

ORDINANCE NO. 24-04-18

AN ORDINANCE AMENDING CERTAIN SECTION 16.23 OF THE MUNICIPAL CODE RELATING TO PUBLIC TREES

WHEREAS, the Village of Mundelein, Lake County, Illinois, is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes, and exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, Section 16.23 of the Village Code provides for the preservation, protection, and proper maintenance of all trees in the Village; and

WHEREAS, the Illinois Department of Natural Resources ("IDNR") manages the Tree City USA program through its Urban and Community Forestry division; and

WHEREAS, the Tree City USA standards specifically state a public tree care ordinance protects public trees at all times, not just during the development process; and

WHEREAS, IDNR currently interprets the Mundelein Village Code as enforcing regulations on tree protection only in the case of development; and

WHEREAS, the Landscape Code portion of the Village Code must be revised to reflect protection of public trees at all times, not just upon development; and

WHEREAS, **Exhibit A** provides for updates to Section 16.23 of the Village Code, clarifying the purpose of protecting all publicly owned trees with or without development.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MUNDELEIN, COUNTY OF LAKE, STATE OF ILLINOIS as follows:

SECTION I: The foregoing recitals shall be, and are hereby, incorporated herein by reference.

SECTION II: Section 16.23.010, 16.23-020, and 16.23.080 are hereby deleted and replaced in its entirety with **Exhibit A**, attached hereto and made a part hereof.

SECTION III: If any section, clause, paragraph, or provision of this Ordinance shall be found invalid by a court of competent jurisdiction, such judgment shall not affect, impair, invalidate or nullify the remainder of this Ordinance, but only that part is found invalid by such court.

SECTION IV: In the case that one or more part(s) of this Ordinance conflicts with another part of this Ordinance or any other code, title or ordinance adopted by the Village of Mundelein, or any State of Illinois statute or other law, the part with the strictest language or interpretation shall prevail.

SECTION V: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

16.23.010 Purpose.

The purpose of this chapter is to preserve, protect, and properly maintain all trees in the village Right-of-Way and on land to be annexed to the village with the intent to:

- A. Prevent the unnecessary destruction of trees in the village;
- B. Aid in the stabilization of soil by the prevention of erosion and sedimentation;
- C. Aid in the control of drainage and restoration of denuded soil subsequent to construction or grading;
- D. Reduce storm water run-off and the costs associated therewith and replenish ground water supplies;
- E. Provide a buffer and screen against noise pollution;
- F. Provide a habitat and food source for birds and other wildlife;
- G. Protect and increase property values;
- H. Conserve and enhance the village's physical and aesthetic environment;
- I. Prevent the existence of trees which pose a threat, danger or nuisance to the public or to property in the village;
- J. Enhance air quality through the filtering of pollutants and the absorption of carbon dioxide; and
- K. Generally protect and enhance the quality of life and the general welfare of the village and its citizens.

(Ord. No. 13-11-67, § 2(Exh. A), 11-25-13)

16.23.020 Applicability.

- A. Chapter 20.60 of the Mundelein zoning ordinance, Title 20 of the Municipal Code of Mundelein, regarding landscaping and screening is hereby incorporated herein by this reference thereto. In the event of any conflict between the provisions in Chapter 20.60 of the zoning ordinance and the provisions in this landscape code, the provisions in this landscape code will govern.
- B. The provisions of this chapter shall apply to all publicly owned right-of-way, with or without development. It shall also apply generally and uniformly to the following types of development or redevelopment projects including all new construction, expansion, structural alteration or other improvement to a private or public building, structure or accessory building or the construction, extension or improvement of any parking lot or driveway which requires the removal of live trees having a diameter of two and one-half inches or more at DBH as defined herein.
 - 1. Residential: Any size development, redevelopment, or modification in which trees will be affected, or installation of new parkways are required, excluding one-lot single-family and two-family uses as provided in Section 20.60.030 of the Mundelein zoning ordinance, Title 20 of the Municipal Code of Mundelein;
 - 2. Commercial: Any size development, redevelopment, or modification in which trees will be affected, or installation of new parkways are required;
 - 3. Industrial: Any size development, redevelopment, or modification in which trees will be affected, or installation of new parkways are required;
 - 4. Institutional: Any size development, redevelopment, or modification in which trees will be affected, or installation of new parkways are required;

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5. Lakefront-Mixed Use: Any size development, redevelopment, or modification with the exception of one-lot single-family and two-family uses, in which trees will be affected, or installation of new parkways are required;
 6. Office-Research: Any size development, redevelopment, or modification in which trees will be affected, or installation of new parkways are required;
 7. All areas seeking annexation to the village; and
 8. Projects located in the C-5 downtown zoning district, as expressly regulated in this chapter.
- C. For purposes of this chapter, the term "development" is any proposed material change in the use of, or character of, land from an undeveloped or natural state, including public and private streets, parking areas, retention and detention areas, wetlands, public building sites, parks, playgrounds, golf courses, recreation facilities, easements, rights-of-way, and all other areas within the property being developed, whether or not being built upon or buildable. The term "redevelopment," is any increased use or restructuring of the present use of land that was already considered developed.

(Ord. No. 13-11-67, § 2(Exh. A), 11-25-13)

16.23.080 Landscaping on public rights-of-way and parkways.

A. All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations" and shall follow all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture.

~~BA.~~ The director of public works and engineering or his designate shall regulate and control the planting, transplanting, removal, maintenance and protection of trees and shrubs in the village 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 village; to promote and enhance the beauty and general welfare of the public; to prevent damage to any street, sidewalk or other village property; to protect trees and shrubs located in public areas owned by the village from undesirable and unsafe planting, removal, treatment and maintenance practices; and to guard all trees and shrubs on village property against the spread of pests and disease. It is the intent of the village that the provisions of this chapter shall apply to all trees and plants growing or planted in or upon any public rights-of-way and parkways or other premises owned or controlled by the village.