

CHAPTER 47 TREES, SHRUBS AND WEEDS

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ARTICLE 47-I IN GENERAL

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Editor's note— Article I, §§ 47-1–47-4, was amended in its entirety
to read as set out herein by § 1 of Ord. No. 092-96, adopted Nov.

17, 1992. Prior to amendment, the provisions pertained to similar provisions and derived from Code 1969, §§ 46-2-46-4 and 46-34.

Sec 47-1 Purpose, Intent And Definitions

As used within this chapter, the following terms shall have the meanings set forth below and if not listed, the City adopts the definitions listed in the American National Standard by the Tree Care Industry Association, Inc. latest publication of standards:
Approved street tree species list means a list compiled by the Tree Board in conjunction with city staff of approved species and cultivar allowed in city thoroughfares.

Arboricultural specifications and Standards of Practice for Aurora (hereinafter, "Arboricultural Specifications Manual"). A manual prepared by the tree board and/or arborist pursuant to the ordinance containing regulations and standards for the planting, maintenance, and removal of trees, shrubs, and other plants upon city-owned property.

Boundary tree. The stem or trunk of the tree straddling the actual property line between city-owned public property and adjoining property. The root flare is not included as part of the trunk. A boundary tree is the common property of both landowners. Neither property owner may remove, damage, or cause harm to the tree without the other property owner's consent.

City arborist is a qualified, designated official of the City of Aurora assigned to carry out the enforcement of this ordinance. In

lieu of a city arborist, the city may utilize a designated city employee representative or contractor.

City-owned property. Property within the city limits of Aurora, Illinois, and:

1. Owned by the city in fee simple absolute, or

2. Implied or expressly dedicated to the public for present or future use for purposes of vehicular pedestrian traffic.

Licensed administrator as used in this article means the chief development services officer of the city or his designee.

Property owner. The record owner or contract purchaser of any parcel of land.

Public thoroughfare means any road or street under the jurisdiction of and maintained by the city and open to public travel including right-of-way easements.

Public trees shall include any tree regardless of size or condition growing on city property including all parkway trees, trees on medians, and at other city-owned locations.

Tree board is a committee of residential representatives and city employees that act with the purpose of protecting and improving the trees inside the city.

Trees and shrubs. All vegetation, woody or otherwise, except lawn grass and flowers, less than twenty-four (24) inches in height.

(Ord. No. 092-96, § 1, 11-17-92; Ord. No. 008-78, § 1, 8-12-08)

**Sec 47-2 Permit Required To Plant In Thoroughfares; Establishment
Of Line**

It shall be unlawful for any person to plant, or cause to be planted, any tree in a public thoroughfare, including public parkways, in the city, without first making application to the city arborist for a permit allowing such planting. The city arborist, in consultation with the city engineer, shall establish such planting line as he deems advisable in view of the individual application made and shall issue a permit after the establishment of the line.

(Ord. No. 092-96, § 1, 11-17-92)

Sec 47-3 Types Of Trees Permitted In Thoroughfares

The tree board shall determine the types of trees (tree species and/or cultivar) to be planted in the public thoroughfares as listed on the City of Aurora Approved Street Tree Species List.

(Ord. No. 092-96, § 1, 11-17-92)

Sec 47-4 Planting Near Intersections

The city arborist shall not issue a permit allowing the planting of any tree in any public thoroughfare or parkway at a distance of not less than the distance specified by the visibility triangle formula or fifty (50) feet section 6 of the Arboricultural Specifications Manual for distance requirements, ~~whichever distance is determined appropriate by the city engineer, from the point of intersection of any given street lines within the city.~~

(Ord. No. 092-96, § 1, 11-17-92)

Sec 47-5 City Arborist; Establishment, Duties

The ~~position of the city~~ arborist ~~is hereby established within the~~
~~department of public property, and he/she~~ shall perform the duties
set forth in resolutions or ordinances and arboricultural manual.
In lieu of a city arborist, the city may utilize a designated city
employee representative or contractor.

(Ord. No. 092-96, § 1, 11-17-92)

Sec 47-6 Tree Board; Establishment, Composition, Appointment Of
Members, Duties

1. There is hereby established and created in the city a tree
board, which shall be composed of nine (9) members as follows:
representatives of the public works department from the
following divisions: street maintenance, engineering,
downtown services/horticulturist, parks, representatives of
the development services department from the following
divisions: planning and zoning, one (1) alderman, and the
mayor or his designee, and two (2) community members having
a demonstrated knowledge or interest in urban forestry to be
appointed by the mayor. The mayor shall designate the
chairperson of the tree board.

2. The tree board shall perform the following duties:

1. The board shall advise and consult the arborist and/or
the city on any matter pertaining to this chapter and

its enforcement. The topics under which this advice and consultation may be given may include, but are not limited to, any of the following:

1. Approval, alteration or revision to the Arboricultural Specifications Manual, and alterations or revisions of the Urban Forestry Plan;
2. The review of policies concerning trees on public and private property; selection, planting, maintenance, and removal of trees and shrubs within the city as it relates to all or existing ordinances;
3. Establishment of educational and informational programs;
4. Development of policies and procedures regarding the arborist's duties. ~~—;~~
5. Recommendation of requirements for tree care providers in the community.

(Ord. No. 092-96, § 1, 11-17-92; Ord. No. 097-77, § 1, 9-23-97; Ord. No. 008-78, § 1, 8-12-08; Ord. 018-042, 5-8-18)

Sec 47-7 Appeal Of Arborist Decision

A landowner may request a hearing, by an administrative hearing officer under chapter 3 of this Code, if they do not agree with the decision of the city arborist or if they wish to use a tree that is not on the approved street species list. The hearing officer
~~The tree board, upon the request of any person who~~

~~disagrees with the decision of the arborist,~~ shall hear all issues of the disputes which arise between the city arborist and any such person whenever those issues involve matters or the interpretation or enforcement of the Arboricultural Specifications Manual, the Urban Forest Plan, or of the interpretation or enforcement of this chapter, including disputes regarding the issuance of permits, or the concurrence or nonconcurrence of the arborist in permits required under other ordinance or laws, or the abatement of nuisances. ~~The decision of the tree board can be appealed to the environmental and water quality committee. The decision of the environmental and water quality committee would be the binding decision. The appeal of the city arborist's decision or the use of a tree that is not on the approved species list shall be submitted to the city clerk's office and referred to the law department to schedule an appeal hearing. The decision of the hearing office would be the binding decision.~~ Nothing in this section shall be construed to limit the jurisdiction of any court of law with respect to such disputes.

(Ord. No. 092-96, § 1, 11-17-92)

Sec 47-8 Public Nuisances

1. *Enumerated.* The following are hereby declared public nuisances:

1. Any dead or dying tree or shrub whether located on city-owned property or on private property:

2. Any otherwise healthy tree or shrub whether located on city-owned property or on private property, which harbors insects or diseases which reasonably may be expected to injure or harm any tree, shrub, or other plant;

3. Any tree or shrub or portion thereof whether located on city-owned property or on private property which obstructs the free passage of pedestrian traffic or which obstructs a street sign on city property and view of any vehicular traffic in or approaching an intersection;

4. Any tree or shrub or portion thereof, whether located on city-owned property or on private property which, by reason of location or condition, constitutes an imminent danger to the health, safety, or welfare of the general public.

5. Ash trees; the planting of all species of ash trees, "Fraxinus spp., on city-owned or on private property is prohibited.

2. *Right to inspect.* The ~~department of neighborhood standards~~division of property standards of the city and the city arborist ~~has~~have the authority to enter onto private property whereon there is located a tree, shrub, or plant part that is suspected to be a public nuisance.

1 3. *Abatement*. The following are the prescribed means of abating
2 public nuisances under this article:

3 1. Any public nuisance under this article which is located
4 on city-owned property shall be pruned, removed, or
5 otherwise treated by the city arborist~~in~~ whatever
6 fashion is required to the abatement of the nuisance
7 within a reasonable time after its discovery.

8 2. Any public nuisance under this article which is located
9 on private-owned property shall be pruned, removed, or
10 otherwise treated by the property owner or his/~~her~~ agent
11 in whatever fashion is required to cause the abatement
12 of the nuisance. It shall be the duty of any persons
13 growing a tree on his ~~or her~~ property to trim the trees
14 or treat and remove any diseased trees to prevent the
15 trees from constituting a nuisance to the neighbor or
16 public. No property owner may be found guilty of
17 violating this provision unless and until the following
18 requirements of notice have been satisfied:

19 1. The ~~arborist~~city shall cause a written notice to
20 be ~~personally served or~~ sent by ~~registered~~
21 ~~mail~~first-class U.S. mail to the person to whom was
22 sent the tax bill for the general taxes for the
23 last preceding year.

2. Such notice shall describe the kind of tree, shrub or plant part which has been declared to be a public nuisance; its location on the property; the reason for declaring it a nuisance;

3. Such notice shall describe by legal description or by ~~common description~~address the premises~~;~~;

4. Such notice shall state the actions that the property owner may undertake to abate the nuisance;

5. Such notice will require the elimination of the nuisance no less than thirty (30) days after the notice is delivered or sent to the person to whom was sent the tax bill for the general taxes for the last preceding year.

6. Should the owner or tenant neglect to comply with the terms of the written notice by the date specified within thirty (30) days after receiving it, the ~~department of neighborhood standards~~division of property standards will cause the removal, treatment or trimming of the nuisance tree, shrub or plant part. The full expense thereof shall be assessed as a lien against the property.

3. The arborist is empowered to cause the immediate abatement of any public nuisance provided that the

nuisance is determined by the arborist to be immediate threat to any person, property.

(Ord. No. 092-96, § 1, 11-17-92; Ord. No. 008-78, § 1, 8-12-08)

Sec 47-9 Interference With City Arborist

No person shall unreasonably hinder, prevent, delay, or interfere with the city arborist or his/her~~their~~ agents while engaged in the execution or enforcement of this chapter.

(Ord. No. 092-96, § 1, 11-17-92)

Sec 47-10 Damages

If any individual causes the injury, mutilation, or death of a tree or shrub located on city-owned property, as determined by the arborist, the cost or repair or replacement of such tree, shrub, or other plant shall be born by the party in violation. The replacement value of trees and shrubs shall be determined in accordance with the then-current revision of "Guide for Plant Appraisal," by the Council of Tree and Landscape Appraisers, as published by the International Society of Arboriculture.

(Ord. No. 092-96, § 1, 11-17-92; Ord. No. 008-78, § 1, 8-12-08)

Sec 47-11 Violation And Penalty

Any person who violates any provision of this chapter or who fails to comply with any notice issued pursuant to the provisions of chapter shall constitute a misdemeanor I, and, upon being found guilty of violation, shall be subject to fines, restitution, and cost recovery ~~shall be subject to a fine not to exceed one hundred~~

~~dollars (\$100.00)~~ for each separate offense, each day during which any violation of the provisions of this chapter shall occur or continue shall be a separate offense.

(Ord. No. 092-96, § 1, 11-17-92)

ARTICLE 47-II TREE SERVICE BUSINESS

DIVISION 47-II-1 GENERALLY

DIVISION 47-II-2 LICENSE

Cross reference— Licenses, permits and miscellaneous business regulations, Ch. 25.

DIVISION 47-II-1 GENERALLY

Sec 47-21 Definition

Sec 47-22 Protection Of Utilities

Sec 47-23 Duty To Remove Debris

Sec 47-24 Removal Of Stumps

Sec 47-25 Notice To City Arborist

Sec 47-26 Safety Precautions On Machinery

Sec 47-21 Definition

Unless the context otherwise requires, the term "tree service business" as used in this article shall include every person engaged in the arboriculture business including but not limited to ~~of~~ trimming trees, cutting~~removing~~ trees, ~~topping trees,~~ treating trees, removing stumps, or in any manner cutting, severing

1 or removing any portion or all of a tree for compensation within
2 the city.

3 (Code 1969, § 46-29)

4 **Sec 47-22 Protection Of Utilities**

5 Every licensee under this article shall, before commencing work on
6 any tree or ~~any~~ stump, determine the whereabouts of utility
7 facilities in the neighborhood and shall be responsible for
8 contacting the Joint Utility Locating Information for Excavators
9 (JULIE) to arrange for the protection of such facilities. This
10 section applies to both overhead facilities and underground
11 facilities.

12 (Code 1969, § 46-38; Ord. No. 092-96, § 1, 11-17-92)

13 **Sec 47-23 Duty To Remove Debris**

14 It shall be the obligation of every licensee under this article to
15 clean up the area where he is working or ~~has~~ have completed work,
16 and to remove all branches, twigs and chips in addition to larger
17 portions of the trees, and to dispose of such debris in such manner
18 that it will not remain on city streets or so that it will not
19 flow into city sewers, or that it will not have to be hauled by
20 the city. Any debris from diseased trees ~~s to be removed~~ shall be
21 transported to a city-approved marshaling yard or certified
22 disposal site or be disposed in alignment with State approved
23 standards (i.e. quarantine zones).

(Code 1969, § 46-39; Ord. No. 092-96, § 1, 11-17-92; Ord. No. 008-78, § 1, 8-12-08)

Sec 47-24 Removal Of Stumps

All stumps on city property shall be removed to a depth of at least eight (8) inches and all holes remaining from such stump removal shall be filled with dirt and sod or seed and the licensee shall be responsible for ensuring that the grass grows, unless city staff determines it necessary to provide site stabilization to prevent erosion.

(Code 1969, § 46-40; Ord. No. 092-96, § 1, 11-17-92)

Sec 47-25 Notice To City Arborist

Every licensee under this article shall notify the city arborist or designated city department contact of all proposed work to be done on city property and shall list with the arborist the exact address where such work is to be done and the nature of such work.

(Code 1969, § 46-41; Ord. No. 092-96, § 1, 11-17-92)

Sec 47-26 Safety Precautions On Machinery

Each licensee, in order to ensure safe operations to the operator and the general public, shall equip all power machinery used in connection with the tree service business with all reasonable safety precautions as prescribed by Occupation, Safety and Health Administration (OSHA) regulations.

(Code 1969, § 46-42; Ord. No. 092-96, § 1, 11-17-92)

DIVISION 47-II-2 LICENSE

Sec 47-41 Required

Sec 47-42 Application

Sec 47-43 Liability Insurance

Sec 47-44 Worker's Compensation Insurance

Sec 47-45 Fee

Sec 47-46 Issuance

Sec 47-47 Expiration; Renewal

Sec 47-48 Transfer

Sec 47-49 Exhibit On Demand

Sec 47-41 Required

It shall be unlawful for any person to engage in the business of tree service on public property without first having obtained a city license therefor.

(Code 1969, § 46-30)

Sec 47-42 Application

Every person desiring a license to engage in the tree service business shall appear in person at ~~the office of the city~~ treasurerdevelopment services and make application therefor giving the following information:

1. Name of applicant;

2. Location of place of business;

~~3. Number of employees;~~

4-3. Specific nature and type of tree service business proposed to be carried on within the city.

(Code 1969, § 46-41)

Sec 47-43 Liability Insurance

Every applicant for a license to engage in the tree service business shall present to ~~the city treasurer~~development services a certificate of insurance in a company satisfactory to ~~the city treasurer~~development services insuring the applicant and the city against any liability for injury to persons or property with limits of one ~~hundred thousand~~million dollars (\$1,000,000.00) for each accident involving property damage and/or personal injury and two million dollars (\$2,000,000.00) aggregate ~~person injured and three hundred thousand dollars (\$300,000.00) for each accident and one hundred thousand dollars (\$100,000.00) limit for property damage,~~ which insurance shall protect all persons and property other than the applicant, but including the city.

(Code 1969, § 46-32)

Sec 47-44 Worker's Compensation Insurance

In addition to the liability insurance as required by section 47-43, each applicant who employs agents or servants to engage in the tree service business on his behalf shall demonstrate to ~~the city treasurer~~development services a certificate showing that such agents and servants and employees are protected by workers' compensation insurance with statutory limits.

(Code 1969, § 46-43)

Sec 47-45 Fee

No person shall be issued a license under this division until he pays to the city a fee of fifty dollars (\$50.00).

(Code 1969, § 46-34; Ord. No. 092-96, § 1, 11-17-92)

Sec 47-46 Issuance

If it shall appear to ~~the city treasurer~~ development services staff that the applicant has complied with all of the provisions of this division and is a proper and qualified person to engage in the tree service business, then the ~~city treasurer~~ development services staff shall issue a license to such applicant.

(Code 1969, § 46-36)

Sec 47-47 Expiration; Renewal

A license issued under this division shall be for a period of one (1) year. All licenses terminate on March 1 annually.

(Code 1969, § 46-34; Ord. No. 092-96, § 1, 11-17-92)

Sec 47-48 Transfer

The license required by this division shall not be transferable.

(Code 1969, § 46-35)

Sec 47-49 Exhibit On Demand

The licensee under this division shall demonstrate his license to any of his customers and to any law enforcement officer or property standards inspector of the city upon demand.

(Code 1969, § 46-37)

ARTICLE 47-III (RESERVED)

1 **Editor's note**— Ord. No. 000-188, § 1, adopted Dec. 26, 2000,
2 repealed §§ 47-61–47-64 in their entirety. Formerly, said sections
3 pertained to weeds. See the Code Comparative Table.

4 **ARTICLE 47-IV EUROPEAN BARBERRY**

5 **Sec 47-76 Prohibited**

6 **Sec 47-77 Notice To Remove**

7 **Sec 47-78 Removal By City**

8 **Sec 47-76 Prohibited**

9 It shall be unlawful and it is declared a nuisance for any person
10 to plant or permit the growth, upon any premises, of the bush of
11 the species of tall, common or European Barberry, further known as
12 Berberis vulgaris, and its horticultural varieties, in the city.
13 (Code 1969, § 46-66)

14 **Sec 47-77 Notice To Remove**

15 It shall be the duty of the division of inspections, permits and
16 zoning enforcement to serve a notice in writing upon the owner,
17 agent, occupant or person in possession, charge or control of any
18 lot, building or premises in or upon which Barberry bush may be
19 found, requiring them to remove, destroy and carry the same away
20 and off such premises within ten (10) days thereafter.

21 (Code 1969, § 46-67)

22 **Sec 47-78 Removal By City**

23 If the person notified in accordance with section 47-77 shall
24 refuse or neglect to comply with such order within the time and in

1 the manner specified, the division of inspections, permits and
2 zoning administration shall cause the abatement of such nuisance
3 at the expense of the party or parties responsible for or
4 permitting the same.

5 (Code 1969, § 46-68)

6