half log at a distance of 1 chain (66') using a Biltmore stick.

CONDITION CLASS - Record the appropriate class (A, B, C, D, or E)*.

HAZARD CLASS - Record the appropriate hazard class (1, 2, 3, 4, 5, 6, 7, or 8)**.

SITE CLASS - Record the appropriate site class as it applies within the current drip line(1, 2, 3, 4, 5, or 6)***.

TOPPED - Simply determine if the tree has been topped recently or in the past.

PROXIMITY OF CROWN TO UTILITY WIRES - Record the appropriate proximity class (1, 2, or 3)****.

PLANTING SITE/COMMENTS - Planting sites should be recorded as a tree site and notated in comments as planting site. Record any other potentially useful or unique information.

***Condition Classes:** A: *Very Good* (low failure potential)
B: *Good* (medium failure potential)
C: *Poor* (high failure potential)
D: *Critical* (imminent failure potential)
E: *Dead* (immediate removal required)

****Hazard Classes:** 1: *Dead branches*
2: *Cracks/Splits*
3: *Disease, Insects, or Parasites*
4: *Cavities*
5: *Lean/Growth Abnormalities*
6: *Root Exposure*
7: *Trunk/Bark Injury*
8: *Presence of Wildlife*

*****Site Classes:** 1: *Undisturbed soil (lawn, little to no compaction, etc.)*
2: *Disturbed soil (presence of fill dirt, soil compaction)*
3: *Recent construction*
4: *Gravel*

5: Pavement

6: Other

****Proximity Classes: 1: Crown in Wires
2: Potential for Crown in Wires
3: No Potential for Crown in Wires

Condition Classes

A - Very Good (Low failure potential)

- Good growth form and habit
- Broken branches < 4" diameter
- Defects are minor, small wounds are ok, provided woundwood development

B. - Good (Medium failure potential)

- Defects are present and obvious
- Cavities do not exceed 25% of stem
- Broken branches between 4-8" diam.
- Minimal evidence of pests, disease, or parasites.

C. - Poor (High failure potential)

- Numerous or significant defects
- Cavities between 30-50% of stem
- Broken branches between 8-12" diam.
- Lean in excess of 30 degrees
- Exposed roots exceeding 1/3 of total
- Major evidence of pests, disease, or parasites.

D. - Critical (Severe failure potential)

- Very severe defects
- Cavities exceeding 50% of stem
- Broken branches >12" diam.
- Broken or cracked main stem

E. - Dead (immediate removal required)

Hazard Classes

1. Dead Branches

medium to large sized branches dead or hanging in tree
excessive amounts of medium or large fallen branches

2. Cracks or Splits

cracks or splits in medium or large branches, including the main stem

3. Disease, Insects, or Parasites

pest infestation signs
conks, mushrooms or excessive ivy or mistletoe
heartrot, buttrot, excessive decay

4. Cavities

5. Lean/Growth Abnormalities

lean by main stem >30 degrees
dangerous growth form
codominant leaders (with included bark)

6. Root exposure

more than $1/3$ of the root is exposed
roots with large cuts or excessive root removal ($1/3$ max)

7. Injury

mechanical: vehicle, lawnmower, weed-eater
vandalism, girdling, carving in bark

8. Presence of wildlife

cavity nesters
sapsuckers/woodpeckers
mammals

<u>Code</u>	<u>Species</u>	<u>Scientific Name</u>	<u>Code</u>	<u>Species</u>	<u>Scientific Name</u>
ACNE	Box Elder	Acer negundo	JUNI	Black Walnut	Juglans nigra
ACPL	Norway Maple	Acer platanoides	KOPA	Goldenrain Tree	Koelreuteria paniculata
ACRU	Red Maple	Acer rubrum	LITU	Tulip Poplar	Liriodendron tulipifera
ACSI	Silver Maple	Acer saccharinum	MAPO	Osage Orange	Maclura pomifera
ACSA	Sugar Maple	Acer saccharum	MAGR	Southern Magnolia	Magnolia grandiflora
AEGL	Ohio Buckeye	Aesculus glabra	MASO	Saucer Magnolia	Magnolia X soulangiana
AIAL	Tree of Heaven	Ailanthus altissima	MAPU	Crabapple	Malus pumila
ALJU	Mimosa	Albizzia julibrissin	MASP	Bradford Pear	Malus spp
BENI	River Birch	Betula nigra	MA2P	Apple	Malus spp
BEPA	White Birch	Betula papyrifera	MOAL	White Mulberry	Morus alba
BRPA	Paper Mulberry	Broussonetia papyrifera	MORU	Red Mulberry	Morus rubra
OSVI	Eastern Hophornbeam	Ostrya virginiana	NYSY	Black Gum	Nyssa sylvatica
CACO	Bitternut Hickory	Carya cordiformis	PIAB	Norway Spruce	Picea abies
CAGL	Pignut Hickory	Carya glabra	PIGL	White Spruce	Picea glauca
CAOS	False Shagbark Hickory	Carya ovalis	PIPU	Blue Spruce	Picea pungens
CAOA	Shagbark Hickory	Carya ovata	PIEC	Shortleaf Pine	Pinus echinata
CATO	Mockernut Hickory	Carya tomentosa	PINI	Austrian Pine	Pinus nigra
CASP	Catalpa	Catalpa speciosa	PIRE	Red Pine	Pinus resinosa
CECA	Redbud	Cercis canadensis	PIST	Eastern White Pine	Pinus strobus
COFL	Flowering Dogwood	Cornus Florida	PISY	Scotch Pine	Pinus sylvestris
COOB	Smoke Tree	Cotinus obovatus	PITA	Loblolly Pine	Pinus taeda
CRSP	Hawthorn	Crataegus spp	PIVI	Virginia Pine	Pinus virginiana
FRAM	White Ash	Fraxinus americana	PLOC	Sycamore	Platanus occidentalis
FRPE	Green Ash	Fraxinus pennsylvanica	POAL	White Poplar	Populus alba
GIBI	Ginkgo	Ginkgo biloba	PODE	Cottonwood	Populus deltoides
GLTR	Honey Locust	Gleditsia triacanthos	POHE	Swamp Cottonwood	Populus heterophylla
ILOP	American Holly	Ilex opaca	PONI	Lombardy Poplar	Populus nigra

<u>Code</u>	<u>Species</u>	<u>Scientific Name</u>	<u>Code</u>	<u>Species</u>	<u>Scientific Name</u>
PRAM	Flowering Plum	Prunus americana	QURU	Northern Red Oak	Quercus rubra
PRSE	Black Cherry	Prunus serotina	QUST	Post Oak	Quercus stellata
QUAL	White Oak	Quercus alba	QOVE	Black Oak	Quercus velutina
QUBI	Swamp White Oak	Quercus bicolor	ROPS	Black Locust	Robinia pseudoacacia
QUCO	Scarlet Oak	Quercus coccinea	SANI	Black Willow	Salix nigra
QUFA	Southern Red Oak	Quercus falcata	SAAL	Sassafras	Sassafras albidum
QUIM	Shingle Oak	Quercus imbricaria	TADI	Bald Cypress	Taxodium distichum
QUMA	Bur Oak	Quercus macrocarpa	TIAM	Basswood	Tilia americana
QUPA	Cherrybark Oak	Quercus pagodafolia	ULAM	American Elm	Ulmus americana
QUPS	Pin Oak	Quercus palustris	ULPU	Siberian Elm	Ulmus pumila

Appendix F
Sample Ordinance

Sample Ordinance
and
Illinois Statutory Authority
Your Town, Illinois
Population 9,000

An Ordinance Regulating the planting, maintenance, and removal of trees, shrubs, and other plants; creating a tree commission; and creating an office of the city arborist of Your Town, Illinois

WHEREAS, this Ordinance is intended as, and is in the exercise of certain powers and functions pertaining to the government and affairs of Your Town, Illinois.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF YOUR TOWN, ILLINOIS THAT:

Section I. Title. This ordinance shall be known and may be cited as the "YOUR TOWN TREE ORDINANCE" of YOUR TOWN, Illinois.

Section II. Purpose and Intent.

- **Purpose.** It is the purpose of this Ordinance to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs and other plants within YOUR TOWN, Illinois.

- **Intent.** It is the intent of the City Council of YOUR TOWN that the terms of this Ordinance shall be construed so as to promote:
 - the planting, maintenance, restoration and survival of desirable trees, shrubs and other plants within the city; and

- the protection of community residents from personal injury and property damage, and the protection of YOUR TOWN from property damage, caused or threatened by the improper planting, maintenance, or removal of trees, shrubs, or other plants located within the community.

Section III. Definitions. As used within this Ordinance, the following terms shall have the meanings set forth in this Section:

- Arboricultural Specifications and Standards of Practice for YOUR TOWN. (The title hereinafter, shall be "Arboricultural Specifications Manual"). A manual prepared by the Arborist pursuant to the ordinance containing regulations and standards for the planting, maintenance and removal of trees, shrubs and other plants upon city owned property.
- Arborist. The City Arborist of YOUR TOWN, Illinois.
- City owned Property. Property within the city limits of YOUR TOWN, Illinois and;
owned by the city in fee simple absolute or; implied or expressly dedicated to the public for present or future use for purposes of vehicular or pedestrian traffic or for public easements.
- Property Owner. The record owner or contract purchaser of any parcel of land.
- Trees, Shrubs and Other plants. All vegetation, woody or otherwise, except lawn grass and flowers less than 24 inches in height.

Section IV. The YOUR TOWN Tree Commission; Establishment, Composition, Appointment of Members, Duties.

- Establishment. The YOUR TOWN Tree Commission (hereinafter "Tree Commission") is hereby established. Its functions and duties are limited to those set forth in this Ordinance.
- Composition. The Tree Commission shall be composed of eight commissioners. Five Commissioners shall be appointed by the Mayor with the approval of the Council. These five commissioners shall serve without pay and shall reside within the City of YOUR TOWN, Illinois. The remaining three commissioners shall be ex-officio and shall not vote. For example, the three ex-officio commissioners shall be: the Director of Public Works, the Director of Parks and Recreation of YOUR TOWN Park District or his/her representative, and the Arborist. Subject to the exceptions in paragraph (C), immediately below, each Commissioner of the Tree Commission shall serve for a term of three years.
- Appointment of Members. One of the five commissioners initially appointed to the Tree Commission, who is not an ex-officio member, shall serve for a term of one year; two of the five commissioners initially appointed shall serve for a term of three years. Term shall start on a common date. Determination of the length of terms of the five commissioners initially appointed shall be by lot. The Mayor shall designate the Chairperson of the Tree Commission.
- Expiration or Vacation of Terms. Within thirty days following the expiration of the term of any appointed commissioner, a successor shall be appointed by the Mayor with the approval of the Council and the successor shall

serve for a term of three years. Should any commissioner resign or be removed from the Tree Commission, a successor shall be appointed by the Mayor and shall serve for the unexpired period of the vacated term. A member of the Tree Commission may be removed by the Mayor with the approval of a majority of the Council.

- Duties. The Tree Commission shall perform the following duties:
 - Within a reasonable time after the appointment of the Tree Commission, upon call of the Chairperson of the Tree Commission, the Tree Commission shall meet and adopt rules of procedure for regular and special meetings to fulfill the duties imposed upon it by this Ordinance.
 - The Tree Commission shall advise and consult the Arborist on any matter pertaining to the YOUR TOWN Tree Ordinance and its enforcement. The topics under which this advise and consultation may be given may include, but are not limited to, any of the following:
 - amendments to the YOUR TOWN Ordinance, and alterations or revisions to the Arboricultural Specifications Manual, and alterations or revisions of the Urban Forestry Plan;
 - policy concerning selection, planting, maintenance and removal of trees, shrubs and other plants within the City;
 - allocation of funds to the Arbor Division, and expenditures of funds by the Arbor Division;

- establishment of educational and informational programs;
- development of policies and procedures regarding the Arborist's duties; and/or
- issuance of permits required by this Ordinance;
- The Tree Commission, upon the request of any person who disagrees with the decision of the Arborist, shall hear all issues of the disputes which arise between the City Arborist and any such person whenever those issues involve matters or the interpretation or enforcement of the Arboricultural Specifications Manual, the Urban Forest Plan, or of the disputes regarding the issuance of permits or the abatement of nuisances. The decision of a majority of the appointed members of the Tree Commission with regard to such dispute shall be binding upon the Arborist. Nothing in this Section shall be construed to the limit of jurisdiction of any Court of Law with respect to such disputes.

Section V. City Arborist; Establishment, Duties.

- Establishment. The position of Arborist is hereby established.
- Duties. The Arborist shall perform the following duties:
 - A. The Arborist, with the assistance of the Tree Commission, shall develop and each subsequent year, update the Urban Forestry Plan. The Plan shall outline urban forestry program activities for a minimum of the

next five years. This plan shall describe the urban forestry activities to be undertaken by the city, the reasons for those activities, the possible funding source(s), the means of accomplishing the activities, the alternatives available to the city to fund or accomplish the activity, the projected date of completion, and the consequences if the activity is not completed. Activities may include but are not limited to street tree inventory, planting, tree removal, beautification projects and educational projects.

- B. The Arborist with the assistance of the Tree Commission shall develop and periodically review and revise, as necessary, the Arboricultural Specifications Manual. This manual shall contain regulations and standards for the planting, maintenance and removal of trees, shrubs and other plants upon city owned property.
- C. The Arborist shall cause the Urban Forestry Plan and the Arboricultural Specifications manual and all revisions and amendments to it, to be published and promulgated and shall cause three copies of the Manual, and all revisions and amendments to it, to be available for public inspection at the office of the City Clerk. Notice that such information is available for public inspection shall be published in a newspaper of general circulation with YOUR county at least one weekday of each of four consecutive weeks immediately following the initial availability of the Arboricultural Specifications Manual or revisions or amendments thereto. The Arboricultural Specifications Manual and any revisions and additions thereto shall become effective on the tenth day

following the final publication in a newspaper of general circulation required under this paragraph.

- D. The Arborist shall make available to any interested person copies of the Tree Ordinance, information about the activities of the Tree Commission, copies of the Arboricultural Specifications Manual and copies of the Urban Forestry Plan.
- E. The Arborist shall administer the Urban Forestry Plan, the Tree Ordinance and the provisions of the Arboricultural Specifications Manual.
- F. The Arborist shall perform whatever acts are necessary, including the planting and maintenance of trees, shrubs and other plants located on city owned property conform with the Urban Forestry Plan, the Arboricultural Specifications Manual and this Ordinance.
- G. The Arborist shall issue such permits as are required by this Ordinance and shall obtain as a condition precedent to the issuance of such permits the written agreement of each person who applies for such permits that he or she will comply with the requirements of this Ordinance, the Urban Forestry Plan and with the regulation and shall have the right to inspect all work performed pursuant to such permits. If the Arborist finds that the work performed is not in compliance with the requirements of this Ordinance the Urban Forestry Plan or with the regulations or standards of the Arboricultural Specifications Manual. The Arborist shall provide written notice of his/her finding to the permit applicant. The notice shall contain a copy of Section V (b) (5) of this Ordinance and;

- A. the permit shall be nullified and shall be void and;
- B. the Arborist may issue a written order that the permit applicant cease and desist all work for which the permit was required and;
- C. the permit applicant shall be subject to penalty under the terms of this Ordinance and;
- D. The Arborist may take steps to correct the results of the noncomplying work and the reasonable costs of such steps shall be charged to the permit applicant.

- H. The Arborist shall establish a program of public information and education that will encourage the planting, maintenance, or removal of trees, shrubs and other plants on private property in furtherance of the goals of the Urban Forestry Plan.

Section VI. Permits.

- (a) Scope of Requirements. No person except the Arborist, an agent of the Arborist, public utility company or a contractor hired by the Arborist may perform any of the following acts without first obtaining from the Arborist a permit for which no fee shall be charged, and nothing in this Section shall be construed to exempt any person from the requirements of obtaining any additional permits as are required by law.
 - (a) plant trees or shrubs on city owned property or treat, prune, remove or otherwise disturb any tree, shrub or other plant located on city owned property, except that

this provision shall not be construed to prohibit owners of property adjacent to city owned property from watering or fertilizing, without a permit, any tree, shrub or other plant located on such city owned property;

- (b) trim, prune or remove any tree or portions thereof if such tree or portions thereof reasonably may be expected to fall on city owned property and thereby to cause damage to persons or property;
- (c) place on city owned property, either above or below ground level, a container for trees, shrubs or other plants;
- (d) damage, cut, tap, carve, or transplant any tree, shrub or other plant located on city owned property;
- (e) attach any rope, wire, nail, sign, poster or any other manmade object to any tree, shrub or other plant located on city owned property;
- (f) dig a tunnel or trench on city owned property;

(b) Issuance. Within seven days of receipt of the application, the Arborist shall issue a permit to perform within thirty days of the day of issuance any of the acts specified in parts (A) and (B) immediately above, for which a permit is requested whenever;

- such acts would result in the abatement of a public nuisance; or
- such acts are not inconsistent with the development and implementation of the Urban Forestry Plan or with any

regulations or standards of the Arboricultural Specifications Manual; and whenever;

- an application has been signed by the applicant and submitted to the Arborist detailing the location, number, size and species of trees, shrubs or other plants that will be affected by such acts, setting forth the purpose of such acts and the methods to be used and presenting any additional information that the Arborist may find reasonably necessary.
- the applicant agrees to perform the work for which the permit is sought in accordance with the provisions of this Ordinance, the Urban Forestry Plan and with the regulations and standards set forth in the Arboricultural Specifications Manual; and
- the applicant certifies that he or she has read and understands those provisions of the Urban Forestry Plan, this Ordinance and of the Arboricultural Specifications Manual which are pertinent to the work for which the permit is sought; and
- if the work for which a permit is issued entails the felling of any tree or part thereof, located on private property, which, as a result of such felling reasonably may be expected to fall upon city owned property and if such felling is done by one other than the owner of the property on which such felling is done, then the applicant shall agree to indemnify and to hold the city of (YOUR TOWN) harmless for all damages resulting from work conducted pursuant to the permit and shall deposit with the City Clerk a Liability Insurance Policy in the amount

of \$100,000 per person/\$300,000 per accident for Bodily Injury Liability and \$50,000 aggregate for Property Damage Liability, which policy shall name the (YOUR TOWN) as an additional insured.

- (c) Public Utility Companies. Public utility companies, shall notify the City Arborist prior to the initiation of pruning cycles which will involve trees located on City-owned property for the purpose of maintaining safe line clearance. The notice shall state the estimated timeframe of the pruning cycle as well as the planned locations in the city where the work will be performed. All pruning work shall be carried out in accordance with accepted arboricultural standards. Public utility companies shall also notify the City Arborist prior to the installation or maintenance of underground utilities if such activity will occur within the dripline of trees located on City-owned property. In the case of severe storms, natural disasters or other emergency situations, a public utility company may perform any required pruning or underground utility maintenance necessitated by such situation and thereafter notify the City Arborist of the work performed.

Section VII. Public Nuisances.

- (a) Definition. The following are hereby declared public nuisances under this Ordinance:
- (a) any dead or dying tree, shrub or other plant, whether located on city owned property or on private property;
 - (b) any otherwise healthy tree, shrub or other plant, whether located on city owned property or on private

property, which harbors insects or diseases which reasonably may be expected to injure or harm any tree, shrub or other plant;

(c) any tree, shrub or other plant or portion thereof, whether located on city owned property or on private property, which by reason of location or condition constitutes an imminent danger to the health, safety or welfare of the general public;

(d) any tree, shrub or other plant or portion thereof whether located on city owned property or on private property which obstructs the free passage of pedestrian or vehicular traffic or which obstructs a street sign on city property;

(e) any tree, shrub or other plant or portion thereof whether located on city owned property or on private property which dangerously obstructs the view as such may be determined by the City Engineer pursuant to this Ordinance.

(b) Right to Inspect. The officers, agents, servants and employees of the city have the authority to enter onto private property whereon there is located a tree, shrub or plant part that is suspected to be a public nuisance.

(c) Abatement. The following are the prescribed means of abating public nuisances under this Ordinance:

(a) Any public nuisance under this Ordinance which is located on city owned property shall be pruned, removed or otherwise treated by the property owner or his/her

agent in whatever fashion is required to cause the abatement of the nuisance within a reasonable time after its discovery.

(b) Any public nuisance under this Ordinance which is located on private owned property shall be pruned, removed or otherwise treated by the property owner or his/her agent in whatever fashion is required to cause the abatement of the nuisance. No property owner may be found guilty of violating this provision unless and until the following requirements of notice have been satisfied.

(a) the Arborist shall cause a written notice to be personally served or sent, by registered mail, to the person to whom was sent the tax bill for the general taxes for the last preceding year;

(b) such notice shall describe the kind of tree, shrub or other nuisance, its location on the property and the reason for declaring it a nuisance;

(c) such notice shall describe by legal description or by common description the premises;

(d) such notice shall state the actions that the property owner may undertake to abate the nuisance;

(e) such notice will require the elimination of the nuisance no less than thirty days after the notice is delivered or sent to the person to whom was sent the tax bill for the general taxes for the last preceding year.

(c) The Arborist is empowered to cause the immediate abatement of any public nuisance provided that the nuisance is determined by the Arborist to be an immediate threat to any person or property.

Section VIII. Interference with Arborist. No person shall unreasonably hinder, prevent, delay or interfere with the Arborist or his/her agents while engaged in the execution or enforcement of this Ordinance.

Section IX. Violation and Penalty. Any person who violates any provision of this Ordinance or who fails to comply with any notice issued pursuant to the provisions of this Ordinance, upon being found guilty of violation, shall be subject to a fine not to exceed two hundred dollars (\$200.00) for each separate offense, each day during which any violation of the provisions of this Ordinance shall occur or continue be a separate offense. If, as the result of the violation of any provision of this Ordinance, the injury, mutilation, or death of a tree, shrub or other plant located on city owned property is caused, the cost of repair or replacement of such tree, shrub or other plant shall be borne by the party in violation. The replacement value of trees and shrubs shall be determined in accordance with 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.

Section X. Appeal. Any party who elects to dispute any action or decision by the city arborist or tree commission shall be entitled to appeal to the city council for a final determination.

Section XI. Severability. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid by any court, other provisions or applications of the Ordinance which can be given effect without the invalid provision or application shall not be affected, and to this end the provisions of this Ordinance are declared to be severable.

Illinois Statutes That Contain Authority for the Provisions of the Sample Tree Ordinance

All being parts of Chapter 24 of the Illinois Revised Statutes (The Illinois Municipal Code):

Section 11-20-11 and 11-20-13 refer to the Dutch Elm Disease and the provisions for the removal thereof and a lien to be established for this one particular type of violation.

Section 11-42-13 allows the City, if it so desires, to require registration of arborist or tree experts which is defined to be one who, for profit, diagnoses a condition of shade or ornamental trees and shrubs and prescribes services or supervises treatment of such trees or shrubs or in any manner treats by feeding, fertilizing, pruning, or bracing or treats cavities or other methods. The City cannot charge a fee for such registration and public utility employees, while working in the scope of their employment, are exempt from such required registration of arborist or tree experts, and the City may exempt its own employees from such registration, but if it does not, they are required to be registered as an arborist or tree expert.

Section 11-60-2 gives the City authority to define, prevent or abate nuisances.

Section 11-72-1 gives the City authority to plant trees on streets and other city property, which would carry with it the implied authority to regulate and maintain such trees on streets and city property.

Section 11-73-1 authorizes the City to levy tax (maximum of 0.05%) to provide for the establishment and maintenance of long term forestry

programs for the propagation and preservation of community trees and removal of dead or diseased trees in addition to all other taxes but this requires referenda approval prior to the levying of such tax.

Section 11-73-1-2 gives the city authority, by ordinance, to establish a tree planting program, and to make long term contracts (10 year maximum) with a vendor for purchase and delivery of trees and to appropriate for an established tree program.

Section 11-80-2 gives the City the authority to regulate the use of streets and other municipal property.

Section 11-80-3 gives the City the authority to prevent and remove encroachments or obstructions on streets or other city property.

Section 11-80-6 gives the City authority to provide for cleaning streets and other city property.

Appendix G

**Illinois Department of Natural Resources
Division of Forest Resources
Resource Districts**

<u>District Number</u>	<u>Counties Covered</u>	<u>Contact Information</u>
District 1	Jo Daviess Stephenson Carroll Whiteside	205 East Seminary PO Box 6 Mt Carmel IL 61053 818-244-3635
District 2	Winnebago Boone Ogle De Kalb Lee	Castle Rock State Park West Castle Road Oregon IL 61061 815-732-6184
District 3	Rock Island Henry Mercer Knox	116 North East Street PO Box 116 Cambridge IL 61238-0126 309-937-2122
District 4	Bureau La Salle Putnam Stark Marshall	IVCC E. Campus Bldg 11 815 N Orland Smith Ave Oglesby IL 61348 815-224-4048
District 5	Henderson Warren McDonough Fulton	Wigwam Hollow & Tower Rd PO Box 335 Macomb IL 61455 309-837-1124
District 6	Peoria Woodford Tazewell	215 N 5 th St, Suite D Pekin IL 61554 309-347-5119

District 7

McHenry
Lake
Kane
Cook
DuPage

Moraine Hills State Park
914 South River Rd
McHenry IL 60050
815-385-1644

District 8

Kendall
Will
Grundy
Kankakee

30550 Boathouse Rd
Wilmington IL 60481
815-476-0109

District 9

Livingston
McLean
Ford
De Witt
Platt
Macon
Moultrie
Shelby

Hidden Springs State Park
PO Box 320
Shelbyville IL 62562
217-644-2411

District 10

Champaign
Vermilion
Douglas
Edgar
Coles
Clark
Cumberland

1660 West Polk Ave
Charleston IL 61920
217-348-0174

District 11

Hancock
Adams
Brown
Pike

Route 36 West
PO Box 477
Pittsfield IL 62363
217-285-2221

District 12

Schuyler
Mason
Logan
Cass
Menard

700 South 10th
PO Box 406
Havana IL 62644
309-543-3401

District 13

Morgan
Scott
Greene
Clinton
Jersey

202 N 5th St
PO Box 170
Carrollton IL 62016
217-942-3816

District 14

Sangamon
Christian
Macoupin
Montgomery

1112 Vandalia Rd
PO Box 603
Hillsboro IL 62049
217-532-3562

District 15

Madison
Bond
Clinton
Washington

Hazlett State Park
PO Box 149
Carlyle IL 62231
618-594-4475

District 16

St. Clair
Monroe
Randolph

Route 154 East
PO Box 21
Sparta IL 62286
618-443-2925

District 17

Fayette
Effingham
Marion
Clay

Stephen Forbes State Park
6924 Omega Road
Kinmundy IL 62854
618-547-3477

District 18

Jasper
Crawford
Richland
Lawrence
Edwards
Wabash

1231 South West Street
PO Box 313
Olney IL 62450
618-393-6732

District 19

Wayne
Hamilton
White

RR 3 Box 979
PO Box 206
Fairfield IL 62837
618-847-3781

District 20

Perry
Franklin
Jackson
Williamson

Lake Murphysboro S. P.
52 Cinder Hill Drive
Murphysboro IL 62966
618-687-2622

District 21

Saline
Gallatin
Pope
Hardin
Massac

Dixon Springs State Park
RR 2 Box 177
Golconda IL 62938
618-949-3729

District 22

Union
Johnson
Alexander
Pulaski

Ferne Clyffe State Park
PO Box 67
Goreville IL 62939
618-995-2568

Regional Administrators

<u>Name</u>	<u>Districts Covered</u>	<u>Contact Information</u>
Matt Siemert	Districts 1-6	2317 E Lincoln Way Suite A Sterling IL 61081 815-625-2968
Tom Gargrave	Districts 7-8	1 st National Bank Plaza 17 th & Halstead #10 Chicago Heights IL 60411 708-709-3300
Kurt Bobsin	Districts 9-10	2005 Round Barn Rd Champaign IL 61820 217-333-5773
Tom Lamer	Districts 11-16	4521 Alton Commerce Pkwy Alton IL 62002 618-462-1181
Gary Stratton	Districts 17-22	11731 State Highway 37 Benton IL 62812 618-435-8138

Appendix H

**State Statues
Pertaining To
Urban Trees**

These Statutes Have Been Retyped From Originals

TABLE OF CONTENTS

TITLE	STATUTE
5 ILCS 490/10	Arbor and Bird Day <ul style="list-style-type: none">• Designates the last Friday in April as Arbor and Bird Day
505 ILCS 90/1 thru 505 ILCS 90/30	Insect and Pest and Plant Disease Act <ul style="list-style-type: none">• An act to prevent the introduction into and the dissemination within this state of insect pests and plant diseases and to provide for their repression and control
65 ILCS 5/11-20-6	Weed Destruction <ul style="list-style-type: none">• Allows municipalities to destroy weeds on private lands
65 ILCS 5/11-20-7	Weed Cutting <ul style="list-style-type: none">• Discusses costs, notices, etc. of cutting weeds on private lands

65 ILCS 5/11-20-11

Dutch elm disease (control and eradication)

65 ILCS 5/11-20-12

Dutch elm disease (removal of trees-costs)

65 ILCS 5/11-42-13

Arborists

- States that municipalities may register tree experts

65 ILCS 5/11-72-1 thru
65 ILCS 5/11-73.1-4

Trees and Forestry

- Discusses the planting of trees by municipalities, and their rights to raise monies for that purpose

55 ILCS 5/58-1077

Eradication of fungous (counties codes)

65 ILCS 5/11-20-11

Control and Eradication of fungous (Illinois Municipal Code)

30 ILCS 735/1
thru 30 ILCS 735/7

Urban and Community Forestry Assistance Act * An act to provide technical assistance, training and financial aid to municipalities for the development of plans and

programs for the establishment
and preservation of urban
forestry programs

20 ILCS 805/63a8

Protection of forests-Promotion
of forestry and forestry
management

STATUTES INDIRECTLY PERTAINING TO URBAN TREES

TITLE

65 ILCS 5/11-60-1

65 ILCS 5/11-60-2

65 ILCS 5/11-80-2

65 ILCS 5/11-80-3

65 ILCS 5/11-80-6

STATUTES

Issuance and revocation of licenses

Definition and abatement of nuisances

Cities and Villages-use of streets

Cities and Villages-obstruction upon streets

Cities and Villages-cleaning of streets

**5 ILCS 490/10
ARBOR AND BIRD DAY**

490/10. Arbor and Bird Day

§ 10. Arbor and Bird Day. The last Friday in April of each year is designated as Arbor and Bird Day to be observed throughout the State as a day for planting trees, shrubs, and vines about homes and along the highways and about public grounds within this State and for holding appropriate exercises in the public schools and elsewhere to show the value of trees and birds and the necessity of their protection, thus contributing to the comforts and attractions of our State.

P.A. 87-272. § 10, eff. Sept. 4, 1991.

Formerly ILL. Rev. Stat. 1991, ch. 1, ¶ 3051-15

**505 ILCS 90/1 thru 505 ILCS 90/30
INSECT AND PEST AND PLANT DISEASE ACT**

90/1. Short title

§ 1. This Act may be cited as the Insect Pest and Plant Disease Act.

Laws 1927, p. 9, §1, eff. July 1, 1927. Amended by P.A. 86-1475, Art. 4, § 4-3, eff. Jan 10, 1991.

Formerly ILL. Rev. Stat. 1991, ch. 5, ¶ 61.

Title of Act:

An Act to prevent the introduction into and the dissemination within this State of insect pests and plant diseases and to provide for their repression and control. Approved June 2, 1927. Laws 1927, p. 9, eff. June 2, 1927.

90/2. Definitions

§ 2. Words used in this Act shall be construed to import either the plural or the singular, as the case demands. For the purposes of this Act, the following terms shall be construed, respectively to mean:

Director- The Director of the Illinois Department of Agriculture or his or her authorized representative.

Department- The Department of Agriculture of the State of Illinois.

Insect Pests- Insects, crustaceans, arachnids and vermes injurious to plants, plant products, animals and man.

Plant Diseases- Fungi bacteria, nematodes, protozoans and viruses injurious to plants and plant products, and the pathological condition in plants and plant products, caused by fungi bacteria, nematodes, protozoan viruses.

Nursery Stock- All field-grown and native trees, Christmas trees, sod, shrubs, herbaceous perennials, vines, cuttings, grafts, scions, buds, fruit-pits and other seeds of fruit and ornamental trees and shrubs; also other plants and plant products for or capable of propagation, excepting field, vegetable and flower seeds, bedding plants, and other herbaceous plants, bulbs and roots.

Plants and Plant Products- Trees, shrubs, vines, forage and cereal plants and all other plants; cuttings, grafts, scions, buds, and all other parts of plants; and fruit, vegetables,

roots, bulbs, seeds, wood, lumber, and all other parts of plants and plant products.

Nursery- Any ground or premises on or in which nursery stock is propagated and grown or from which nursery stock is collected for sale, or any grounds or premises on or in which nursery stock is being fumigated, treated, packed or stored.

Nurseryman- Any person who owns, leases, manages, or is in charge of a nursery and who propagates nursery stock.

Nursery Dealer- Any person or landscaper not a grower of nursery stock in this State who buys, sells, ships, or distributes nursery stock for commercial or monetary gain in the state of Illinois.

Landscaper- Any person who is engaged in development and decorative planting of gardens and grounds for commercial or monetary gain and who uses nursery stock in his landscape development.

Person- Includes a corporation, company, society, association, partnership, governmental agency and any individual or combination of individuals.

Laws 1927, p. 9 § 2, eff. July 1, 1927. Amended by Laws 1955, p. 418, § 1, eff. July 1, 1955; P.A. 80-519, § 1, eff. Oct. 1, 1977; P.A. 85-324, § 1, eff. Jan. 1, 1988; P.A. 88-292, § 5, eff. Aug. 11, 1993.

Formerly Ill. Rev. Stat. 1991. ch. 5, ¶ 62.

90/3. Inspection of places and stock

§ 3. The Department shall have the authority to inspect any place which might become infested or infected with insect pests or diseases. It shall also have the authority to inspect or reinspect at any time or place any nursery stock shipped into the State. For the purpose of

inspection and carrying out the provisions of this Act, the Director shall have the free access to any field, orchard, garden, packing ground, building, cellar, freight or express office, warehouse, car or other vehicle, vessel, or other place where it may be necessary or desirable for them to go, or which it may be necessary for them to inspect, in the performance of their duties. The nurseryman or nursery dealer shall provide assistance as may be necessary for any inspection or examination made in accordance with this Act and rules. It shall be unlawful to deny such access to the Director, or to offer any resistance to the officers and employees of the Department, or to thwart or hinder such inspection by misrepresenting or concealing facts, or conditions, or otherwise.

Department personnel shall not be personally liable for damage or injury resulting from the performance of their duties.

Laws 1927, p. 9, § 3, eff. July 1, 1927. Amended by P.A. 85-324, § 1, eff. Jan. 1, 1988.

Formerly ILL. Rev. Stat. 1991, ch. 5, ¶ 63.

/3.01. Records

§ 3.01. A nurseryman and nursery dealer shall maintain for one year records of plant purchases, acquisitions, sales or other distribution, and make the records available upon request to the director of inspection. It shall be unlawful for any person to withhold records, keep or file false records or to inaccurately alter his or her records or to present to the Department any materially false records.

Laws 1927, p. 9, § 3.01, added by P.A. 85-324, § 1, eff. Jan 1, 1988.

Formerly ILL. Rev. Stat. 1991, ch. 5, ¶ 63a.

90/3.02. Shipment of injurious plant pests

§ 3.02. The Director is authorized when application is made to issue a permit for shipment into or within the State of injurious plant pests for research or diagnostic purposes.

Laws 1927, p. 9, § 3.02, added by P.A. 85-324, § 1, eff. Jan. 1, 1998.

Formerly ILL. Rev. Stat. 1991, ch. 5, ¶ 63b.

90/4. Application for inspection

§ 4. Persons desiring to sell or give away nursery stock in this state, in conjunction with their business as nurserymen shall make an initial application on forms furnished by the Department. Any person failing to comply with this Section is in violation of this Act. It is unlawful for any person to make false declaration of acreage or cause any concealment of nursery stock from the inspection by the Director.

Laws 1927, p. 9, § 4, eff. July 1, 1927. Amended by Laws 1955, p. 418, § 1, eff. July 1, 1955; P.A. 76-708, § 1, eff. Aug. 7, 1969; P.A. 85-324, § 1, eff. Jan. 1, 1988.

Formerly ILL. Rev. Stat. 1991, ch. 5, ¶ 64.

90/4.01. Nursery stock from foreign country-Notice to Department of arrival Inspection

§ 4.01. The first consignee in this State who receives, directly or indirectly, any nursery stock from a foreign country shall notify the Department of the arrival of such stock, the kinds and amounts of the same, and the name of the consignor, and shall hold such shipment in

the original container until duly inspected or released by the Department.

Laws 1927, p. 9, § 4.01, Added by Laws 1955, p. 418, § 1, eff. July 1, 1955. Amended by P.A. 85-324, § 1, eff. Jan. 1, 1988.

Formerly Ill. Rev. Stat. 1991, ch. 5, ¶ 64a.

90/5. Certificate of inspection

§ 5. The Department shall inspect at least once each year all nurseries in the State of Illinois as to whether they are infested with insects pests or infected with plant diseases. The Department has authority to collect specimens of plant material in order to make cultures and positive identification of plant pests. The Department also has authority to inspect nursery stock which is stored in cellars, heeling in grounds or warehouses, to ascertain whether it is infested with insect pests or plant diseases. If, upon the inspection of any nursery, it appears that such nursery and its premises are not infested or infected with insect pests and plant diseases, the Department shall issue to the nursery a certificate of inspection. The certificate of inspection shall be valid until December 31, of the following year. This certificate must be prominently displayed in the main office of the business.

The provisions of this Section do not apply to florists' greenhouse plants nor to flowers or cuttings commonly known as greenhouse stock.

It is unlawful for any person to sell or offer for sale, or to remove or ship from a nursery or other premises, any nursery stock until such stock has been officially inspected and a certificate or permit covering it has been granted by the Department, except that nursery stock may be shipped to the Department without such inspection and certification.

Laws 1927, p. 9, § 5, eff. July 1, 1927. Amended by Laws 1955, p. 418, § 1, eff. July 1, 1955; P.A. 76-708, § 1, eff. Aug. 7, 1969; P.A. 80-519, § 1, eff. Oct. 1, 1977; P.A. 85-324, § 1, eff. Jan. 1, 1988.

Formerly Ill. Rev. Stat. 1991, ch. 5, ¶ 65.

90/6. Infested or infected premises

§ 6. If the Department finds that a nursery is infested or infected with insect pests or plant diseases, or if the Department shall have reason to believe that a nursery, by way of its proximity to an infested premises, will become so infested or infected before the next annual inspection, the Department may prescribe in writing such conditions and precautions as to the use of the certificate of inspection, as may in its judgement be necessary. The Department may withhold or suspend a certificate until such conditions have been accepted in writing by the owner of the said nursery. The unlawful use of a conditionally issued certificate of inspection shall be a violation of this Act.

Laws 1927, p. 9, § 6, eff. July 1, 1927. Amended by P.A. 85-324, § 1, eff. Jan. 1, 1988.

Formerly ILL. Rev. Stat. 1991, ch. 5, ¶ 66.

90/7. Nursery dealer's certificate

§ 7. Every nursery dealer engaged in selling of nursery stock in this State shall, before selling, offering for sale or delivering any stock, make annual applications to the Department for a nursery dealer's certificate. A separate certificate shall be required for each location

which must be prominently displayed at each place of business. A nurseryman who is also acting as a nursery dealer at the same location shall be exempt from procuring the nursery dealer's certificate. This nursery dealers certificate shall expire the 31st day of December each year. An application shall be made on forms to be furnished by the Department. A nursery dealer is authorized to sell under a nursery dealer's certificate only nursery stock which has been inspected and certified by the Department or which is accompanied by a valid certificate of inspection of a Federal or State inspector, stating that such work has been inspected and is apparently free from insect pests and plant diseases. For Christmas trees originating outside Illinois only trees from State of Federal quarantine areas are required to be accompanied by a certificate of inspection. Such nursery dealer's certificate may be attached to nursery stock offered for shipment or delivery in Lieu of the certificate of inspection from the nursery from which the stock was procured. The Department may prescribe in writing such conditions and precautions as to the use of the nursery dealer's certificate, as may in its judgment be necessary.

Laws 1927, p. 9, § 7, eff. July 1, 1927. Amended by Laws 1955, p. 418, § 1, eff. July 1, 1955; P.A. 80-519, § 1, eff. Oct. 1, 1977; P.A. 85-324, § 1, eff. Jan. 1, 1988; P.A. 88-292, § 5, eff. Aug. 11, 1993.

Formerly ILL. Rev. Stat. 1991, ch. 5, ¶ 67.

90/8. § 8. Repealed by P.A. 80-519, § 2, eff. Oct. 1, 1977.

90/9. § 9. Repealed by P.A. 85-324, § 2, eff. Jan. 1, 1988.

90/10. Misuse of certificate-Revocation-Tax violations-Refusal to issue or suspension of certificate

§ 10. If it is not found that any certificate issued or approved by the Department is being used in connection with nursery stock or other plants which have not been inspected, or which are infested with insect pests or infected with plant diseases, or which are being sold, delivered or distributed without treatment being given or other precautionary measures prescribed by the Department being observed by the owner, or with the knowledge of the owner, is being used by persons other than the one to whom it was issued, without permission of the Department, the Director may require the owner of such certificate to appear before him, on a date specified, for a hearing to show cause why his certificate should not be suspended or revoked. If, after such hearing, the Director finds that such certificate has been wrongfully used in one or more of the ways specified in the Act, or if the owner of the certificate fails to appear at such hearing, he may issue an order suspending or revoking such certificate, and the use of such certificate, after it has been suspended or revoked shall be unlawful, and shall subject the owner thereof to the penalty described in this Act. The Department may withhold a certificate of inspection from any person applying for the same if such person fails to comply with the requirements of the Department with reference to freeing his nursery and premises of insect pests and plant diseases and may refuse to certify a nursery if the same, for lack of care or from neglect, is in such condition that it cannot be adequately inspected.

The Department may refuse to issue or may suspend the certificate of any person who fails to file a return, or to pay the tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

Laws 1927, p. 9, § 10, eff. July 1, 1927. Amended by P.A. 84-221, Art. II, § 1, eff. Sept. 1, 1985; P.A. 85-324, § 1, eff. Jan. 1, 1988.

Formerly ILL. Rev. Stat. 1991, ch. 5, ¶ 70.

90/11. Shipments into state; label requirements

§ 11. It shall be unlawful for any person to bring or cause to be brought into this State any nursery stock unless these is plainly and legibly marked thereon or affixed there to, or on, or to the car or other vehicles carrying the same, or on the bundle, package, or other container or the same in a conspicuous place, a statement showing the names and addresses of the consignor, and the consignee, the general nature of the contents, together with a certificate of inspection of the proper official of the state, territory, district, or country from which it was brought or shipped, showing that such nursery stock was found or believed to be free from insect pests and plant diseases. For Christmas trees originating outside Illinois, only trees from States or federal quarantine areas are required to be accompanied by a certificate of inspection.

Laws 1927, p. 9, § 11, eff. July 1, 1927. Amended by P.A. 88-292, § 5, eff. Aug. 11, 1993.

Formerly ILL. Rev. Stat. 1991, ch. 5, ¶ 71.

90/12. Copy of certificate-Attachment to stock sold-Report of violation-Inspection

§ 12. Every nurseryman or nursery dealer who sells or gives away nursery stock in this State is hereby required to attach to the outside of each package, box, bale, or carload shipped, transported or delivered

by any means, a tag or poster on which appears an exact copy of the valid certificate, except over-the-counter retail sales, accompanied by a sales slip. It is unlawful for any common carrier, or driver, or owner of a truck or other vehicle to accept for shipment, or transportation, or to transport any nursery stock from place to place within the State unless such nursery stock has been attached thereto a valid official certificate of inspection showing that such stock has been inspected and found apparently free from injurious insect pests and plant diseases, a nursery dealer's certificate or a certificate showing that the shipment has been authorized by the Department. However, nursery stock cosigned to the Department may be offered and accepted for shipment and shipped without such certificate.

In case any nursery stock is shipped or transported in this State or into this State from another state, country or province without a required valid certificate plainly affixed as aforesaid, with the names of the consignor and consignee, and the nature of the shipment, and the person carrying such stock must return it to the consignor, hold it for instructions from the Department, or send it to the Department, with the transportation charges prepaid, for the inspection.

Any person receiving nursery stock transported from any point within the State, or any other state, country, or province, without a valid certificate affixed as aforesaid, shall at once notify the Department of the fact, and shall not plant, use or allow such nursery stock to leave his possession until it has been inspected or released by the Department, and the expenses incurred in making such inspections are paid by him. Such stock may be shipped to the Department, with all transportation charges prepaid, for inspection without any additional expenses to the owner other than transportation, drayage and storage charges when such charges are necessarily incurred.

Laws 1927, p. 9, § 12, eff. July 1, 1927. Amended by P.A. 76-708, § 1, eff. Aug. 7, 1969; P.A. 80-519, § 1, eff. Oct. 1, 1977; P.A. 85-324, § 1, eff. Jan. 1, 1988; P.A. 88-292, § 5.

Formerly ILL. Rev. Stat. 1991, ch. 5, ¶ 72.

90/13. Inspection and certification before sale

§ 13. It shall be unlawful for any nurserymen or nursery dealer to sell, give away, carry, ship or deliver for carriage or shipment within the State any nursery stock unless such nursery stock has been officially inspected and a certificate covering the same has been issued by the Department stating that said nursery stock has been officially inspected and a certificate covering the same has been issued by the Department stating that nursery stock has been inspected and found apparently free from insects pests and plant diseases. It shall, however, be the privilege of a nurseryman holding a valid certificate to ship under said certificate nursery stock grown for him else where or purchased by him from other nurseries, provided that all such nursery stock grown for him elsewhere or purchased by him from other nurseries, provided that all such nursery stock when required is received under an official certificate acceptable to the Department stating that it has been inspected where grown and found to be apparently free from insect pests and diseases.

Laws 1927, p. 9, § 13, eff. July 1, 1927. Amended by P.A. 85-324, § 1, eff. Jan. 1, 1988; P.A. 88-292, § 5, eff. Aug. 11, 1993.

Formerly Ill. Rev. Stat. 1991, ch. 5, ¶ 73.

90/14. Infested plants declared to be nuisance

§ 14. All trees, shrubs, vines, cuttings, scions, grafts, plants and plant parts, plant products and places within this State, infested with injurious insect pests or infected with plant diseases which are liable to spread to other plants, plant products or places to the injury thereof, or to the injury of man and animals, and all species and varieties of trees, shrubs, vines and other plants not essential to the welfare of the people of the State which may serve as favorable host plants, and promote the prevalence and abundance of insect pests and plant diseases, or any stage thereof, injurious to other plants essential to the welfare of the people of this State, are hereby declared to be a nuisance.

Laws 1927, p. 9, § 14, eff. July 1, 1927.

Formerly ILL. Rev. Stat. 1991, ch. 5, ¶ 74.

90/15. Eradication of injurious plants-Hearing-Inspection-Abatement of nuisance-Expenses of eradication

§ 15. If the Department shall determine that any species or variety of tree, vine, shrub, or other plant growing within this State is a nuisance as defined in Section 14 of this Act, and if in the judgment of the Department such species or variety of tree, shrub, vine, or other plant should be eradicated from this State, or any Section thereof, in order to safeguard the other plants and plant products of the State or any section thereof, it shall give the public notice thereof, designating the species or variety of plant, the eradication of which is proposed, the section of the State involved, and the reasons why the eradication of such plant is necessary; such notice shall also designate a place and time, which time shall not be less than 30 days after the date of such

notice, for a public hearing, at which all persons in the State interested in the proposed action of the Department may be heard.

If, after such hearing, the Department shall determine that such species or variety of plant should be eradicated, it shall give public notice of the fact, naming the species or variety of plant should be eradicated, it shall give public notice of the fact, naming the species or variety of plant to be eradicated, describing the boundaries of the section of the State from which such species or variety of plant shall be eradicated, and the dates when such notice shall become effective.

If the Department shall have reason to suppose that any property or place in this State is infested with any injurious insect pest or infected with any plant disease, or has growing thereon or stored therein any species or variety of plant which the Department has declared to be a nuisance within the meaning of Section 14 of this Act, it shall have power to inspect, or cause to be inspected, from time to time, such property or place; and if it shall find by such inspection as above stated, that any person is maintaining a nuisance described in Section 14 of this Act, the Department shall give written notice of the facts to the owner, or other person in the possession or control of the property or place where such nuisance was found; which notice shall specify the condition constituting such nuisance and the time within which such nuisance shall be abated; and such owner or person in charge shall proceed to eradicate, control or prevent the dissemination of such injurious insect pest or plant disease, or to remove, cut, destroy, or otherwise completely eradicate the species or variety of plant constituting the nuisance, within the time described in such notice.

Whenever such owner or other person cannot be found, or fails, neglects or refuses to obey the requirements of said notice, the Department may proceed to abate such nuisance and in so doing the Department is authorized to treat, remove, cut or destroy host plants, infested or infected plants or plant products, or other things and substance used in connection there within; and the expense thereof,

together with all costs, shall be paid by such owner or other person in possession or control and shall be collected by the Department by a civil action in the name of People of the State of Illinois against the person liable.

Laws 1927, p. 9, § 15, eff. July 1, 1927. Amended by P.A. 84-551, § 2, eff. Sept. 18, 1985; P.A. 85-324, § 1, eff. Jan. 1, 1988.

Formerly Ill. Rev. Stat. 1991, ch. 5, ¶ 75.

90/16. Inspection of public grounds

§ 16. Any municipality, park board, or other board or person in control of public grounds may apply to the Department for an inspection of the same with reference to the presence of insect pests or plant diseases; and upon receipt of such application, or as soon thereafter as may be conveniently practicable, the Department shall comply with such request, and send to such applicant a statement as to the facts disclosed, with any recommendations which the Department may deem pertinent.

Laws 1927, p. 9, § 16, eff. July 1, 1927. Amended by P.A. 85-324, § 1, eff. Jan. 1, 1988.

Formerly ILL. Rev. Stat. 1991, ch. 5, ¶ 76.

90/17. Inspection of shipments out of State

§ 17. Any owner of florist's stock which he wishes to ship into another state or country, may apply to the Department for an inspection of the same with reference to the presence of insect pests and plant diseases likely to prevent the acceptance of such plants in

such state or country, and upon receipt of such application, or as soon thereafter as may be conveniently practicable, the Department shall comply with such request, and it shall issue to the applicant a certificate to the facts disclosed.

Laws 1927, p. 9, § 17, eff. July 1, 1927. Amended by Laws 1955, p. 418, § 1, eff. July 1, 1955; Laws 1961, p. 2053, § 1, eff. Aug. 1, 1961; P.A. 85-324, § 1, eff. Jan 1, 1988.

Formerly Ill. Rev. Stat. 1991, ch. 5, ¶ 77.

90/18. Pests or diseases in districts outside State

§ 18. Whenever the Department shall find as a fact that any plant disease or insect infestation exists in any other state, territory, district, province or country, or in any portion thereof, or in any locality therein, with respect to which the Secretary of Agriculture of the United States has not determined that a quarantine is necessary and has not established a quarantine, and that any plant or plant product or other thing, coming therefrom into this State, the Department shall report such fact to the Governor. The State, territory, district, province, or country, or any portion thereof, or any locality therein, and prohibit the bringing therefrom into this State of such insect pest or plant disease, or any plant or plant product or other thing of the kind infested or infected, or likely to be infested or infected, or is likely to convey infection to plants or plant products in this State, except under such regulations as may be prescribed by the Department and approved by the Governor.

Any article brought into the State in violation of any proclamation of the Governor or any regulation of the Department, issued or established in accordance with the provisions of this Act, or in violation of any Federal quarantine established by the Secretary of

the United States Department of Agriculture, shall at the expense of the owner be either destroyed, returned to the consignor, or otherwise disposed of as the Department may direct.

Laws 1927, p. 9, § 18, eff. July 1, 1927. Amended by P.A. 85-324, § 1, eff. Jan. 1, 1988.

Formerly Ill. Rev. Stat. 1991, ch. 5, ¶ 78.

90/19. § 19. Repealed by P.A. 85-324, § 2, eff. Jan. 1, 1988.

90/20. **Pests and Diseases in areas in this State-Quarantine-
Operation in quarantined area-Hearing and review on
quarantine**

§ 20. Whenever the Department finds that there exists in any part of this State a dangerous insect pest or dangerous plant disease, which for the protection of the economy and the environment or the State, should be prevented from spreading and be controlled or eradicated, the Department is authorized to carry out the following restrictive and control measures when deemed necessary and advisable and may cooperate with other state agencies and with the United States Department of Agriculture.

The Department is authorized to promulgate a quarantine covering such affected area in the State, and other areas within the State which are subsequently found to be infested or infected with the pest, and may adopt, issue and enforce rules and regulations supplemental to the quarantine for the control of this pest. Under such quarantine the Department or its authorized agents may prohibit and prevent the movement within, or through any portion of the State, of agricultural or horticultural products or any other material or things whatsoever capable of carrying such pest in any living stage of its development; and

in the enforcement of such quarantine may intercept, stop, and detain for official inspection, any person, car vessel, boat, truck, automobile, air craft, wagon or other vehicle carriers, whether air, land or water or any container believed or known to be carrying such insect in any living stage of its development or any such prohibited material, and may seize, possess, and destroy any agricultural or horticultural product or other material of any character whatsoever, moved, shipped, or transported in violation of such quarantine or the rules and regulations supplemental thereto.

The Department may, when deemed necessary, prohibit the use of any farm practice or operation within the quarantined area which favors the development of such pest and may specify and require in such area the use of specific operations and procedures in disposing of weeds and crop residues, in the treating and handling of seeds, growing crops, or harvested products, machinery and any other property, or in planting and harvesting crops, as may be necessary to effectively destroy or prevent the development of such pest; and it is the duty of the owner or person in charge of lands and crops and other things connected therewith within such quarantined area, upon due notice, to refrain from such prohibited practices and operations and to use such specific operations and procedures as are required within the time limit specified and in the manner designated by the Department. In case the owner or the person in charge of such lands, crops or other materials within the quarantined area neglects or refuses to carry out the instructions of the Department contained in such notice within the time specified, the Department or its authorized agents may take the action so required, and the expense thereof shall be paid by such owner or other person in charge. This expense in case of failure or refusal to pay shall be collected by the Department by a civil action in the name of the People of the State of Illinois against the person liable therefor.

Before such quarantine is promulgated, the Department shall call a hearing, after due notice of the same, to be held at some convenient

place designated by the Department, at which interested persons may be heard, either in person or by attorney, which hearing shall be held not less than 15 days after the publication of such call. The notice of any hearing and the promulgation of any quarantine area provided for in this Act, except otherwise provided in Section 15 of this Act, shall be by publication in one or more newspapers in circulation in the area affected. After a quarantine area has been established the Director may extend the quarantine area to include additional areas of the State upon publication of a notice to that effect in such newspapers in the affected areas as the Director may select or by direct written notice to those concerned without holding additional public hearings.

Any person affected by any rule, regulations or order made or served pursuant to this Act, may have a review of the same by the Department. Application for such review may be made to the Department in writing within 10 days after the publication of notice of such rule, regulation or order and such review shall be allowed and considered by the Department at such time and place under such conditions as the Department may prescribe.

Laws 1927, p. 9, § 20, eff. July 1, 1927. Amended by Laws 1949, p. 15, § 1, eff. Jan. 1, 1950; P.A. 76-708, § 1, eff. Aug. 7, 1969; P.A. 84-551, § 2, eff. Sept. 18, 1985; P.A. 85-324, § 1, eff. Jan. 1, 1988.

Formerly Ill. Rev. Stat. 1991, ch 5, ¶ 80.

90/20.01. Review under Administrative Review Law

§ 20.01. All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the Administrative Review Law, and all amendments and modifications thereof,¹ and the rules adopted pursuant thereto. The

term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.²

Laws 1927, p. 9, § 20.01, added by Laws 1949, p. 15, § 1, eff. Jan. 1, 1950. Amended by P.A. 82-783, Art. XI, § 5, eff. July 13, 1982; P.A. 85-324, § 1, eff. Jan. 1, 1988.

Formerly Ill. Rev. Stat. 1991, ch. 5, ¶ 80a.

¹735 ILCS 5/3-101 et seq.

²735 ILCS 5/3-101.

90/21. § 21. Repealed by Laws 1933, p. 11, § 1, eff. July 6, 1933

90/22. Valuations of provisions of Act

§ 22. Any person who shall violate any of the provisions of this Act with reference to the sale, shipment, transportation, receipt or delivery of nursery stock without inspection or certificate, or with reference to treatment of nursery stock, plants, plant products or other property; or who shall forge, counterfeit, deface, alter, destroy or wrongfully use a certificate belonging to another person or fail to obtain a certificate of inspection of nursery dealer's certificate; or who shall use a certificate after it has been suspended or revoked or has expired; or who shall transport, receive or convey any article into the State of Illinois violation of any proclamation of the Governor or regulation of the Department or any Federal quarantine, or who, having received the same directly or indirectly shall refuse to dispose of the same as the Department may direct; or who shall violate any proclamation of the Governor or quarantine or rule, regulation or order of the Department as provided for in this Act; or who shall be adjudged

guilty of a business offense and shall be subject to a fine of not less than \$1,000 nor more than \$10,000. The fines collected under this Act shall be paid to the Department and by it paid into the Pesticide Control Fund, Director as Trustee, to be used for the administration of this Act.

Any person who impedes, obstructs, hinders or otherwise prevents or attempts to prevent the Director in the performance of official duties shall be guilty of a Class B misdemeanor for the first violation and guilty of a Class A misdemeanor for subsequent violations. Any person using physical force against the Director in the performance of official duties shall be guilty of a Class 4 felony.

Laws 1927, p. 9, § 22, eff. July 1, 1927. Amended by P.A. 77-2486, § 1, eff. Jan. 1, 1973; P.A. 85-324, § 1, eff. Jan. 1, 1988.

Formerly Ill. Rev. Stat. 1991, ch. 5, ¶ 82.

90/22.01. Administrative monetary penalty

§ 22.01. When an administrative hearing is held, the hearing officer shall upon determination of a violation, on a per-occurrence basis, assess an appropriate administrative monetary penalty. The Department shall collect the administrative monetary penalty which will be paid to the Pesticide Control Fund to be used for the administration of this Act for the following violations.

I. A fine of \$150 shall be imposed for each of the following violations:

- Thwarting or hindering an inspection authorized by this Act by misrepresenting or concealing facts or conditions.

- Selling, offering or exposing for sale, or distributing nursery stock which is not accompanied by a shipping tag or label bearing a copy of the certificate of inspection or nursery dealer's certificate.
- Failing to comply with any of the provisions of this Act, or the rules and regulations promulgated hereunder for which a fine for a specific violation is not specified.
- Making a false declaration of acreage or causing any concealment of nursery stock from inspection by the Department.
- Selling, offering for sale, or distributing nursery stock or other article infested with injurious insect pests or infected with injurious plant diseases.

II. A fine of \$300 shall be imposed for each of the following violations:

- Failing to carry out the treatment or destruction of any plant pest or regulated article in accordance with official notification from the Director.
- Selling, transporting, or offering for sale nursery stock which has not been inspected and which is not covered by a valid certificate of inspection.
- Selling offering or exposing for sale or delivering any nursery stock without having a current certificate of inspection or nursery dealer's certificate.

III. A fine of \$500 shall be imposed for each of the following violations:

- Using an invalid, suspended, or revoked nursery certificate or nursery dealer's certificate in the sale or distribution of nursery stock.
- Neglecting or refusing to comply with provisions of this Act or any lawful order of the Director.
- Moving any regulated article into or out of a quarantined area unless such regulated article has been treated or handled as provided by the requirements of said quarantine.
- Selling, installing or otherwise distributing nursery stock or other article, which has been placed on stop-sale.

Any penalty not paid within 60 days of notice from the Department shall be submitted to the Attorney General's office for collection. Failure to pay a penalty shall also be grounds for suspension revocation of certificates and permits.

Laws 1927, p. 9, § 22.01, added by P.A. 85-324, § 1, eff. Jan. 1, 1988.

Formerly Ill. Rev. Stat. 1991, ch. 5, ¶ 82a.

90/22.02. Injunctions

§ 22.02. The Director may file a complaint and apply for the circuit court may grant a temporary restraining order or preliminary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this Act or any rules and regulations promulgated under the Act notwithstanding the existence of other judicial remedies. Any such injunction may be entered without notice and without bond.

Laws 1927, p. 9, § 22.02, added by P.A. 85-324, § 1, eff. Jan. 1, 1988.

Formerly Ill. Rev. Stat. 1991, ch. 5, ¶ 82b.

90/22.03. Administrative hearings

§ 22.03. The Department is authorized to hold administrative hearings to determine violations of the Act and compliance with provisions of this Act. All administrative decisions are subject to hearings shall be conducted in accordance with the provisions of this Act and the Illinois Administrative Procedure Act.¹

At the time and place fixed in the hearing notice, the Department shall proceed to hear the matter and any charges made and both the respondent and any complaint shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence and argument as may be pertinent to the matter or charges or to any defense thereto. The Department may continue such hearing from time to time.

The Department, over the signature of the Director, is authorized to issue subpoenas and to bring before the Department any person or persons in this State and to take testimony either orally or by deposition or by exhibit with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings and civil cases in circuit courts of this State. The Director is authorized to issue subpoenas duces tecum on any or all records relating to a nursery or nursery dealer's business. The Director may administer oaths to witnesses at any hearing which the Department is authorized by law to conduct.

Laws 1927, p. 9, § 22.03, added by P.A. 85-324, § 1, eff. Jan. 1, 1988

Formerly Ill. Rev. Stat. 1991, ch. 5, ¶ 82c.

¹5 ILCS 100/1-1 et seq.

90/22.04 Stop-sale order

§ 22.04. The Director, upon finding injurious insects or other pests or plant diseases present in a nursery or in nursery stock, or a not viable nursery stock as set forth in Section 29, may issue a stop-sale order against such plants. Plants placed on stop-sale shall be conspicuously tagged, either individually or in blocks, provided that such infested stock is clearly separable, if possible, from noninfested stock, and that such physical separation is effected and maintained. The stop-sale order shall contain the following.

- the reason for the issuance of the stop-sale order;
- a description of the nursery stock placed on stop-sale;
- the date upon which such order became effective.

Stop-sale tags shall not be removed from nursery stock until such stock meets the requirements of this Act and removal is authorized written permission of the Director or upon disposal of the infested stock in a manner authorized by the Director. The Director may restrict or restrain the transportation of any nursery stock which has been placed on stop-sale, or may prescribe conditions under which such nursery stock may be transported. It is unlawful to sell, install or otherwise distribute nursery stock which has been placed on stop-sale.

Laws 1927, p. 9, § 22.04, added by P.A. 85-324, § 1, eff. Jan. 1, 1988

Formerly Ill. Rev. Stat. 1991, ch. 5, ¶ 82d.

90/23. Partial unconstitutionality of Act

§ 23. If any section or part of a section of this Act shall, for any cause be held unconstitutional, such fact shall not affect the remainder of this Act.

Laws 1927, p. § 23, eff. July 1, 1927.

Formerly Ill. Rev. Stat. 1991, ch. 5, ¶ 83.

90/24. § 24. Repealer [Act repealed omitted]

Formerly Ill. Rev. Stat. 1991, ch. 5, ¶ 84.

90/25. § 25. Emergency

Formerly Ill. Rev. Stat. 1991, ch. 5, ¶ 85.

90/26 to 90/27. §§ 26 to 27. Repealed by Laws 1927, p. 9, § 24, eff. July 1, 1927.

90/28. Reciprocal agreements with other states

§ 28. The Director is hereby authorized and empowered to enter into such reciprocal agreements and contracts as he may deem expedient, with the proper authorities of other states regulating the shipment, selling and tracking of nursery stock in the State of Illinois by persons residing and located outside of the State of Illinois, in accordance with the provisions of this Act.

Laws 1927, p. 9, § 28, added by Laws 1955, p. 418, § 1, eff. July 1, 1955. Amended by P.A. 85-324, § 1, eff. Jan. 1, 1988.

Formerly Ill. Rev. Stat. 1991, ch. 5, ¶ 87a.

90/29. Storage or display of nursery stock-Removal of non-viable or damaged stock

§ 29. Any person, firm, association or corporation who maintains sales yard, stores, garden centers or any place where nursery stock is sold, must keep such stock stored or displayed under conditions which will maintain its vigor and it must be prevented from becoming devitalized or weakened by drying out or by excessive heat or cold. Only sound healthy nursery stock stored or displayed under conditions which will maintain its vigor may be offered for sale. Any duly authorized inspector of the Department may order the removal from sale any nursery stock which is not viable or is in such damaged or desiccated condition as to be incapable of reasonable growth.

Laws 1927, p. 9, § 29, added by P.A. 76-708, § 1, eff. Aug. 7, 1969.
Amended by P.A. 85-324, § 1, eff. Jan 1, 1988.

Formerly Ill. Rev. Stat. 1991, ch. 5, ¶ 87a01.

90/30. Rules and regulations

§ 30. The Director may issue rules and regulations and orders s may be needed to carry out this Act. Further, the Director may establish by regulation fees for the inspection and certification of nurseries, nursery stock dealers, greenhouses and for other inspections, certifications and permits. These fees will be paid into the Pesticide Control Fund to be used for the administration of this Act. Before adopting or revising such fee regulations, the

Director must have a public hearing. Notice of such hearing shall be made at least 30 days prior to such a public hearing

Laws 1927, p. 9, § 30, added by P.A. 76-708, § 1, eff. Aug. 7, 1969. Amended by P.A. 80-519, § 1, eff. Oct. 1, 1977; P.A. 85-324, § 1, eff. Jan. 1, 1988.

Formerly Ill. Rev. Stat. 1991, ch. 5, ¶ 87a02.

65 ILCS 5/11-20-6 WEED DESTRUCTION

5/11-20-7. Weed cutting-Costs-Lien-Notice-Filing

§ 11-20-7. The corporate authorities of each municipality may provide for the cutting of weeds in the municipality, when the owners of real estate refuse or neglect to cut them and to collect from the owners of private property the reasonable cost thereof. This cost is a Lien upon the real estate affected, superior to all other lien and encumbrances, except tax liens; provided that within 60 days after such cost and expense is incurred the municipality, or person performing the service by authority of the municipality, in his or its own name, files notice of lien in the office of the recorder in the county in which such real-estate is located or in the office of the Registrar of Titles of such county if the real estate affected is registered under the Torrens system. The notice shall consist of a sworn statement setting out (1) a description of real-estate sufficient for identification thereof, (2) the amount of money representing the cost and expenses incurred or payable for the service, and (3) the date or dates when such cost and expenses incurred by the municipality. However, the lien of such municipality shall not be valid as to any purchaser whose rights

in and to such real estate have been arisen subsequent to the weed-cutting and prior to the filling of such notice. Upon payment of the cost and expense by the owner of or persons interested in such property after notice of lien has been filed and the release may be filed of record as in the case of filing notice of lien.

The cost of the cutting of weeds shall not be lien on the real estate affected unless a notice is personally served on, or sent by certified mail to, the person to whom was sent the tax bill for general taxes on the property for the last preceding year. The notice shall state the substance of this Section and the substance of any ordinance of the municipality implementing this Section and shall identify the property, by common description, and the location of the weeds to be cut.

Laws 1961, p. 576, § 11-20-7, eff. July 1, 1961. Amended by P.A. 83-358, § 16, eff. Sept. 14, 1983; P.A. 88-355, § 5, eff. Aug. 16, 1993.

Formerly Ill. Rev. Stat. 1991, ch. 24, ¶ 11-20-7.

**65 ILCS 5/11-20-11
DUTCH ELM DISEASE
(Control and Eradication)**

5/11-20-11. Dutch elm disease-Control and eradication

§ 11-20-11. The corporate authorities of each municipality may adopt reasonable regulations for the control and eradication of a fungus disease of elms caused by *Graphium ulmi*, commonly known as Dutch elm disease or elm blight, and of other plant diseases.

Laws 1961, p. 576.\, § 11-20-11, added by Laws 1965, p. 3168, § 1, eff. Aug. 20, 1965.

Formerly Ill. Rev. Stat. 1991, ch. 24, ¶ 11-20-11.

**65 ILCS 5/11-20-12
DUTCH ELM DISEASE
(Removal of trees-costs)**

5/11-20-12. Dutch elm disease-Removal of trees-Costs

§ 11-20-12. The corporate authorities of each municipality may provide for the removal of elm trees infected with Dutch elm disease from property not owned by the municipality or dedicated for public use when the owner of such property refuses or neglects to remove any such tree, and to collect from the property owner the reasonable cost thereof. This cost is a lien upon the real estate affected, superior to all other liens and encumbrances, except tax liens; provided that notice has ben given as herein after described, and further provided that within 60 days after such cost and expense is incurred the municipality, or person performing the service by authority of the municipality, in his or its own name, files notice of lien in the office of the recorder in the county in which such real estate is located or in the office of the Registrar of Titles of such county if the real estate affected is registered under "An Act concerning land titles", approved May 1, 1879, as amended. ¹ The notice shall consist of a sworn statement setting out (1) a description of the real estate sufficient for identification thereof, (2) the amount of money representing the cost and expense incurred or payabloe for the service, and (3) the date or dates when such cost and expense was incurred by the municipality. However, the lien of such

municipality shall not be valid as to any purchaser whose rights in and to such real estate have arisen subsequent to the tree removal and prior to the filing of such notice. Upon payment of the cost and expense by the municipality or person in whose name the lien has been filed and the release of record as in the case of filing notice of lien.

The cost of such tree removal shall not be a lien upon the real estate affected unless a notice shall be personally served or sent by registered mail to the person to whom was sent the tax bill for the general taxes for the last preceding year on the property, such notice to be delivered or sent not less than 30 days prior to the removal of the tree or trees located thereon. The notice shall contain the substance of this section, and of any ordinance of the municipality implementing its provisions, and identify the property, by common description, and the tree or trees affected.

Laws 1961, p. 576, § 11-20-12, added by Laws 1965, p. 3168 § 1, eff. Aug. 20, 1965. Amended by P.A. 83-358, § 16, eff. Sept. 14, 1983.

Formerly Ill. Rev. Stat. 1991, ch. 24, ¶ 11-20-12.

¹ 765 ILCS 35/1 et seq.

65 ILCS 5/11-42-13 ARBORIST

5/11-42-13. Arborist or tree expert

§ 11-42-13. The corporate authorities of each municipality may require that an "arborist or tree expert", as defined in this Section, be registered by the municipality to do business within that municipality. As used in this Section, "arborist or tree expert" means any person who, for profit, diagnoses the condition of shade or ornamental trees

and shrubs and recommends or supervises the treatment of any such trees, or in any manner treats any such trees, by feeding or fertilizing, or by pruning, trimming, bracing, treating cavities or other methods. However, no municipality may charge a fee for such registration. Any person acting within the scope of his or her employment with any public utility shall be exempt from such registration. Any municipality which requires such registration may exempt from such registration any person acting within the scope of his or her employment with the municipality.

Laws 1961, p. 576, § 11-42-13, added by P.A. 85-854, Art. II, § 1, eff. Sept. 24, 1987.

Formerly Ill. Rev. Stat. 1991, ch. 24, ¶ 11-42-13.

65 ILCS 5/11-72-1 thru 65 ILCS 5/11-73.1-4 TREES AND FORESTRY

5/11-72-1. Authorization

§ 11-72-1. The corporate authorities of each municipality may plant trees upon the streets and other municipal property.

Laws 1961, P. 576, § 11-72-1, eff. July 1, 1961.

Formerly Ill. Rev. Stat. 1991, cf. 24, ¶ 11-72-1.

5/11-73-1. Tax levy

§ 11-73-1. The corporate authorities of any municipality may levy, annually, a tax of not to exceed .05% of the value, as equalized or assessed by the Department of Revenue, of all taxable property therein, for the current year, to provide for the establishment and maintenance of a long term forestry program for the propagation and preservation of community trees and for the removal of dead or diseased trees in the municipality. This tax shall be in addition to all taxes authorized by law to be levied and collected in the municipality and shall be in addition to the amount authorized by law to be levied for general purposes as provided by Section 8-3-1.

Laws 1961, p. 576, § 11-73-1, eff. July 1, 1961. Amended by P.A. 77-896, § 1, eff. Aug. 17, 1971; P.A. 81-1509, Art, IV, § 34, eff. Sept. 26, 1980.

Formerly Ill. Rev. Stat. 1991, ch. 24, ¶ 11-73-1.

5/11-73-2. Referendum

§ 11-73-2. This Division 73 shall not be in force in any municipality until the question of its adoption is submitted to the electors of the municipality and approved by a majority of those voting on the question. The municipal clerk shall certify the question to the proper election authority shall submit the question at a election in accordance with the general election law. ¹

The question shall be in substantially the following form:

Shall Division 73 of the Illinois
Municipal Code permitting munici-

palities to levy an additional annual tax of not to exceed .05% for the establishment and maintenance of a long term forestry program for the propagation and preservation of community trees and for the removal of dead or diseased trees be adopted?

YES

NO

If a majority of the votes cast on the question are in favor of adopting this **Division 73**, the division is adopted. It shall be in force in the adopting municipality for the purpose of the fiscal years succeeding the year in which the election is held.

Laws 1961, p. 576, § 11-73-2, eff. July 1, 1961. Amended by P.A. 81-1489, § 26, eff. Dec. 1, 1980.

Formerly Ill. Rev. Stat. 1991, ch. 24, ¶ 11-73-2.

5/11-73.1-1. Definitions

§ 11-73.1-1. The following terms whenever used or referred to in this Division shall have the following meanings unless the context require otherwise:

- ✓ "Governing body" means, with respect to a municipality, the council, city council, board of trustees, or other corporate authority of the municipality which exercises the general governmental powers of such municipality.
- ✓ "Municipality" means a city, village or incorporated town in the State of Illinois which establishes a municipal tree planting program.

- ✓ "Long-term contract" means an agreement with a duration of 10 years or less.
- ✓ "Municipal tree planting program" means a plan established by a municipality which provides for the planting of trees on property located within the municipality.

Laws 1961, p. 576, § 11-73.1-1, added by P.A. 83-1466, § 1, eff. Jan. 1, 1985.

Formerly Ill. Rev. Stat. 1991, ch. 24, ¶ 11-73.1-1.

5/11-73.1-2. Municipal tree planting programs

§ 11-73.1-2. Municipal tree planting programs. Any municipality may by ordinance establish a tree planting program. Any municipality or any 2 or more municipalities, contiguous or noncontiguous, may by ordinance adopted by the governing body of each municipality enter into long term contracts with a vendor of trees for the purchase and delivery of such trees as may be necessary and appropriate for, and consistent with an established tree planting program.

Laws 1961, p. 576, § 11-73.1-2, added by P.A. 83-1466, § 1, eff. Jan. 1, 1985.

Formerly Ill. Rev. Stat. 1991, ch. 24, ¶ 11-73.1-2.

5/11-73.1-3 Appropriations

§ 11-73.1-3. Each municipality shall have full power and authority, subject to the provisions of its charter and laws regarding local finance, to appropriate money for the payment of expenses related to a tree planting program.

Laws 1961, p. 576, § 11-73.1-3, nadded by P.A. 83-1466, § 1, eff. Jan. 1, 1985.

Formerly Ill. Rev. Stat. 1991, ch. 24, ¶ 11-73.1-3.

5/11-73.1-4. Performance of acts-Officers and employees

§ 11-73.1-4. A municipality may perform any act authorized by this Division through, or by means of, its officers, agents or employees or by contract with others, including, without limitation, the employment of engineers, landscapers, attorneys and other such consultants as may be required in the judgement of the governing body of the municipality.

Laws 1961, p. 576, § 11-73.1-4, added by P.A. 83-1466, § 1, eff. Jan. 1, 1985.

Formerly Ill. Rev. Stat. 1991, ch. 24, ¶ 11-73.1-4.

55 ILCS 5/5-1077 ERADICATION OF FUNGOUS (Counties Code)

5/5-1077. Eradication of fungous elm disease

§ 5-1077. Eradication of fungous elm disease. A county board may adopt reasonable regulations for the control and eradication of a fungous disease of elms caused by *Graphium ulmi*, commonly known as Dutch elm disease or elm blight. Such regulations shall be applicable to all area outside corporate limits of any municipality. No such regulation shall permit the use of poisonous sprays.

P.A. 86-962, Art. 5, § 5-1077, eff. Jan. 1, 1990.

Formerly Ill. Rev. Stat. 1991, ch. 34, ¶5-1077.

**65 ILCS 5/11-20-11
CONTROL AND ERADICATION OF FUNGOUS
(Illinois Municipal Code)**

5/11-20-11. Dutch elm disease-Control and eradication

§ 11-20-11. The corporate authorities or each municipality may adopt reasonable regulations for the control and eradication of a fungus disease of elms caused by *Graphium ulmi*, commonly known as Dutch elm disease or elm blight, and of other plant diseases.

Laws 1961, p. 576, § 11-20-11, added by Laws 1965, p. 3168, § 1, eff. Aug. 20, 1965.

Formerly Ill. Rev. Stat. 1991, ch. 24, ¶11-20-11.

**30 ILCS 735/1 thru 30 ILCS 735/7
URBAN AND COMMUNITY FORESTRY ASSISTANCE ACT**

735/1. Short title

§ 1. Short title. This Act may be cited as the Urban and Community Forestry Assistance Act.

P.A. 83-1492, § 1, eff. Dec. 11, 1984. Amended by P.A. 89-172, § 5, eff. Jan. 1, 1996.

Formerly Ill. Rev. Stat. 1991, ch. 96 $\frac{1}{2}$, ¶ 9301.

735/2. Definitions

§ 2. Definitions. As used in this Act, unless the context otherwise requires, the following terms have the meanings ascribed to them in this Section:

"Applicant" means a unit of local government. An Illinois chartered not-for-profit corporation as defined in the *General Not-for-Profit Corporation Act of 1986*^I can be a co-applicant with a unit of local government.

"Department" means the Department of Natural Resources.

"Director" means the Director of Natural Resources.

"Urban/Community Forestry Proposal" means a written proposal documenting proposed action to be implemented to complete a specific project approved by the Department under this Act.

"Urban/Community Forestry Management Plan" means a comprehensive document used to guide urban/community forestry management decisions. It contains information on history, policy, budget, inventory analysis of the forest ecosystem resources and management prescriptions, and other information prescribed by rules promulgated by the Department.

P.A. 83-1492, § 2, eff. Dec. 11, 1984. Amended by P.A. 89-172, § 5, eff. Jan. 1, 1996; P.A. 89-445, § 9A-34, eff. Feb. 7, 1996.

Formerly Ill. Rev. Stat. 1991, ch. 96 $\frac{1}{2}$, ¶ 9302.

^I805 ILCS 105/101.01 et. seq.

P.A. 89-445 incorporated the amendment by P.A. 89-172.

735/3. Administration of Act; rules

§ 3. Administration Act; rules. The Department of Natural Resources shall administer this Act and shall promulgate and periodically update rules and regulations for that purpose.

P.A. 83-1492, § 3, eff. Dec. 11, 1984. Amended by P.A. 89-172, § 5, eff. Jan. 1, 1996; P.A. 89-445, § 9A-34, eff. Feb. 7, 1996.

Formerly Ill. Rev. Stat. 1991, ch. 96 $\frac{1}{2}$, ¶ 9303.

P.A. 89-445, incorporated the amendment by P.A. 89-172.

735/4. Duties of department

§ 4. Duties of Department. The Department shall:

- ✓ Promote the development of plans and programs for the establishment, management, and conservation of the urban/community forest with units of local government.
- ✓ Provide technical assistance, planning, and analysis for projects related to urban/community forestry.
- ✓ Seek and review for approval acceptable Urban/Community Forestry Proposals submitted by applicants within the State.
- ✓ Provide assistance to units of local government and to grant recipients regarding urban/community forestry management, such as tree care, disease and insect problems, and tree planting and maintenance.
- ✓ Provide information to the Illinois Council on Forestry Development and other appropriate agencies and units of government with regard to urban/community forestry.

P.A. 83-1492, § 4, eff. Dec. 11, 1984. Amended by P.A. 89-172, § 5, eff. Jan. 1, 1996.

Formerly Ill. Rev. Stat. 1991, ch. 96 $\frac{1}{2}$, ¶ 9304.

735/5. Application for assistance-Forestry plan

§ 5. Application for assistance; forestry plan.

- ✓ Applicants may submit an Urban/Community Forestry Proposal for assistance under the provisions of this Act.
- ✓ Requests for grant assistance shall include, but not limited to, those activities that will implement a portion of the applicant's forestry program or forestry management plan or will lead to the development of a forestry management plan for the unit of local government.
- ✓ Multiple applicants may apply jointly for assistance under this Act.
- ✓ The Department shall evaluate the application and notify the applicant of the qualification or non-qualification of the application. The evaluation shall consider, among other factors, the effect of the proposal on each of the following.
 - ✓ The facilitation of improvements to the quality of the environment in forests and green space areas within the applicant's jurisdiction through the improved management and preservation of the urban/community forest resources for the common good, health, welfare, and safety of the citizens of this State.
 - ✓ The creation of employment opportunities in tree maintenance and related urban/community forestry activities.

- ✓ Maximizing the potential of tree and vegetative cover in reducing energy consumption.
- ✓ The establishment and commitment to the management and improvement of the forest resources of the community.
- ✓ An increased public awareness.
- ✓ Increased participation of local citizenry and volunteers.

P.A. 83-1492, § 5, eff. Dec. 11, 1984. Amended by P.A. 89-172, § 5, eff. Jan. 1, 1996.

Formerly Ill. Rev. Stat. 1991, ch. 96 $\frac{1}{2}$, ¶ 9305.

735/6. Grants; sources and amounts

§ 6. *Grants; sources and amounts.* Urban/Community Forestry Assistance Grants shall be made available from appropriations from the General Revenue Fund, Illinois Forestry Development Fund, or other sources as appropriated by the General Assembly. The grants shall be limited to projects for which the applicant will provide at least 50% of the cost. A single grant to a unit of local government shall not exceed 5% of the amount allocated for the grant program by the Department in current fiscal year.

In the event that any of the municipality's contribution to the payment of the cost of the program is to be made by contribution of in kind service, the application shall set forth in detail how such contribution will be made.

Units of local government may delegate program administration, including the receipt and expenditure of funds, to special boards by ordinance.

P.A. 83-1492, § 6, eff. Dec. 11, 1984, Amended by P.A. 89-172, § 5, eff. Jan. 1, 1996.

Formerly Ill. Rev. Stat. 1991, ch. 96 $\frac{1}{2}$, ¶ 9306.

735/7. Audit

§ 7. Audit. All records, receipts, expenditures, and program activities of an applicant are subject to audit by the Department.

P.A. 83-1492, § 7, eff. Dec. 11, 1984. Amended by P.A. 89-172, § 5, eff. Jan. 1, 1996.

Formerly Ill. Rev. Stat. 1991, ch. 96 $\frac{1}{2}$, ¶ 9307.

20 ILCS 805/63a8 PROTECTION OF FORESTS

805/63a8. Protection of forests-Promotion of forestry and forestry management

§ 63a8. To take such measures for the promotion of planting, encouragement, protection and conservation of forests and to promote forestry in this State, including but not limited to reforestation, woodland management, fire management and forest marketing and utilization, to exercise the rights, powers and duties in relation thereto as may be conferred by law, to promote sound forestry management as described by the "Illinois Forestry Development Act",¹ and to carry out the functions ascribed to the Department by that Act.

Laws 1917, p. 2, § 63a, added by laws 1925, p. 585, § 1, eff. July 1, 1925. Amended by Laws 1941, p. 1224, § 1, eff. July 21, 1941; Laws 1947, p. 1643, § 1, eff. July 8, 1947; Laws 1949, p. 1530, § 1, eff. July 23, 1949; Laws 1951, p. 850, § 1, eff. July 1, 1951; Laws 1955, p. 1254, § 1, eff. July 8, 1955; Laws 1955, p. 1610, § 1, eff. July 11, 1955; Laws 1955, p. 1627, § 1, eff. July 11, 1955; Laws 1957, p. 1660, § 1, eff. July 6, 1957, Laws 1959, p. 2065, § 1, eff. July 22, 1959; Laws 1961, p. 1969, § 1, eff. July 25, 1961; Laws 1963, p. 2060, § 1, eff. July 25, 1963; Laws 1965, p. 366, § 1, eff. July 1, 1965; Laws 1965, p. 2392, § 1, eff. Aug. 2 1965. Resectioned in part § 63a8 and amended by Laws 1967, p. 1088, § 1, eff. July 1, 1967. Amended by P.A. 77-483, § 1, eff. July 27, 1971; P.A. 83-446, § 12, eff. Sept. 17, 1983; P.A. 85-150, § 10, eff. Jan. 1, 1988.

Formerly Ill. Rev. Stat. 1991, ch. 127, ¶ 63a8.

¹ 525 ILCS 15/1 et seq.

65 ILCS 5/11-60-1 ISSUANCE AND REVOCATION OF LICENSES

5/11-60-1. Issuance and revocation of licenses

§ 11-60-1. The corporate authorities of each municipality may fix the amount, terms, and manner of issuing and revoking licenses.

Laws 1961, p. 576, § 11-60-1, eff. July 1, 1961.

Formerly Ill. Rev. Stat. 1991, ch. 24, ¶ 11-60-1.

65 ILCS 5/11-60-2
DEFINITION AND ABATEMENT OF NUISANCES

5/11-60-2. Definition and abatement of nuisances

§ 11-60-2. The corporate authorities of each municipality may define, prevent, and abate nuisances.

Laws 1961, p. 576, § 11-60-2, eff. July 1, 1961.

Formerly Ill. Rev. Stat. 1991, ch. 24, ¶ 11-60-2.

65 ILCS 5/11-80-2
CITIES AND VILLAGES
(Use of streets)

5/11-80-2. Use of streets.

§ 11-80-2. The corporate authorities of each municipality may regulate the use of the streets and other municipal property.

Laws 1961, p. 576, § 11-80-2, eff. July 1, 1961.

Formerly Ill, Rev. Stat. 1991, ch. 24, ¶ 11-80-2.

**65 ILCS 5/11-80-3
CITIES AND VILLAGES
(Obstruction upon streets)**

5/11-80-3. Obstruction upon streets

§ 11-80-3. The corporate authorities of each municipality may prevent and remove encroachments or obstruction upon the streets and other municipal property.

Laws 1961, p. 576, § 11-80-3, eff. July 1, 1961.

Formerly Ill. Rev. Stat. 1991, ch. 24, ¶ 11-80-3.

**65 ILCS 5/11-80-6
CITIES AND VILLAGES
(Cleaning of streets)**

5/11-80-6. Cleaning of streets

§ 11-80-6. The corporate authorities of each municipality may provide for the cleaning of streets and other municipal property.

Laws 1961, p. 576, § 11-80-6, eff. July 1, 1961.

Formerly Ill. Rev. Stat. 1991, ch. 24, ¶ 11-80-6.