

CITY OF LE ROY
COUNTY OF McLEAN, STATE OF ILLINOIS

ORDINANCE NO. 25-03-02-90

MUNICIPAL TREE ORDINANCE

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS

3rd Day of March, 2025

PRESENTED: March 3, 2025
PASSED: March 3, 2025
APPROVED: March 3, 2025
RECORDED: March 3, 2025
PUBLISHED: March 3, 2025
In Pamphlet Form

Voting "Aye" 6
Voting "Nay" 0

The undersigned being the duly qualified and acting City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned **ordinance** and that such **ordinance** was presented, passed, approved, recorded and published as above stated.



Anita Corso
City Clerk of the City of
Le Roy, McLean County, Illinois

(SEAL)



Dated: March 3, 2025

ORDINANCE NO. 25-03-02-90

MUNICIPAL TREE ORDINANCE

WHEREAS, the City of Le Roy has authority pursuant to the Illinois Municipal Code, to control and regulate public streets and ways located within the City of Le Roy; and

WHEREAS, the City of Le Roy has authority to define, regulate and abate nuisances within the City of Le Roy; and

WHEREAS, it is in the best interests of the citizens of Le Roy to enact an Ordinance regulating the planting and maintenance of trees located within public rights-of-way and on public property in the City of Le Roy as provided herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF LE ROY, McLEAN COUNTY, ILLINOIS, as follows:

Section 1. That Chapter 7-3 of the City Code of Ordinances be and the same is hereby amended by adding the following sections to said Chapter.

Section 7-3-5. Purpose. To enhance the quality of life and the present and future health, safety, and welfare of all residents, to enhance property values, and to ensure proper planting and care of trees on public property, the City Council herein delegates the authority and responsibility for managing public trees, creates a Tree Advisory Committee, establishes practices governing the planting and care of trees on public property, and makes provision for the emergency removal of trees on private property under certain conditions.

Section 7-3-6. Definitions. As used in this Chapter the following words and phrases shall have the meanings indicated:

Damage - Any injury to or destruction of a tree, including but not limited to: uprooting;

severance of all or part of the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

Nuisance - Any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety, and welfare.

Parkway - The area along a public street between the curb and the sidewalk; or if there is no curb or sidewalk, the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.

Public Property – All grounds and rights-of-way (ROWS) owned or maintained by the City.

Public tree – any tree or woody vegetation on city-owned or city-maintained property or rights-of-way.

Top or Topping – The non-standard practice of cutting back of limbs to stubs within a tree’s crown to such a degree so as to remove the normal canopy and disfigure the tree.

Section 7-3-7. Authority and Power.

- (a) Delegation of authority and responsibility. The Mayor and/or their designee, hereinafter referred to as the “Director”, shall have full authority and responsibility to plant, prune, maintain and remove trees and woody plants growing in or upon all municipal streets, rights-of- ways, city parks, and other public property. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.

- (b) Coordination among city departments. All city departments will coordinate as necessary with the Director and will provide services as required to ensure compliance with this Chapter as it relates to streets, alleys, rights-of-way, drainage, easements, and other public properties not under direct jurisdiction of the Director.
- (c) Interference. No person shall hinder, prevent, delay, or interfere with the Director or his agents while engaged in carrying out the execution or enforcement of this Chapter.

Section 7-3-8. Tree Advisory Committee. The City Council hereby creates a “Tree Advisory Committee,” hereinafter referred to as the “**Tree Committee.**”

(a) **Duties.** The Tree Committee shall act in an advisory capacity to the Director and City/Council as necessary and shall:

- (1) Coordinate and promote Arbor Day activities;
- (2) Review and update a five-year plan to plant and maintain trees on city property;
- (3) Support public awareness and education programs relating to trees;
- (4) Review city department concerns relating to tree care;
- (5) Submit an annual report of its activities to the city council;
- (6) Assist with the annual application to renew the Tree City USA designation;
- (7) Recommend a list of tree species for planting on city property, and a list of prohibited species; and
- (8) Other duties that may be assigned by City Council.

(b) **Membership.** The Tree Committee shall consist of five members approved by City Council. Members of the Tree Committee will serve without compensation.

(c) **Term of Office.** Tree Committee members shall be appointed for three-year staggered terms. For the first appointed board two members will initially be appointed for one-year terms, two members appointed for two-year terms and one member appointed for a three-year term. If a vacancy occurs during the term of any member, a successor shall be appointed by City Council.

(d) **Officers.** The Mayor shall annually select one of the members to serve as chair, may appoint a second member to serve as vice-chair, and may appoint a third member to serve as secretary.

(e) **Meetings.** The Tree Committee shall meet a minimum of four times each year. All meetings shall be open to the public. The Tree Committee chair may schedule additional meetings as needed.

Section 7-3-9. Tree Planting and Care Standards.

(a) **Standards.** 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.

(b) **Requirements of Franchise Utility Companies.** The maintenance of public trees for utility clearance shall conform to all applicable State laws and utility industry standards.

(c) **Preferred Species List.** The Director shall maintain an official list of desirable tree species for planting on public property in two size classes: Ornamental (20 feet or less in height at maturity) and Shade (greater than 20 feet at maturity). Trees from this approved list

may be planted without special permission; other species may be planted with written approval from the Director.

(d) **Planting Distances.** The Director shall develop and maintain an official set of spacing requirements for the planting of trees on public property. No tree may be planted within the visibility triangle of a street intersection or within 10 feet of a fire hydrant.

(e) **Planting Trees Under Electric Utility Lines.** Only trees listed as Ornamental trees on the official city tree species list may be planted under or within 15 lateral feet of any overhead utility wire.

Section 7-3-10. Prohibition Against Harming Public Trees.

(a) It shall be unlawful for any person, firm, or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the Director.

(b) It shall be unlawful for any person, firm, or corporation to attach any cable, wire, sign, or any other object to any street, park, or public tree.

(c) It shall be unlawful for any person, firm, or corporation to “top” any public tree. Trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the Director.

(d) Any person, firm, corporation, or city department performing construction near any public tree(s) shall consult with the Director and shall employ appropriate measures to protect the tree(s), according to procedures contained in the Best Management Practices (BMPs) for “Managing Trees During Construction” published by the International Society of Arboriculture.

(e) Each violation of this section as determined and notified by the Director shall

constitute a separate violation, punishable by fines and penalties under Section 10, in addition to mitigation values placed on the tree(s) removed or damaged in violation of this section.

Section 7-3-11. Adjacent Owner Responsibility.

(a) The owner of land adjacent to any city street or highway, when acting within the provisions of this Chapter, may plant and maintain trees in the adjacent parkway area.

Section 7-3-12. Certain Trees Declared a Nuisance.

(a) Any tree, or limb thereof, on private property determined by the Director to have contracted a lethal, communicable disease or insect; to be dead or dying; to obstruct the view of traffic signs or the free passage of pedestrians or vehicles; or that threatens public health, safety, and welfare is declared a nuisance and the City may issue official notice requiring its treatment or removal.

(b) Private property owners have the duty, at their own expense, to remove or treat nuisance trees on their property.

Section 7-3-13. Violations and Penalty. Any person, firm or corporation violating any provision of this Article shall upon conviction be subject to a penalty of up to seven-hundred and fifty dollars for each offense.

Section 7-3-14. Appeals. Any person aggrieved of a decision made by the Director or the Tree Advisory Committee, may have the decision reviewed by the City Council provided the request for review is filed with the city clerk within ten days of such decision.

Section 2. Severability. If any section, paragraph, clause or provision of this Ordinance is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

Section 3. Repealer. All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

PASSED by the City Council of the City of Le Roy, Illinois, upon the motion made by Kyle Merkle and seconded by Matt Steffen by roll call vote on the 3rd day of March, 2025 as follows

Aldermen elected 8

Aldermen Present 6

Voting Aye: Justin Morfey, Patti Welander, Kelly Lay, Matt Steffen, Kyle Merkle, Dawn Hanafin

Voting Nay: None

Absent: Ron Legner, Sarah Welte

Abstain: None

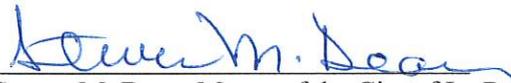
Other: None

And deposited and filed in the office of the City Clerk in said municipality on the 3rd day of March, 2025.



Anita Corso, City Clerk of the
City of Le Roy
Mc Lean County, Illinois

APPROVED BY the Mayor of the City of Le Roy, Illinois, this 3rd day of March, 2025.



Steven M. Dean, Mayor of the City of Le Roy,
Mc Lean County, Illinois



Anita Corso, City Clerk of the City of Le Roy
Mc Lean County, Illinois

ATTEST: (SEAL)



CERTIFICATE

I, Anita Corso, certify that I am the duly appointed and acting municipal clerk of the City of Le Roy, of McLean County, Illinois.

I further certify that on **March 5, 2025** the Corporate Authorities of such municipality passed and approved **ORDINANCE NO. 25-03-02-90**.

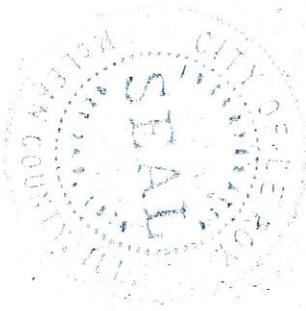
MUNICIPAL TREE ORDINANCE

Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of **Ordinance No. 25-03-02-90**, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on **March 3, 2025** and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at Le Roy, Illinois this 3rd day of March, 2025.

(SEAL)




Anita Corso
City Clerk of the City of
Le Roy, McLean County, Illinois

STATE OF ILLINOIS)
) SS:
COUNTY OF MCLEAN)

I, Anita Corso, do hereby certify that I am the duly qualified and acting City Clerk of the City of Le Roy, McLean County, Illinois, and as such City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

I do further certify that the foregoing is a true, correct and complete copy of an ordinance entitled:

MUNICIPAL TREE ORDINANCE

I do further certify said ordinance was adopted by the City Council of the City of Le Roy at a regular meeting on the 3rd day of March, 2025, and prior to the making of this certificate the said ordinance was on file with the permanent records of said City where it now appears and remains as a permanent record of said ordinance in the record books.

Dated this 3rd day of March, 2025

(SEAL)



Anita Corso, City Clerk of the
City of Le Roy,
McLean County, Illinois

