

1 **CHAPTER 47 TREES, SHRUBS AND WEEDS**

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6 **ARTICLE 47-I IN GENERAL**

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22 **Editor's note**— Article I, §§ 47-1–47-4, was amended in its entirety

23 to read as set out herein by § 1 of Ord. No. 092-96, adopted Nov.

1 17, 1992. Prior to amendment, the provisions pertained to similar
2 provisions and derived from Code 1969, §§ 46-2-46-4 and 46-34.

3 **Sec 47-1 Purpose, Intent And Definitions**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (Ord. No. 092-96, § 1, 11-17-92)

12 **Sec 47-3 Types Of Trees Permitted In Thoroughfares**

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

16 (Ord. No. 092-96, § 1, 11-17-92)

17 **Sec 47-4 Planting Near Intersections**

18 The city arborist shall not issue a permit allowing the planting
19 of any tree in any public thoroughfare or parkway at a distance of
20 not less than the distance specified by section 6 of the
21 Arboricultural Specifications Manual for distance requirements.

22 (Ord. No. 092-96, § 1, 11-17-92)

23 **Sec 47-5 City Arborist; Establishment, Duties**

1 The city arborist shall perform the duties set forth in resolutions
2 or ordinances and arboricultural manual. In lieu of a city arborist,
3 the city may utilize a designated city employee representative or
4 contractor.

5 (Ord. No. 092-96, § 1, 11-17-92)

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

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

19 2. The tree board shall perform the following duties:

20 1. The board shall advise and consult the arborist and/or
21 the city on any matter pertaining to this chapter and
22 its enforcement. The topics under which this advice and
23 consultation may be given may include, but are not
24 limited to, any of the following:

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

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

16 **Sec 47-7 Appeal Of Arborist Decision**

17 A landowner may request a hearing, by an administrative hearing
18 officer under chapter 3 of this Code, if they do not agree with
19 the decision of the city arborist or if they wish to use a tree
20 that is not on the approved street species list. The hearing
21 officer shall hear all issues of the disputes which arise between
22 the city arborist and any such person whenever those issues involve
23 matters or the interpretation or enforcement of the Arboricultural
24 Specifications Manual, the Urban Forest Plan, or of the

1 interpretation or enforcement of this chapter, including disputes
2 regarding the issuance of permits, or the concurrence or
3 nonconcurrence of the arborist in permits required under other
4 ordinance or laws, or the abatement of nuisances. The appeal of
5 the city arborist's decision or the use of a tree that is not on
6 the approved species list shall be submitted to the city clerk's
7 office and referred to the law department to schedule an appeal
8 hearing. The decision of the hearing office would be the binding
9 decision. Nothing in this section shall be construed to limit the
10 jurisdiction of any court of law with respect to such disputes.

11 (Ord. No. 092-96, § 1, 11-17-92)

12 **Sec 47-8 Public Nuisances**

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

- 15 1. Any dead or dying tree or shrub whether located on city-
16 owned property or on private property:
- 17 2. Any otherwise healthy tree or shrub whether located on
18 city-owned property or on private property, which
19 harbors insects or diseases which reasonably may be
20 expected to injure or harm any tree, shrub, or other
21 plant;
- 22 3. Any tree or shrub or portion thereof whether located on
23 city-owned property or on private property which
24 obstructs the free passage of pedestrian traffic or

1 which obstructs a street sign on city property and view
2 of any vehicular traffic in or approaching an
3 intersection;

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

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

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

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

18 1. Any public nuisance under this article which is located
19 on city-owned property shall be pruned, removed, or
20 otherwise treated by the city in whatever fashion is
21 required to the abatement of the nuisance within a
22 reasonable time after its discovery.

23 2. Any public nuisance under this article which is located
24 on private-owned property shall be pruned, removed, or

1 otherwise treated by the property owner or his agent in
2 whatever fashion is required to cause the abatement of
3 the nuisance. It shall be the duty of any persons growing
4 a tree on his property to trim the trees or treat and
5 remove any diseased trees to prevent the trees from
6 constituting a nuisance to the neighbor or public. No
7 property owner may be found guilty of violating this
8 provision unless and until the following requirements of
9 notice have been satisfied:

- 10 1. The city shall cause a written notice to be sent by
11 first-class U.S. mail to the person to whom was
12 sent the tax bill for the general taxes for the
13 last preceding year.
- 14 2. Such notice shall describe the kind of tree, shrub
15 or plant part which has been declared to be a public
16 nuisance; its location on the property; the reason
17 for declaring it a nuisance;
- 18 3. Such notice shall describe by legal description or
19 by address the premises;
- 20 4. Such notice shall state the actions that the
21 property owner may undertake to abate the nuisance;
- 22 5. Such notice will require the elimination of the
23 nuisance no less than thirty (30) days after the
24 notice is delivered or sent to the person to whom

1 was sent the tax bill for the general taxes for the
2 last preceding year.

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

10 3. The arborist is empowered to cause the immediate
11 abatement of any public nuisance provided that the
12 nuisance is determined by the arborist to be immediate
13 threat to any person, property.

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

15 **Sec 47-9 Interference With City Arborist**

16 No person shall unreasonably hinder, prevent, delay, or interfere
17 with the city arborist or their agents while engaged in the
18 execution or enforcement of this chapter.

19 (Ord. No. 092-96, § 1, 11-17-92)

20 **Sec 47-10 Damages**

21 If any individual causes the injury, mutilation, or death of a
22 tree or shrub located on city-owned property, as determined by the
23 arborist, the cost or repair or replacement of such tree, shrub,
24 or other plant shall be born by the party in violation. The

1 replacement value of trees and shrubs shall be determined in
2 accordance with the then-current revision of "Guide for Plant
3 Appraisal," by the Council of Tree and Landscape Appraisers, as
4 published by the International Society of Arboriculture.

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

6 **Sec 47-11 Violation And Penalty**

7 Any person who violates any provision of this chapter or who fails
8 to comply with any notice issued pursuant to the provisions of
9 chapter shall constitute a misdemeanor I, and, upon being found
10 guilty of violation, shall be subject to fines, restitution, and
11 cost recovery for each separate offense, each day during which any
12 violation of the provisions of this chapter shall occur or continue
13 shall be a separate offense.

14 (Ord. No. 092-96, § 1, 11-17-92)

15 **ARTICLE 47-II TREE SERVICE BUSINESS**

16 **DIVISION 47-II-1 GENERALLY**

17 **DIVISION 47-II-2 LICENSE**

18

19

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

22 **DIVISION 47-II-1 GENERALLY**

23 **Sec 47-21 Definition**

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

1 Sec 47-23 Duty To Remove Debris

2 Sec 47-24 Removal Of Stumps

3 Sec 47-25 Notice To City Arborist

4 Sec 47-26 Safety Precautions On Machinery

5 **Sec 47-21 Definition**

6 Unless the context otherwise requires, the term "tree service
7 business" as used in this article shall include every person
8 engaged in the arboriculture business including but not limited to
9 trimming trees, removing trees, treating trees, removing stumps,
10 or in any manner cutting, severing or removing any portion or all
11 of a tree for compensation within the city.

12 (Code 1969, § 46-29)

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

14 Every licensee under this article shall, before commencing work on
15 any tree or stump, determine the whereabouts of utility facilities
16 in the neighborhood and shall be responsible for contacting the
17 Joint Utility Locating Information for Excavators (JULIE) to
18 arrange for the protection of such facilities. This section applies
19 to both overhead facilities and underground facilities.

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

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

22 It shall be the obligation of every licensee under this article to
23 clean up the area where he is working or have completed work, and
24 to remove all branches, twigs and chips in addition to larger

1 portions of the trees, and to dispose of such debris in such manner
2 that it will not remain on city streets or so that it will not
3 flow into city sewers, or that it will not have to be hauled by
4 the city. Any debris from diseased trees shall be transported to
5 a city-approved marshaling yard or certified disposal site or be
6 disposed in alignment with State approved standards (i.e.
7 quarantine zones).

8 (Code 1969, § 46-39; Ord. No. 092-96, § 1, 11-17-92; Ord. No. 008-
9 78, § 1, 8-12-08)

10 **Sec 47-24 Removal Of Stumps**

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

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

18 **Sec 47-25 Notice To City Arborist**

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

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

24 **Sec 47-26 Safety Precautions On Machinery**

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

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

7 **DIVISION 47-II-2 LICENSE**

8 Sec 47-41 Required

9 Sec 47-42 Application

10 Sec 47-43 Liability Insurance

11 Sec 47-44 Worker's Compensation Insurance

12 Sec 47-45 Fee

13 Sec 47-46 Issuance

14 Sec 47-47 Expiration; Renewal

15 Sec 47-48 Transfer

16 Sec 47-49 Exhibit On Demand

17 **Sec 47-41 Required**

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

21 (Code 1969, § 46-30)

22 **Sec 47-42 Application**

1 Every person desiring a license to engage in the tree service
2 business shall appear in person at development services and make
3 application therefor giving the following information:

4 1. Name of applicant;

5 2. Location of place of business;

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

8 (Code 1969, § 46-41)

9 **Sec 47-43 Liability Insurance**

10 Every applicant for a license to engage in the tree service
11 business shall present to development services a certificate of
12 insurance in a company satisfactory to development services
13 insuring the applicant and the city against any liability for
14 injury to persons or property with limits of one million dollars
15 (\$1,000,000.00) for each accident involving property damage and/or
16 personal injury and two million dollars (\$2,000,000.00) aggregate ,
17 which insurance shall protect all persons and property other than
18 the applicant, but including the city.

19 (Code 1969, § 46-32)

20 **Sec 47-44 Worker's Compensation Insurance**

21 In addition to the liability insurance as required by section 47-
22 43, each applicant who employs agents or servants to engage in the
23 tree service business on his behalf shall demonstrate to
24 development services a certificate showing that such agents and

1 servants and employees are protected by workers' compensation
2 insurance with statutory limits.

3 (Code 1969, § 46-43)

4 **Sec 47-45 Fee**

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

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

8 **Sec 47-46 Issuance**

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

14 (Code 1969, § 46-36)

15 **Sec 47-47 Expiration; Renewal**

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

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

19 **Sec 47-48 Transfer**

20 The license required by this division shall not be transferable.

21 (Code 1969, § 46-35)

22 **Sec 47-49 Exhibit On Demand**

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

4 (Code 1969, § 46-37)

5 **ARTICLE 47-III (RESERVED)**

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

9 **ARTICLE 47-IV EUROPEAN BARBERRY**

10 Sec 47-76 Prohibited

11 Sec 47-77 Notice To Remove

12 Sec 47-78 Removal By City

13 **Sec 47-76 Prohibited**

14 It shall be unlawful and it is declared a nuisance for any person
15 to plant or permit the growth, upon any premises, of the bush of
16 the species of tall, common or European Barberry, further known as
17 *Berberis vulgaris*, and its horticultural varieties, in the city.

18 (Code 1969, § 46-66)

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

20 It shall be the duty of the division of inspections, permits and
21 zoning enforcement to serve a notice in writing upon the owner,
22 agent, occupant or person in possession, charge or control of any
23 lot, building or premises in or upon which Barberry bush may be

1 found, requiring them to remove, destroy and carry the same away
2 and off such premises within ten (10) days thereafter.

3 (Code 1969, § 46-67)

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

5 If the person notified in accordance with section 47-77 shall
6 refuse or neglect to comply with such order within the time and in
7 the manner specified, the division of inspections, permits and
8 zoning administration shall cause the abatement of such nuisance
9 at the expense of the party or parties responsible for or
10 permitting the same.

11 (Code 1969, § 46-68)

12