

CHAPTER 15

TREES

SECTION:

- 5-15-1: Definitions
- 5-15-2: Creation and Establishment of a Tree Board
- 5-15-3: Term of Office
- 5-15-4: Compensation
- 5-15-5: Duties and Responsibilities
- 5-15-6: Operation
- 5-15-7: Street Tree Species to be Planted
- 5-15-8: Spacing
- 5-15-9: Distance from Curb and Sidewalk
- 5-15-10: Distances from Street Corners and Fireplugs
- 5-15-11: Utilities
- 5-15-12: Public Tree Care
- 5-15-13: Tree Topping
- 5-15-14: Pruning, Corner Clearance
- 5-15-15: Dead or Diseased Tree Removal on Private Property
- 5-15-16: Removal of Stumps
- 5-15-17: Interference with the Dakota Tree Board
- 5-15-18: Review by the Dakota Tree Board
- 5-15-19: Unlawful Acts
- 5-15-20: Penalty

5-15-1: **DEFINITION:**

STREET TREES: "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the Village.

PARK TREES: "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the Village, or to which the public has free access as a park.

5-15-2: **CREATION AND ESTABLISHMENT OF A TREE BOARD:** There is hereby created and established a Village of Dakota Tree Board. It shall consist of 3 Village Trustees appointed by the Village President with the approval of the entire board.

5-15-3: **TERM OF OFFICE:** The term of office shall be 1-4 years depending on the trustee's term of office.

5-15-4: **COMPENSATION:** Members of the Dakota Tree Board shall serve without compensation other than that received as Village Trustees.

5-15-5: **DUTIES AND RESPONSIBILITIES:** It shall be the responsibility of the Board to study, investigate, council and develop and/or update as required, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such a plan will be presented to the Board of Trustees and upon their acceptance and approval shall constitute the official comprehensive tree plan for the Village of Dakota, Dakota, Illinois.

The Dakota Tree Board, when requested by the Village Board, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

5-15-6: **OPERATION:** The Tree Board shall choose its own Chairman, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

5-15-7: **STREET TREE SPECIES TO BE PLANTED:** The attached list constitutes the official Street Tree species for Dakota, Illinois. No species other than those included in this list may be planted as Street Trees or in parkways without the written permission of the Dakota Tree Board.

5-15-8: **SPACING:** The spacing of Street Trees will be in accordance with the two species size classes listed on the Dakota Official Tree List and no trees may be planted closer together than the following: SMALL TREES, 25 feet; LARGE TREES, 40 feet; except in special plantings designed or approved by the Dakota Tree Board.

5-15-9: **DISTANCE FROM CURB AND SIDEWALK:** The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the two species size classes listed on the Dakota Official Tree List, and no trees may be planted closer to any curb or sidewalk than the following: SMALL TREES, 1.5 feet; LARGE TREES, 3 feet.

5-15-10: **DISTANCES FROM STREET CORNERS AND FIREPLUGS:**
No Street Tree shall be planted closer than 30 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No Street Tree shall be planted closer than 10 feet of any fireplug.

5-15-11: **UTILITIES:** No Street Tree, other than those species listed as SMALL TREES on the Dakota Official Tree List, may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

5-15-12: **PUBLIC TREE CARE:** The Village shall have the right to plant, prune, maintain, and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The Dakota Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location of said tree is in accordance with Section 7 through 11 of this ordinance.

5-15-13: **TREE TOPPING:** It shall be unlawful as a normal practice of any person, firm, or city department to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back on limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the Dakota Tree Board.

5-15-14: **PRUNING, CORNER CLEARANCE:** Every owner of any tree overhanging any street or right-of-way within the Village shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. Said owner shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The Village shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with the visibility of any traffic control device or sign.

No Conifers (evergreen) trees shall be planted any closer than 45 feet from any street corners, or near any driveway where they could obstruct the view of the street and oncoming traffic. The same is true for trees which have a bushy growing style.

5-15-15: **DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY:** The Village shall have the right to cause the removal of any dead or diseased trees on private property within the Village when such trees constitute a hazard to life and property, or harbor insects and disease which constitute a potential threat to other trees within the Village. The Dakota Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

5-15-16: **REMOVAL OF STUMPS:** All stumps of Street and Park Trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

5-15-17: **INTERFERENCE WITH THE DAKOTA TREE BOARD:** It shall be unlawful for any person to prevent, delay, or interfere with the Dakota Tree Board, or any of its agents, while engaging in and about the planting, cultivation, mulching, pruning, spraying, or removing of any Street or Park Trees, or trees on private grounds, as authorized in this ordinance (Section 5-15-15).

5-15-18: **REVIEW BY THE DAKOTA VILLAGE BOARD:** The Village Board shall have the right to review the conduct, acts and decisions of the Dakota Tree Board. Any person may appeal from any ruling or order of the Dakota Tree Board to the Dakota Board of Trustees who may hear the matter and make final decision.

5-15-19: **UNLAWFUL ACTS:** It shall be unlawful to trim, prune, or cut down any tree or shrub in any street, parkway, or other public place without securing permission from the Tree Board.

It shall be unlawful to injure any tree or shrub planted in any public place.

It shall be unlawful to attach any sign, advertisement or notice to any tree or shrub in any parkway, street or other public way.

It shall be unlawful for any person making an excavation in any street or other public way to injure the roots of any tree or shrub. Any excavation that involves the damage of street tree roots requires permission from the Tree Board.

5-15-20: **PENALTY:** Any person violating any provision of this ordinance shall be, upon convicted or a pleas of guilty, subject to a fine not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) per offense.

Official Street Tree List
For
The Village Of Dakota

Small Trees (30Ft)

Flowering Crabapple	Maple, Amur	Redbud
Hornbeam, American	Maple, Japanese	Serviceberry
Hornbeam, Eastern Hop	Mountain Ash, European	
Hawthorn (thornless)	Purple Leaf Plum	

Medium Trees (30ft - 40ft)

Bradford Pear	Maple, Red (cultivars)
Corktree, Amur	Maple, Schwelder
Linden, Littleleaf (cultivars)	Maple, Crimson King
Linden, Redmond	Japanese Pagodatree
Maple, Norway (cultivars)	Birch, River

Large Trees (Over 40 ft)

Ash, White (cultivars)	Honeylocust (thornless)
Ash, Green (cultivars)	Linden (cultivars)
Basswood	Maple, Sugar (cultivars)
Bald Cypress	Oak, Northern Red
Beech, American	Oak, Bur
Beech, European	Oak, White
Coffeetree, Kentucky	Oak, Chinquapin
Gingko (male)	Yellow Poplar
Hackberry, Common	Horse Chestnut, Common

Shrubs

Yews	Junipers
Dogwoods	Eyonymus
Arborvitae	Viburnums
Cranberry, High Bush	Mugho Pine

Evergreen Trees

Cedar, Eastern Red	Spruce, Colorado
Fir, Concolor	Spruce, Norway
Hemlock	Spruce, White
Larch, American	Spruce, Serbian
Larch, European	Pine, Austrian
Pine, Red	Pine, White