

STATE OF ILLINOIS       )  
                                      ) SS  
COUNTY OF WINNEBAGO   )


### **CERTIFICATE OF PUBLICATION IN PAMPHLET FORM**

I, the undersigned, do hereby certify that I am the duly qualified and acting Legal Director and ex officio Keeper of the Records and Seal of the City of Rockford, Winnebago and Ogle Counties, Illinois (the "City"), and as such official I am the keeper of the official journal of proceedings, books, records, minutes and files of the City and of the City Council (the "City Council") thereof.

I do further certify that on the 6th day of August 2024 there was published in pamphlet form, by authority of the City Council, a true, correct and complete copy of Ordinance No. **2024-150-O** and said resolution was so published on said date readily available for public inspection and distribution, in sufficient number, at my office as Legal Director and ex officio Keeper of the Records and Seal located in the City.

IN WITNESS WHEREOF I have affixed hereto my official signature and the seal of the City, this 6th day of August 2024.



  
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LEGAL DIRECTOR AND *EX OFFICIO*  
KEEPER OF THE RECORDS AND SEAL

JR:sa Committee report passed: 8/5/24

ORDINANCE NO. 2024- 150 - 0

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKFORD,  
WINNEBAGO AND OGLE COUNTIES, ILLINOIS, THAT:


By passage and approval of this Ordinance, the Mayor and Legal Director are hereby authorized to approve the attached amendments to Chapter 27 "Trees and Shrubs" of City of Rockford Code of Ordinance pertaining to right-of-way trees.

The provisions and sections of this Ordinance shall be deemed severable, and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

All orders, resolutions, or ordinances in conflict herewith are hereby repealed insofar as such conflict exists, and this Ordinance shall take effect immediately upon its passage, approval, and publication, as required by law.

A full, true and complete copy of this Ordinance shall be published within ten (10) days after passage in pamphlet form by and under authority of the Corporate Authorities.

APPROVED: August 6, 2024.

  
MAYOR

AYES: DURKEE, LOGEMANN, TUNEBERG, FROST, TORINA, PRUNTY,  
WILKINS, HOFFMAN, ROSE, BEACH, BARRIOS, MEEKS, BAILEY, BONNE

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ATTESTED:

N.O. Meyer  
LEGAL DIRECTOR

PASSED: 8/5/24

APPROVED: 8/6/24

PUBLISHED: 8/6/24

FILED in my office this 6th day of August, 2024, and published in pamphlet form this 6th day of August, 2024 by order of the City Council of the City of Rockford, Illinois.

N.O. Meyer  
Legal Director and ex officio  
Keeper of the Records and Seal

APPROVED BY:

N.O. Meyer  
Nicholas O. Meyer, Legal Director



RECOMMENDED BY:

Jacob L. Rubin  
Jacob L. Rubin, Assistant City Attorney

## Chapter 27 - TREES AND SHRUBS<sup>11</sup>

### ARTICLE I. - IN GENERAL

#### Sec. 27-1. - Policy declared; applicability.

The city finds that trees:

- (a) Protect, preserve and enhance the quality of life and general welfare of the City and its property owners, and conserve and enhance the city's natural, physical and aesthetic environment,
- (b) Need to be preserved, protected, and properly planted and maintained within the city so that trees can protect, enhance and preserve the quality of life for people within the city,
- (c) Provide collective City benefits not limited to property or community boundaries,
- (d) Have historic significance and should be preserved and protected, and
- (e) Are an integral part of the infrastructure of the City and as such are preserved, protected and cared for as other critical City infrastructure. Specifically, trees provide the following services and benefits:

- 1) Trees absorb pollution from the air;
- 2) Trees absorb and sequester carbon dioxide;
- 3) Trees absorb and filter pollution from stormwater run-off;
- 4) Trees produce oxygen;
- 5) Trees reduce flooding;
- 6) Trees stabilize soils and reduce erosion;
- 7) Trees cool the surrounding area helping to reduce impacts due to heat islands;
- 8) Trees reduce energy consumption by shielding structures from harsh winds and sun;
- 9) Trees provide a buffer and screen against noise, light and pollution;
- 10) Trees improve property values;
- 11) Trees improve commercial district traffic and purchasing;
- 12) Areas with trees have lower crime rates;
- 13) Areas with trees have higher levels of community interaction;
- 14) Trees provide important habitat for birds and other wildlife; and
- 15) Trees protect and enhance our quality of life.

Accordingly, it is hereby declared to be the policy of the city to regulate and control the planting, transplanting, removal, maintenance and protection of trees and shrubs in the city in order to eliminate and guard against dangerous conditions which may result in injury to persons using the streets, alleys, sidewalks or property of the city; to promote and enhance the beauty and general welfare of the city; to prevent damage to any public sewer or water main, street, sidewalk or other public property; to protect trees and shrubs located in public areas from undesirable and unsafe planting, removal, treatment and maintenance practices; and to guard all trees and shrubs on city property against the spread of disease or pests. It is the intent of the city that the provisions of this chapter shall apply to all trees, shrubs or plants growing or hereafter planted in or upon any public right-of-way or other premises owned or controlled by the city.

Sec. 27-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Public trees and shrubs* means all trees or shrubs located or to be planted on any park, playground or other property owned or controlled by the city or any public street, alley, sidewalk or highway within the public right-of-way.

*Street terrace* means the area along a street or avenue from the public sidewalk to the curbline.

*Critical root zone* means the area on the ground extending out from the trunk of the tree in all directions a distance of at least one foot (1') for every inch dbh.

*American National Standards Institute* (Hereinafter Called ANSI) means the primary organization for fostering the development of workplace standards in the United States.

*Diameter at breast height* (Hereinafter Called DBH) means the diameter of the trunk of the tree measured in inches at a point four and one-half feet (4 1/2') above ground line. This forestry standard measurement is used for established and mature trees. All reference to diameter size shall be to the DBH.

*Urban Forest Management Plan* means a plan by the City Forester and which may be amended from time to time with the approval of the City Forester and the Director of Public Works. More specifically, the plan shall contain the goals, programming, and standards for the preservation, planting, maintenance, and removal of trees, shrubs, and other plants upon the public right-of-way under the jurisdiction of the City and upon City owned property.

*Dangerous tree* means Any dead or damaged tree that because of its size, condition, and proximity to persons, public sidewalks, public streets, residential structures or the affected property, or proximity to residential structures on adjoining property, may inflict injury or cause harm to persons, property or the health of the general public, as determined by the City Forester.

Sec. 27-3. - Office of forester created; supervision and qualifications.

There is hereby created the office of city forester. The city forester shall be an officer of the department of public works, and shall be subject to supervision within the department of public works in the performance of all duties. The city forester shall hold a college degree or its equivalent in arboriculture, forestry or other closely related fields, or have had the equivalent in experience.

Sec. 27-4. - General powers, duties of forester.

The city forester shall direct, regulate and control the planting, care, and removal of all public trees and shrubs in the public streets, parkways, and other public areas of the city, and shall cause the provisions of this chapter to be enforced.

The city forester shall review and amend if necessary the Urban Forest Management Plan every five years. The city forester, with the advice and assistance of Public Works Department, shall develop and periodically review and revise or amend, if necessary, the Urban Forest Management, which shall contain standards for the planting, maintenance and removal of trees, shrubs and other plants upon city-owned property and which shall contain a reasonably detailed statement of a comprehensive, long-range program for optimizing the tree resources of the city.

Sec. 27-5. - Interfering with forester.

No person shall prevent, delay or interfere with the city forester or his agents, employees or servants while they are engaged in carrying out any work or activities authorized by this chapter.

Sec. 27-6. - Official tree list and specifications adopted.

- (a) There is hereby adopted an official tree list and specifications for the city showing the trees and varieties or species permitted to be planted in the public right-of-way of all streets within the city.
- (b) Said specifications are contained on a separate sheet and are on file in the office of the department of public works and incorporated in this chapter by reference as if fully set forth herein.
- (c) Tree species shall be approved by the city forester prior to planting in order to maintain an inventory of the various species planted.

Sec. 27-7. - Permitted trees.

All trees planted within the City right-of-way or upon City owned property shall be planted in accordance with the minimum standards and procedures therefore in the most recent edition of the American Standards for Nursery Stock (ANSI Z60.1). Unless otherwise approved by the city forester, no person shall hereafter plant, transplant, or move any public tree or shrub on any street or alley of the city unless it is on the Preferred Species List located in the Urban Forest Management Plan.

All tree care practices with respect to trees growing upon or planted in any City right-of-way and on any City owned property shall be accomplished under the direction of the City Forester and in compliance with the most current edition of the ANSI A300 Standards, including pruning, planting, and maintenance.

Contracted Tree Maintenance: Any contractor hired by the City to perform work on public trees including planting, pruning, pest and disease treatment, and maintenance in the right of way must present evidence of the necessary experience, capability, facilities, equipment, and financial resources to provide the desired services in a timely manner. Preference will be given to contractors with Certified Arborists on staff performing work. All contractors hired shall fulfill insurance requirements set forth by the City Administrator at the time of selection.

Sec. 27-8. - Acts endangering trees and shrubs.

No person shall, without the consent of the city forester, do, or cause to be done by others, any of the following acts:

- (1) Secure, fasten or run any rope, wire, sign, unprotected electrical installation or other device or material to, around or through a tree or shrub;
- (2) Break, injure, mutilate, deface, kill or destroy or permit any fire to burn where it will injure any tree or shrub;
- (3) Permit any toxic chemical, gas, smoke, salt brine, oil or other injurious substance to seep, drain or be emptied upon or about any tree or shrub;
- (4) Excavate any ditch, tunnel or trench or lay any drive within a radius of five feet from any tree or shrub, on any public parkway or property, or street terraces;

- (5) Erect, alter, repair or raze any building or structure without placing suitable guards around all nearby public trees or shrubs which may be injured by such operations;
- (6) Knowingly permit any unprotected electric service wires to come in prolonged contact with any public tree or shrub; or
- (7) Remove any guard, or other device or material intended for the protection of a public tree or shrub or close or obstruct any open space about the base of a public tree or shrub designed to permit access of air, water and fertilizer.

All trees along any street, or in any public right-of-way, or on other City owned property near any excavation or construction of any building, structure, or street construction shall be protected so as to avoid all injury to the trunk, crown, and unnecessary injury to the root system of the tree.

The critical root zone of a public tree shall be at a distance in feet from the tree equal to the DBH of the tree trunk in inches, and shall be designated and protected using temporary metal fencing or other protective measures approved by the City Forester.

Building materials, stone, brick, sand, concrete, soil, machinery, or other equipment or debris shall not be placed or stored on or in the critical root zone area of any public tree or other tree or shrub on public right-of-way or City owned property, without written authorization from the City Forester obtained prior to storing any such materials or debris.

Machinery shall not be placed, driven, or enter the critical root zone of any public tree without prior authorization from the City Forester. Any public trees lost or damaged due to negligent activities shall be replaced by the entity responsible.

Sec. 27-9. - Reserved.

Sec. 27-10. - Minimum width of planting space.

No tree should be planted in any street or avenue terrace, that is less than six feet in width measured from the outside edge of the public sidewalk to the curb except trees that will not attain a trunk diameter greater than 15 inches, and no tree shall be planted in terraces measuring four feet or less from the sidewalk to the curb.

Sec. 27-11. - Proximity to driveways, entrances.

No tree or shrub shall be located closer than five feet to any driveway and large trees shall be at least ten feet away from such private or public entrances.

Sec. 27-12. - Planting on unpaved, ungraded streets.

No tree shall be planted on any street until the grade thereof has been established or permanent paving and curb and gutters are installed.

Sec. 27-13. - Planting near intersections; spacing of trees in the parkway.

Trees shall be planted at least twenty feet from the city right of way at all intersections. In general, the minimum spacing of trees in the parkway shall be as follows:

Large trees (over 40 feet in height)	50 feet apart
Medium size trees (25 feet to 40 feet)	40 feet apart
Small trees (15 feet to 25 feet)	30 feet apart

Sec. 27-14. - Improper planting.

Whenever any tree shall be planted or set out on public property in conflict with the provisions of this chapter, the city forester or his designee shall remove or cause to have removed the same. The costs for such removal shall be assessed to the homeowner.

Sec. 27-15. - Nuisance trees; removal; costs.

- (a) If the owner of private property refuses, neglects or fails to remove any tree after receiving written notice from the city forester that said tree is infected with a disease which will result in the death of the tree or that said tree, or a portion thereof, is dead and in danger of natural felling onto the public right of way, the city forester, his agent or designee, shall cause to be removed from private property the infected or dead tree, or portion thereof, which is in danger of felling onto the public right of way.
- (b) Reasonable costs for any such removal shall be collected from the property owner, and a lien shall be placed upon the property in the amount of unpaid costs. The city shall advise the property owner of the cost of removal in writing by one of the following two methods:
  - (1) If the violation occurred on a lot without city water service, the city shall advise the property owner in writing, sent by certified mail, of the cost incurred in connection with said removal of fatally infected, dead or dying trees, or portions thereof, and that failure of the property owner to reimburse the city for said cost will result in the filing of a lien against the property. The cost shall include the cost of removal [including removal of any debris or rubbish to accomplish said removal], an administrative fee of \$100.00 to reimburse the city for the costs of inspection and enforcement, and fees to record and release the lien.
  - (2) If the violation occurred on a lot with city water service, the cost of removal of fatally infected, dead or dying trees, or portions thereof, [including removal of any debris or rubbish to accomplish said removal] and an administrative fee of \$100.00 to reimburse the city for the costs of inspection and enforcement will be added to the city water/rubbish bill for reimbursement of such expense.

Sec. 27-16. - Penalties.

Any person who violates any provision of this chapter is subject to fines of \$50.00 to \$750.00 per day. Each tree cut down, destroyed, damaged, removed or moved without prior authorization from the City Forester shall constitute a separate offense.

Any entity or person who injures a public tree shall be held responsible for the cost of the repairs, such as pruning or cabling, if the injured tree will not die as a result of such injuries. In cases where the tree has been damaged beyond repair and cannot remain in the public right-of-way because it is determined by the City Forester to be a "dangerous tree" as defined in section 27-2 of this Code, the entity or person responsible for the damage shall also pay the cost the City incurs to remove and replace the tree.

In addition to any fines that may be assessed for violation of this section, the person or entity found liable shall pay to the City a sum equal to the value or partial value of the tree lost as a result of the violation. The value or partial value of the tree lost shall be as determined by the City Forester in accordance with the reasonable cost of replacement thereof as set forth in a current publication of the International Society of Arboriculture, if available, otherwise based on the average of two (2) written price quotes procured by the City Forester from at least two (2) different area nurseries.

Secs. 27-17—27-44. - Reserved.

## ARTICLE II. - PERMITS

Sec. 27-45. - Required.

No person, except upon order of the city forester, shall plant, remove, transplant, move, spray, brace, trim, prune, cut above or below ground, disturb, alter or do surgery on any public tree or shrub within the city or cause such act to be done by others, without first obtaining a written permit for such work from the city forester as herein provided. Application for said permit may be made by phone, but no permit shall issue unless the applicant has forwarded to the city forester proof that the applicant has obtained underground utility locations. Unless there exists special circumstances demanding explanation, permits will be issued by mail. This section shall not affect the right of the city to direct or cause the removal of any tree, plant, or shrub planted in any street, alley, parkway, or public place to accommodate public necessity or improvement.

Sec. 27-46. - Replanting as condition to permit.

As a condition of granting any permit to remove a public tree or shrub, the city forester may require that the permittee plant one or more trees or shrubs in place of the one removed, and no permittee under such a conditional permit shall fail, refuse or neglect to plant trees or shrubs of the type, size and in the location specified in his permit.

Sec. 27-47. - Issuance; contents; expiration; revocation.

Every permit required by this article shall be issued by the city forester on forms prepared by him and shall include a description of the work to be done and shall specify the species or variety, size, nursery grade and location of trees or shrubs to be planted, if any. Any work done under such permit shall be performed in strict accordance with the terms thereof and the provisions of this chapter. Permits issued under this section shall expire six months after the date of issue, unless otherwise revoked. Permits may be revoked by the city forester if the permit was issued based upon mistaken, false or incorrect information received from the owner or permit applicant.

Sec. 27-48. - Fee.

No fee shall be charged for permits required by this article.

Sec. 27-49. - Permits to public utilities.

Whenever a permit is issued under this article to a public utility to move, trim, prune, cut, disturb, alter or do surgery on any public tree or shrub, the city forester shall limit the work to be done to the actual necessities of the utility and may assign an inspector to supervise the work done under the provisions of the permit, and the expense of such inspection or supervision shall be charged to the utility.

## Sec, 27-50 – Appeal of City Forester Decision

A person who is ordered to take any action by a decision of the City Forester relating to the enforcement of this article may appeal the City Forester's decision. However, nothing within this provision shall be applicable to cases in the City's administrative adjudication or code hearing processes.

To commence an appeal, the person must, within ten (10) days of the decision by the City Forester, serve a written appeal upon the City of Rockford Department of Law. The written appeal must contain, at a minimum:

- (1) The name, address, phone number, and e-mail address of the person seeking the appeal,
- (2) The address or PIN of the property involved in the decision by the City Forester,
- (3) The date of the decision by the City Forester,
- (4) A statement explaining why the City Forester's decision should be reversed, and
- (5) The signature of the person seeking the appeal.

Upon receipt, the appeal will be sent to the Director of the Public Works Department. The Director, in his/her sole discretion, may (1) contact the person seeking an appeal for additional information (2) schedule a hearing on the appeal, or (3) decide the appeal based only upon the statement by the person seeking the appeal.

Within 21 days from the date of the appeal, the Director of Public Works will issue a written decision on the appeal. If the Director of Public Works fails to review an appeal within 21 days, the appeal shall be deemed denied. The decision by the Director of Public Works shall be considered a final administrative determination and subject to review under the Illinois Administrative Review Law.

All references to the Director of Public Works in this article shall include his or her designee.