ORDINANCE NO. 18360

ORDINANCE AMENDING CHAPTER 26, DIVISION 2, ARTICLE VI, TREE, SHRUB, AND PLANT REGULATIONS AND REPEALING CHAPTER 8, DIVISION 3, DISEASED TREES
(Creating unified tree ordinance)

WHEREAS, the Mayor and City Council of the City of Joliet, Illinois (City) has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, the Mayor and City Council recognize the importance of and benefit that trees provide to the community; and

WHEREAS, the Mayor and City Council recognize that a healthy urban forest will enhance the quality of life for all residents; and

WHEREAS, the City of Joliet is a home rule unit of local government.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF JOLIET, ILLINOIS, PURSUANT TO ITS STATUTORY AND HOME RULE AUTHORITY, AS FOLLOWS:

SECTION 1: The Mayor and City Council hereby find that the recitals contained in the remainder of this Ordinance are true, correct and complete and are hereby incorporated into this Ordinance by reference.

SECTION 2: That Chapter 8, Division 3, Diseased Trees shall be repealed; Chapter 26, Division 2, Article VI, Tree, Shrub, and Plant Regulations shall be amended to read as follows:

Section 26-128. Tree Preservation.

SECTION 1

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1.1 STATEMENT OF PURPOSE

This Section of the Code is structured to preserve, protect, and enhance critical infrastructure – the portion of the urban forest that is located on all city lands, residentially zoned private parcels of land which are more than one and one-half (1 ½) acres in size, all nonresidential private parcels of land, and all parcels of land for which a Landscape Plan is required by Section 47 of this code.

The complete urban forest is comprised of trees across all land uses and ownership on public and private land. This Section will regulate public property trees but recognizes that trees on private property are part of the collective community resource.

The purpose of this Section is to recognize the services and function the urban forest provides as a collective asset to the entire community and to state the goals of the City of Joliet with respect to the protection, preservation, care and planting of trees on public lands.

Specific goals of this section are to:

A. Protect, preserve, and enhance the quality of life and general welfare of the City of Joliet, its residents, and its property owners; and conserve and enhance the Joliet's natural, physical, and aesthetic environment.

B. Preserve, protect, and enhance the urban forest to ensure that trees are properly planted and maintained within Joliet so that trees can protect, enhance, and preserve the quality of life for people within the city.

C. Recognize that trees are an integral part of the infrastructure of Joliet and as such should be preserved, protected, and cared for as other critical city infrastructure.

    a. Trees absorb pollution from the air;

    b. Trees absorb and sequester carbon dioxide;

    c. Trees absorb and filter pollution from stormwater run-off;

    d. Trees produce oxygen;

    e. Trees reduce flooding;

f. Trees stabilize soils and reduce erosion;

g. Trees cool the surrounding area helping to reduce impacts due to heat islands;

h. Trees reduce energy consumption by shielding structures from harsh winds and sun;

i. Trees provide a buffer and screen against noise, light and pollution;

j. Trees improve property values;

k. Trees improve commercial district buyer traffic and purchasing;

l. Areas with trees have lower crime rates;

m. Areas with trees have higher levels of community interaction;

n. Trees provide important habitat for birds and other wildlife; and

o. Trees protect and enhance our quality of life.

D. Trees provide Joliet collective benefits that extend beyond property boundaries throughout the entire city.

E. Recognize that larger trees provide larger benefits. When a large tree is removed and replaced with a smaller tree the benefits and services are reduced.

F. Recognize that some trees may have a condition that constitutes a threat, danger, or nuisance to the public or property within Joliet or may be dangerous to the health of other trees and vegetation in the city.

1.2 DEFINITIONS

ACCEPTABLE SPECIES LIST	A listing of tree species, identified in Joliet's Urban Forest Management Plan.
ANSI	American National Standards Institute: A non-profit organization that oversees development of voluntary consensus standards.
APPLICANT	An owner of a lot, parcel, or tract of land for which an application has been filed for a permit, subdivision, or any activity requiring the issuance of a permit. A contractor is an agent, acting on behalf of the Applicant – the landowner.

ARBORIST — Any individual experienced in the profession of forestry or a related field and is licensed or certified in forestry by an accredited forestry industry body, e.g., International Society of Arboriculture.

CANOPY — The upper portion of a tree sometimes called the crown. This section of the tree usually contains branches and leaves.

CONTRACT GROWING PROGRAM — A legal agreement between the City of Joliet and a nursery to grow species for planting on public lands guided by the city's Urban Forestry Management Plan.

CUTTING

1. Felling or removal of a tree, or any procedure that results in the death or substantial destruction of a tree.

2. Cutting that does not include normal pruning or trimming of trees consistent with good forestry practices.

DAMAGE — Impact or loss of function to any tree including but not limited to: removal, root compaction, root removal, girdling, soil contamination, topping, pruning more than 20% of the trees, canopy removal, bark removal, poisoning and or/ actions resulting in the decline or death of a tree.

DIAMETER AT BREAST HEIGHT — The diameter of the trunk of the tree measured in inches at a point 4.5 feet above ground line. This forestry standard measurement is used for established and mature trees and is referred to as "DBH". All reference to diameter size shall be to the DBH.

INVASIVE SPECIES — An introduced or exotic species that significantly modifies or disrupts the ecosystem in which it colonizes (e.g., buckthorn).

ISA — International Society of Arboriculture: An international non-profit organization that promotes the professional practice of arboriculture to foster a greater awareness of the benefits of trees.

LANDSCAPE CONTRACTOR — A company or individual contracted to perform landscape services.

LANDSCAPE PLAN — A plan approved by the City of Joliet defining the location and species of plants and associated hardscape including grading.

LEGACY TREE — A Legacy Tree is a tree identified on the Legacy Tree list and which has been recorded as such by the City of Joliet. The Legacy Tree Program is outlined in the Urban Forest Management Plan.

NUISANCE TREES	Nuisance trees are trees that may provide potential impacts to other trees, people or structures. This would include, but not be limited to, diseased, infested, structurally unsound trees or known invasive species.
PARCEL	A single parcel shall mean any lot of record, zoning lot or any grouping of adjacent lots under single ownership, serving a principal structure or use.
PROPERTY OWNER	An individual or organization who owns property located within the corporate limits of the City of Joliet.
SIGNIFICANT TREE REMOVAL	Removal of a Legacy Tree or grouping/stand of trees.
SIMPLE TREE REMOVAL	Removal of a tree without other associated site impacts or other site improvements.
STREET TREE	Any tree located on or within the public right-of-way or right-of-way easement.
TRANSPLANTING	The removal of any tree for replanting elsewhere.
TREE	Any self-supporting woody plant, together with its root system, trunk and canopy; growing upon the earth usually with one trunk, or a multi-stemmed trunk system, supporting a definitely formed crown.
TREE BANK	An account established to receive fees and fines for trees which were damaged and/or removed - to be used for purchase and care of trees throughout the City of Joliet.
TREE PERMIT	A written authorization from the City of Joliet authorizing the applicant to conduct work which may or may not impact a tree.
TREE PRESERVATION PLAN	A document required by a permit which identifies, by common name and/or scientific name, certain species of trees of a specified DBH within a particular area. The plan shall list all existing and proposed trees and shall specifically state how each tree is proposed to be destroyed, relocated, replaced, preserved at its present location, introduced into the site from an off-site source, and whether the tree is to receive remediated actions due to construction impacts, e.g., root pruning. The City of Joliet may provide that the tree preservation plan excludes those portions of the site which it determines will not be affected by the activity. Any tree preservation plan required by this Section must be dated within thirty-six months of the start date of the proposed activity.

TREE REMOVAL The cutting down, destruction, removal, or relocation of any tree, including damaging by poison or other direct or indirect action.URBAN FOREST

MANAGEMENT PLAN A plan approved by the City of Joliet outlining the strategies for care and management of the urban forest. This plan requires the use of the most up to date nationally recognized specifications and standards.

1.3 PRESERVATION

A. The City of Joliet shall have on staff at least one ISA certified arborist (City Arborist). Any urban forestry work completed within Joliet shall be under the direction of the City Arborist or their designee, except in case of an emergency. The City Arborist is responsible for enforcement and compliance of the Urban Forest Management Plan.

B. In the City Arborist's absence, only qualified staff educated in arboriculture, or a certified arborist consultant shall make decisions regarding urban forest issues.

C. The City of Joliet shall have an inventory of publicly owned trees to be maintained in a current state and to be updated with the pruning cycle and as part of routine tree maintenance as described in the Urban Forest Management Plan.

D. The City of Joliet shall have an approved Urban Forest Management Plan. This plan shall be the framework for the protection, management and planting of trees within Joliet and shall support and clearly define regulations identified in the Tree Preservation Ordinance. This plan shall include clear direction for the protection, preservation and planting of the urban forest and shall be based on the U.S. Forest Service Sustainable Urban Forest Guide. The plan shall also include the following:

1. A defined ten-year urban forestry strategy with clearly identified one, five, and ten years goals;
2. Community canopy mapping identifying existing tree canopy and priority locations for planting;
3. A strategy for completion and maintenance of a tree inventory on city property;
4. Clear guidelines on tree species and age diversity;
5. Clear identification of replacement value and requirements for tree removal or damage;
6. An Acceptable Species list.
7. Clearly defined specifications for tree planting, pruning, and impact reduction;
8. A risk assessment and management program;
9. Clear identification of staff qualifications, training, support and needs;
10. Specifications for contracted labor and consulting;
11. Clear identification of forestry equipment and resource needs; and
12. A forestry budget with one, five and ten year commitments.

E. Joliet shall require that any Landscape Contractor, working for the City of Joliet who may interact or have impact on the city's public property urban forest utilize a certified arborist for all work pertaining to trees, including but not limited to removal, pruning and planting activities and shall follow

requirements of the latest *City of Joliet Special Provision and General Conditions Booklet* regarding insurance, liability, workers compensation and bonds.

F. The City of Joliet shall establish a Legacy Tree Program which provides additional protection to specific trees. The specifics of this program described in the Urban Forest Management Plan.

G. All tree planting, selection, management, and removals conducted on public property shall be in compliance with Joliet's Urban Forest Management Plan and shall comply with the most current standards of the International Society of Arboriculture (ISA) and the American National Standards Institute (ANSI), ANSI A300, ANSI Z133 and ANSI Z60.1 standards as applicable.

H. It is recognized that diverse species and age structure of urban trees throughout the City of Joliet are critical to the health of the forest structure and protects the city from catastrophic loss and improved longevity. Specifications for species and age diversity, planting and management are contained in the Urban Forest Management Plan.

1.4 PLANTING

A. The City of Joliet shall plant, and recommend to private landowners, diverse species with the ratio of not more than 30% of any one family, 20% of any one genus or 10% of any one species. Diverse species composition protects the city from catastrophic loss.

B. Plant materials installed by the City of Joliet or their agent shall be planted in accordance with the most up to date ANSI A300 standard and as outlined in the Urban Forest Management Plan.

C. Trees planted shall consist of species on the Acceptable Species List in the Urban Forest Management Plan or be approved by the City Arborist.

D. Tree species listed in the Urban Forest Management Plan as invasive or undesirable shall not be planted in the City of Joliet.

E. Trees purchased by the City of Joliet shall be grown to nursery source production standards according to the American Standard for Nursery Stock and meet the most up to date nationally recognized standards and specifications-ANSI Z60.1 and as listed in the Urban Forest Management Plan.

F. It shall be unlawful to plant any tree or shrub in the public right-of-way, or on other publicly owned property without prior written approval from the City of Joliet via a city issued permit under the jurisdiction of the City Arborist.

G. It shall be unlawful to plant any tree under utility wires that is anticipated to grow to a height that will interfere with the wires. Acceptable species are listed in the Urban Forest Management Plan.

H. The City of Joliet shall continue a contract growing program. This contract will allow for stable pricing and broader species diversity to improve the overall diversity of the urban forest.

I. The City of Joliet shall provide education and outreach to private landowners on the need for species and age diversity, proper selection, and planting practices, and how to select species for particular sites.

1.5 TREE CARE

A. Tree care within the City of Joliet on public lands, shall comply with the most up to date specifications and standards and as identified in the Urban Forest Management Plan.

B. Only a Certified Arborist, or workers who are supervised by a Certified Arborist, may prune, and remove parkway trees and must follow the most current standards of tree care as specified by ANSI A300 and the International Society of Arboriculture's Best Management Practices for Pruning.

C. Contractor duties shall be listed in the Urban Forest Management Plan and shall follow applicable standards therein.

D. A tree pruning schedule shall occur as recommended in the Urban Forestry Management Plan.

1.6 TREE PROTECTION

This Section applies to any work or activity which may impact public property trees.

A. Unless otherwise authorized by this Section, it shall be unlawful for any person to prune, remove, injure, or undertake any procedure which will cause death, substantial damage, or create a hazard, to any public property tree without first obtaining a Tree Permit from the City of Joliet. In the case of tree management practices, these practices shall comply with the most up to date nationally recognized standards and specifications and as identified in the Urban Forest Management Plan.

B. In instances where the activity requires the use of heavy equipment and where that activity may impact trees on public or private property, all appropriate tree protection measures must be taken and identified in a Tree Preservation Plan. In addition, all tree protection measures shall be in compliance with the most up to date nationally recognized standards and specifications and as identified in the Urban Forest Management Plan.

C. No person shall attach, fasten, tie, connect, nail, or affix any material, article, animal, sign, placard, wire, board, or other item to any tree subject to regulation under this article.

D. No person shall excavate any ditch, tunnel, trench, or otherwise dig within the Critical Root Zone (An area on the ground extending out from the trunk of the tree in all directions a distance of at-least one foot for every inch DBH) of a tree subject to regulation under this article without obtaining a permit required by this section.

1.7 TREE REMOVAL

Tree removals are considered an impact to the entire City of Joliet. It is clearly documented that larger trees provide larger benefits and as such, tree removal fees and fines are based on tree diameter. It is recognized that the planting of smaller trees does not replace the value of larger trees that are lost. It will take tens of years for that value to be replaced and for that reason efforts should be made to preserve and protect trees where they are growing.

A. Permit Required: It shall be unlawful for any individual to remove or cause damage to any tree located on public property without first receiving a Tree Permit from the City of Joliet. For all other lands where this section applies, no live tree(s) with a DBH of four (4) inches or 6" group of trees may be damaged or removed without first obtaining a valid tree removal permit.

    a. Exception: Emergency – A nuisance tree is a tree that has already died, is in a state of irrevocable decline, has the capacity to damage a person or thing or is an invasive species. In the event of an emergency, and access to the city is not possible, a nuisance tree may be removed without a permit, however, the individual removing the tree shall take photographs and memorialize the nuisance situation prior to removal and shall submit request for a tree permit from the City of Joliet on the next business day.

B. Any tree removed from a parcel or transplanted offsite must be replaced according to section 1.8 of this code and as identified in the Urban Forest Management Plan.

C. All stump removals shall require underground utility locations prior to any action.

D. If a tree is removed or damaged which is not on the Tree Permit, it must be replaced.

E. Removal of invasive woody plants such as buckthorn does not require a permit and is encouraged. These invasive plants can quickly colonize an area reducing the health and vitality of non-invasive plants. A list of invasive woody plants is provided in the Urban Forest Management Plan.

1.8 TREE REPLACEMENT

A. It is required that tree replacement species come from the Acceptable Species List. The Acceptable Species List is provided in the Urban Forest Management Plan.

B. Any tree species removed, 4" DBH or 6" group of trees, which is not identified on the invasive species list, but is identified on the Acceptable Species List, is required for replacement by this Section. These trees shall be replaced based on Section 1.8 of this code, with species identified on the Acceptable Species List or approved by the City Arborist. All replacements shall be located appropriately as confirmed by a Certified Arborist and as approved by the City of Joliet.

C. When a tree removal is required as a result of any project, tree replacement shall occur within the landscape season that the project is completed. In the event of weather conditions or species-specific needs, which prohibit proper replacement of a tree, the City of Joliet may issue written notice

of an extension of up to 180 days upon written request by the Applicant. If an extension is awarded to the Applicant, the Applicant shall notify the City of Joliet when replacement is complete. If, after the 60 day or awarded 180-day extension, the tree is not replaced or the Applicant has not notified the City of Joliet that installation is complete, the applicant shall be liable for the cost of replacement.

D. All tree replacement plantings shall require an underground utility location prior to planting.

E. If the property where a removal has taken place does not have adequate space to plant the required replacement tree/trees, then the Applicant shall be required to pay the City of Joliet $300 per tree that must be planted elsewhere. Payment shall be placed in the Tree Bank for tree replacement or tree care within in the City of Joliet.

F. It shall be encouraged that any species identified on the invasive species list be removed. There is no replacement requirement for these removals.

Replacement Requirements for Removing Trees:

1. Number of Replacement Trees: For each tree preservable or designated for preservation which is removed by the property owner, or the property owner's contractor, agent, employee or any individual or entity authorized to be on the property by the property's owner, the property owner shall plant new replacement trees in accordance with the following:

DBH of Removed Tree (In Inches)	Number of Replacement Trees
4-9	3
10-15	5
16-21	7
22-27	9
28-33	11
34 or greater	13

a. Minimum Size of Replacement Trees: All replacement tress shall have a minimum trunk size of two (2) inches DBH. Replacement trees may be planted in other locations on public property to fulfill replacement requirement numbers upon the written authorization of the city arborist.

b. Replacement Trees: Replacement trees shall meet the most current standards listed on the Acceptable Species List or approved by the City Arborist.

2. Failure to Replace Trees: If replacement trees are not planted within sixty (60) days after the removal of a tree without a permit, or in violation of a permit, the City may, at its option, replace the trees. All costs associated with purchasing and planting the replacement trees shall be charged to the owner or other person or entity causing the unpermitted removal of the tree. Any such charge to a property owner which remains unpaid sixty (60) days after the invoice date shall constitute a lien against the property, which may be recorded and foreclosed in accordance with City procedure.

1.9 TREE PRESERVATION AND/OR REMOVAL PLAN FOR SIGNIFICANT REMOVALS, CONSTRUCTION AND/OR DEVELOPMENT

An applicant seeking a permit for significant tree removals or tree removal and/or planting related to construction and/or development shall comply with all requirements of this Section and must meet the most up to date nationally recognized standards and specifications of ANSI A300 and as identified the Urban Forest Management Plan.

1.10 NUISANCE TREES

A tree which is determined to be a nuisance tree is one which is dead or declining and has the potential to damage other trees, people, or structures. These trees may be located on public or private property.

A. It shall be the duty of the property owner on any parcel to promptly remove any trees which pose a risk to public property or people.

B. Should the City of Joliet notify the property owner, in writing, of a tree which is a potential risk, the property owner shall have thirty days to remove the tree. If after thirty days the property owner has not removed the tree then the City of Joliet may take action to have the tree removed and shall provide to the property owner a written invoice outlining all costs associated with the removal, including but not limited to staff time, materials, and oversight of said removal. Should the property owner not reimburse the City of Joliet within thirty days of issuance of a written invoice, the City shall place a lien on the property until all expenses related to the removal and subsequent lien are paid.

C. Infected, Infested Trees Due to a Pest or Pathogen Are Defined as a Nuisance

1. Any tree which is in a state of irreparable or untreatable decline due to heavy infestation or disease is included in the definition of a nuisance. Infested or infected trees, which are identified by Federal or State Departments of Agriculture to be in quarantine or can potentially infect or infest other trees are defined as a nuisance. This would include but not be limited to Ash (Fraxinus) trees infested with emerald ash borer which are not being treated or whose treatment is ineffectual, or Elm trees (Ulmus) infected with Dutch elm disease.

    a. The City of Joliet shall enforce State and Federal regulations governing quarantine zone boundaries, and regulated articles.

b. For the purposes of this Section, "Regulated Articles" are hereby defined as any insects at any living state of development, any quarantines materials such as wood products including, but not limited to chips, limbs, lumber, firewood or any other product or means of conveyance which may be determined by Federal or State departments of agriculture to pose a risk of spread of any infestation or infection.

c. It shall be illegal to move out of established quarantine zone(s) regulated articles unless those articles have met all requirements of the local, Federal and State regulatory agencies.

d. It shall be illegal for any person or entity to transfer from a quarantine zone into a non-quarantine zone including the City of Joliet, any regulated articles.

e. Any person or entity found to be in violation of any local, State or Federal regulations related to tree infestations or infections shall be prosecuted to the full extent of the law.

f. All contractors working within and near any quarantine zone(s) are required to comply with the quarantine regulations and supply records that may be required for inspection to the Governmental Entity, County, State or Federal agencies upon request.

2. Trees in Decline or Dead Are Defined as a Nuisance

a. Any tree or part of a tree which is dead which could potentially fall on a person or structure is defined as a nuisance.

b. It shall be unlawful for any owner - of any lot or land in the City of Joliet to permit or maintain on any such lot or land, any tree which is dead, or declining to the state where it may create a potential risk for structures or people. It shall be the duty of any such owner to promptly cause the removal of any such tree.

1.11 INVASIVE SPECIES CONTROL

A. INVASIVE WOODY PLANTS

Invasive plants cause ecological disruption to natural ecosystems. The type of impact varies based on the species and the traits of that species. The Woody Invasive Species List is included in the Urban Forest Management Plan. These species shall not be planted, should be removed, and controlled to reduce impacts to other vegetation.

1. Typical impacts include:

a. Chemical disturbance to the soil limiting development of other species;

b. Dense plant growth limiting light to soil surface resulting in exposed soil allowing erosion;

2. Displacement of naturally occurring species resulting in a monoculture of invasive species and aggressive tendencies.

B. INVASIVE DISEASES AND INSECTS

Invasive diseases and insects can create significant stress to trees and in some instances kill trees. The most current list of Invasive Diseases and Insects that pose significant threats to trees can be found from information identified by State and Federal Departments of Agriculture, found in such sources as the USDA National Invasive Species Information Center, Illinois Department of Agriculture and USDA-APHIS-PPQ.

1.12 TREE ADVISORY BOARD

The Tree Advisory Board, established in the Code of Ordinances Article IX, Division 5, shall give guidance and advice in determining the needs of the City's tree program.

1.13 TREE PERMIT PROCEDURE

A. Applicant Submission

An applicant for a simple tree removal or planting on public property shall fill out a Tree Removal or Tree Planting Request online, or in person, and the City Arborist or their designee shall inspect and render a determination.

B. Permit Application: The application for a tree removal permit shall be made to the Department of Public Works - Forestry Division. The application shall include:

1. A written statement indicating the reasons for removal of the trees; and

2. A map of the parcel indicating the location of the tree(s) to be removed; and a Tree Preservation Plan if required under this section.

C. Basis for Permit Approval: A tree removal permit application may be approved by the City Arborist under one or more of the following circumstances:

1. Safety Risk: a tree poses an unacceptable safety risk, as identified by the city arborist or their designee, to persons, property, or the community, which cannot be reasonably mitigated.

2. Diseased or Weakened Trees: The tree is substantially diseased or weakened by age, storm, fire, or other injury.

3. Observation of Good Forestry Practice: Removal of one or more of the specified trees is in accordance with good forestry practice, such as when the parcel

of land will only support a certain number of healthy preservable trees which is less than the number of trees on the parcel.

4. Approved Landscape Plan: Pursuant to an approved Landscape Plan for the parcel.

If a removal or planting is significant or in conjunction with any type of development, then a full tree preservation plan and inventory for the area to be impacted may be required. (See Zoning Ordinance No. 15718, 11/21/06 Section 47-15E LANDSCAPE AND SCREENING REGULATIONS) The City Arborist shall review the application. This review shall include an inspection of the site and referral of the application for recommendation to other appropriate administrative departments or agencies. The arborist shall render a decision on the application within ten working days of its receipt of a properly completed application.

1.14 TREE PERMIT ISSUANCE

A. Issuance

The City Arborist shall issue a Tree Permit upon approval of an application. The City may impose a fee for any permit issued under this article.

B. Time Limitation

1. A Tree Permit shall expire and become null and void if work authorized is not commenced within one year from the date of the permit or if such work when commenced is suspended or abandoned at any time for a period of one year.

2. If work has commenced and the Tree Permit becomes null and void or expires because of a lack of progress or abandonment, a new Tree Permit for the proposed tree removal, planting activity shall be obtained before proceeding with further work.

1.16 FINAL INSPECTION

Final approval shall be issued when all relocation, replacement or remediation of trees is completed, and a final inspection has been conducted by the City of Joliet's city arborist or designee. Should the arborist determine that the season is inappropriate for planting then relocation or replacement shall be deferred until the next planting season.

1.17 COMPLIANCE

The City Arborist shall retain jurisdiction to ensure compliance with this Section and shall have the right to issue a stop work order for non-compliance. No stop work order issued pursuant to this Section shall be removed by the City of Joliet unless the applicant has paid a reinspection fee.

1.18 ENFORCEMENT

A. Enforcement Right of Entry of City of Joliet Officers

To carry out the purposes of this Section and to implement its enforcement, the City of Joliet is authorized and empowered, upon 24 hours' notice, to enter upon any lot or parcel of land in the City at all reasonable hours to inspect any tree or wood and to remove specimens from any such tree to determine their condition. It shall be unlawful for any person to interfere with a City of Joliet Officer, City Arborist or designee carrying out the duties authorized in this Section.

B. Duty of Property Owner to Abate Nuisance or Potential Risk

If it is determined that there exists a public nuisance or risk as declared in this Section, the City of Joliet shall serve or cause to be served upon the owner - of the lot or parcel of land on which such nuisance or risk is located, a written notice identifying the nuisance or risk and requiring the owner to comply with the provisions of this Section. If the person upon whom such notice is served fails, neglects or refuses to remove and dispose of the tree or dead wood within thirty days after service of such notice, the City of Joliet may proceed to remove and dispose of such tree or dead wood and the costs shall be paid by the owner to the City.

C. Service of Notice to Property Owner

Service of notice provided for in this Section shall be affected by personal service or by certified mail addressed to the occupant or to the person to whom, and at the address, to which the tax bill was sent for the general taxes for the last preceding year on the lot or parcel on which the nuisance is located.

D. Governmental Entity Abatement and Assessment of Costs

Any costs incurred by the City of Joliet in the abatement of a public nuisance or hazard as declared in this Section shall be assessed against the record owner of the land involved and the city shall place a lien upon such property for those costs in the manner provided by law.

1.19 EXCEPTIONS

If because of emergency weather or other casualty conditions a tree is endangering health, safety or property and requires immediate removal, verbal authorization may be given by the City Arborist for the tree removal without obtaining a written permit. Such verbal authorization shall later be confirmed in writing by the city.

1.20 APPEALS FOR VARIANCE

A. Any person aggrieved by any decision of the City of Joliet in the enforcement of any terms or provisions of this Section may, within ten working days after the date of the decision, appeal to the Tree Board by filing a written notice of appeal with the Joliet City Clerk. The notice of appeal shall set forth concisely the decision and the reasons or grounds for the appeal. The Tree Board may make a recommendation to affirm, modify, or reverse the decision. The decision of the Tree Board shall constitute a final determination for purposes of judicial review and shall

be subject to review under the provisions of the Administrative Review Act as set forth in 725 ILCS 5/3-101, et seq. as amended.

B. No variances in the strict application of the provisions of this Section shall be recommended for approval by the Tree Advisory Board unless it finds:

1. That there are special circumstances or conditions, fully described in the written notice of appeal which are peculiar to the property (properties) and do not apply generally to properties within Joliet, and that said circumstances or conditions are such that the strict application of the Code would deprive the applicant of the reasonable use of the subject property (properties).

2. That for reasons fully set forth in the written notice of appeal, the granting of the variance is necessary for the reasonable use of the property (properties) and that the variance, as recommended for approval by the Board, is the minimum variance that will accomplish this purpose.

3. That the result of granting of the variance will be in harmony with the general purpose and intent of standards set forth within this Code and in harmony with this Section and will not be injurious to adjacent property or otherwise detrimental to the public welfare.

1.21 PENALTIES

Any person found liable for violating any provision of this Chapter shall be assessed a fine as prescribed in this Section. Each tree cut down, destroyed, damaged, removed, or moved in violation of this Chapter shall constitute a separate offense. In addition to these penalties, if a tree is removed in violation of this Chapter, all replacement requirements of this Chapter shall be applied. In lieu of, or in addition to, the payment of fines, the city may require that violators take actions including but not limited to, soil aeration, vertical mulching, pruning, fertilizing, grade alteration, or tree replacement to reduce/minimize tree damage.

Any person who removes or substantially destroys a tree without a City tree removal permit shall be fined a minimum of $500 per inch of DBH. A violation of any other Section of this Chapter shall result in a fine of not less than $250. The payment of any fine shall not relieve the violator from tree replacement requirements. Fines shall be placed in the city's Tree Bank for use in tree replacement or tree care in another area of the City of Joliet.

1.22 CIVIL REMEDIES

In addition to any other remedies provided by this Section the City of Joliet shall have the following judicial remedies available for violations of this Section or any permit condition promulgated under this Section.

A. The City of Joliet may institute a civil action in a court of competent jurisdiction to establish liability and to recover damages for any injury caused by the removal or damage of trees in contravention of the terms of this Section.

B. The City of Joliet may institute a civil action in a court of competent jurisdiction to seek injunctive relief to enforce compliance with this Section to enjoin any violation, and to seek injunctive relief to prevent irreparable injury to the trees or properties encompassed by the terms of this Section.

Section 26-129 shall be repealed.
Section 26-131 shall be renumbered 26-129.
Section 26-132 shall be repealed.
Section 26-133 shall be renumbered 26-131.
Section 26-134 shall be repealed.
Section 26-135 shall be renumbered 26-134.

SECTION 3: In the event that any provision or provisions, or portion or portions of this ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions or portions of this ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions.

SECTION 4: All ordinances directly in conflict with the terms of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5: This Ordinance shall be deemed severable and the invalidity of any portion hereof shall not invalidate the remainder.

SECTION 6: This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED this 7th day of June, 2022

Robert O'Dekirk — Christa M. Desiderio

MAYOR **CITY CLERK**

VOTING YES: Councilman Clement, Councilwoman Gavin, Councilmen Guerrero, Hug, Morris, Mudron, Councilwomen Quillman, and Reardon.

VOTING NO: None.

NOT VOTING: Mayor O'Dekirk.