

**City of St. Charles, Illinois**

**Ordinance No. 2018-M-6**

**An Ordinance Amending Title 12 “Streets, Sidewalks, Public Places and Special Events”, Chapter 12.20 “Trees and Shrubs”, Section 12.20.010 “Definitions”, Section 12.20.020 “Purpose and intent”, Section 12.20.040 “Tree Commission: establishment, composition, appointment of members” and Section 12.20.050 “Tree Commission duties” of the St. Charles Municipal Code.**

**Adopted by the  
City Council  
of the  
City of St. Charles  
March 5, 2018**

**Published in pamphlet form by  
authority of the City Council  
of the City of St. Charles,  
Kane and Du Page Counties,  
Illinois, March 12, 2018**

  
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**City Clerk**



**(S E A L)**

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**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, AS FOLLOWS:**

SECTION ONE: That Title 12 “Streets, Sidewalks, Public Places and Special Events” Chapter 12.20 “Trees and Shrubs” Section 12.20.010 “Definitions”, of the St. Charles Municipal Code, be and is hereby amended as follows:

12.20.010 – Definitions

As used within this Chapter, the following terms shall have the meanings set forth in this Section:

- A. “Parkway” – A portion of the right-of-way (“ROW”) between the edge of the pavement structure or curbing and the lot or parcel adjacent to the ROW. The parkway may include sidewalk, driveway, trees, shrubs, seeded and/or sodded lawn areas and utility services as defined in Chapter 12.04.005.
- B. “Arborist” – The City Arborist of St. Charles, Illinois, a position requiring expertise in the field of arboriculture.
- C. “Shrubbery” – A group of low, usually several stemmed woody plants.
- D. “Property Owner” – The record owner or contract purchaser of any parcel of land.
- E. “Tree” – A woody perennial plant having a main stem or trunk exceeding ten feet in height at maturity.
- F. “Root Flare” – The exposed roots that flare out from the base of the tree.
- G. “Volcano Mulching” – Mulch that has been piled up too high around the trunk of the tree similar to a volcano.
- H. “ISA” – International Society of Arboriculture.
- I. Right of Way or ROW – A strip of land occupied or intended to be occupied by a street, sidewalk and/or railroad, and by electrical transmission lines, oil or gas pipelines, water mains, sanitary or storm sewer mains, trees and/or for other special uses. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of

such lots or parcels. Right-of-ways intended for streets, crosswalks, water mains, sanitary sewers, storm drains, trees or any other use involving maintenance by a public agency shall be dedicated to public use by the make of the plat on which such right-of-way is established as defined by Chapter 12.30.30.

(2012-M-47: § 5; 2007-M-56: § 1; 1998-M-28: § 1; Prior code: § 12.501)

**SECTION TWO:** That Title 12 “Streets, Sidewalks, Public Places and Special Events” Chapter 12.20 “Trees and Shrubs” Section 12.20.020 “Natural Resources”, of the St. Charles Municipal Code, be and is hereby amended as follows:

12.20.020 – Purpose and Intent

A. Purpose – The purpose of this Chapter is to:

1. Protect the City’s natural resources, and promote environmental values and stewardship within the community.
2. Protect the public health, safety and general welfare of the community by providing for the regulation of planting, maintenance and removal of trees and shrubs within the City. (Ord. 2012-M-47 § 5.)

B. Intent – It is the intent of the City Council of St. Charles that the terms of this Chapter shall be construed so as to promote:

1. Environmental programs and awareness, and natural resources conservation and education.
2. Planting, maintenance, restoration and survival of desirable trees and shrubs within the City.
3. The protection of residents from personal injury and property damage, and the protection of the City from property damage, caused or threatened by improper planting, maintenance, or removal of trees and shrubs located within or affecting City owned property or the City right-of-way.

(2012-M-47: § 5; 1998-M-28: § 1)

**SECTION THREE:** That Title 12 “Streets, Sidewalks, Public Places and Special Events” Chapter 12.20 “Trees and Shrubs” Section 12.20.040 “Natural Resources Commission: establishment, composition, appointment of members”, of the St. Charles Municipal Code, be and is hereby amended as follows:

12.20.040 – Natural Resources Commission: establishment, composition, appointment of members

- A. Establishment – The St. Charles Natural Resources Commission (hereinafter “NRC” {formerly the St. Charles Tree Commission}) is hereby established and incorporates the functions and duties of the former Tree Commission. The NRC’s functions and duties are limited to those set forth in this chapter.
- B. Composition – The NRC shall be composed of eleven commissioners. All commissioners shall be appointed by the Mayor with the approval of the City Council. All commissioners shall serve without pay. Subject to the exceptions in paragraph “C” immediately below, each commissioner shall serve for a term of four years.
- C. Appointment of Members – Five (5) of the eleven (11) commissioners initially appointed to the NRC shall serve for a term of two (2) years; six (6) of the eleven (11) commissioners initially appointed shall serve for a term of four (4) years. Terms shall start on May 1. Determination of the initial term length (two or four year) shall be by lot. The Chairperson of the NRC shall be elected by majority vote of the NRC and shall be subject to re-election annually on May 1. The NRC may also include one (1) or more, not exceeding four (4), non-voting member(s) who shall be a high school student and/or college student resident having an interest in the duties and mission of the NRC. Student members shall be appointed by the NRC and shall serve on the NRC for a minimum of one (1) school semester and a maximum term of two (2) years. Student members may be appointed to the NRC at the age of eighteen (18) if a vacancy exists on the NRC.
- D. Expiration or Vacation of Terms – Within thirty days following the expiration of the term of any appointed commissioner, a successor shall be appointed by the Mayor with the approval of the City Council, and the successor shall serve for a term of four (4) years. Should any commissioner resign or be removed from the NRC, a successor shall be appointed by the Mayor with the approval of the City Council and shall serve for the unexpired period of the vacated term. A member of the NRC may be removed by the Mayor with the approval of a majority of the City Council.
- E. Official Meetings – The NRC shall meet twelve (12) times per year on the second Thursday of every calendar month.

(1998-M-32: § 1; 1998-M-28: § 1)

**SECTION FOUR:** That Title 12 “Streets, Sidewalks, Public Places and Special Events” Chapter 12.20 “Trees and Shrubs” Section 12.20.050 “Natural Resources Commission Duties”, of the St. Charles Municipal Code, be and is hereby amended as follows:

12.20.050 – Natural Resources Commission Duties

- A. Duties – The NRC shall perform the following duties:

1. Within a reasonable time after the appointment of the NRC, upon call of the Chairperson of the NRC, the NRC shall meet and adopt rules of procedure for regular and special meetings to fulfill the duties imposed upon it by this Chapter.
2. Serve as a resource and advocate to City Government in developing policies and practices in an environmentally conscious manner.
3. The NRC shall advise and consult the City's Government Services Committee on any matter pertaining to the topics covered in 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:
  - a. Amendment to this Chapter and alteration or revisions of the Urban Forestry Management Plan;
  - b. Policy concerning matters of City business as outlined in this Chapter;
  - c. investigation into practices of green infrastructure, sustainable business practices and programs, native species and ecological restorations and other matters of importance that may influence the City's environmental footprint.
  - d. Establishment of educational and informational programs including, but not limited to, natural resources conservation, environmental awareness and behavior, public health, an annual Arbor Day celebration and the City's Tree City USA designation.  
(Ord. 2012-M-47 § 5.)
  - e. Investigate and recommend to the City's Public Works Department and the City Council as it may consider appropriate to support:

Preservation, conservation, education, enhancement and protection of the environment, natural resources and environmental values of the City, including the quality of land, air and water and the interrelationship that exists between them and all biotic systems.
- f. Advise the City Council on such matters as may be requested.
4. The NRC, with the assistance of the City's Public Works Department and City Arborist, shall update the Urban Forestry Management Plan annually. The Urban Forestry Management Plan shall outline the City's urban forestry program activities for the next five (5) years. The Urban Forestry Management Plan shall describe the urban forestry activities to be undertaken by the City, the reasons for those activities, the possible funding source(s), the means of accomplishing the activities, the alternatives available to the City to fund or accomplish the

- activity, the projected date of completion and the consequences if the activity is not completed. Activities include, but are not limited to, street tree inventory, planting, pruning, tree removal, beautification projects and educational projects.
5. The NRC, with the assistance of the Public Works Department and the City Arborist, shall develop and periodically review and revise, as necessary, the City's Trees and Shrubs ordinance. This ordinance shall contain regulations and standards for the planting, maintenance and removal of trees and shrubs upon City-owned property and the City right-of-way.  
(Ord. 2012-M-47 § 5.)
  6. The NRC shall cause the Urban Forestry Management Plan and the Trees and Shrubs Ordinance, and all revisions and amendments to it, to be published and promulgated and shall cause copies of the ordinance and all revisions and amendments to it, to be available for public inspection at the office of the City Clerk. The Trees and Shrubs Ordinance and any revisions and additions thereto shall become effective upon the approval date of the ordinance or revision or amendment thereto.
  7. The NRC shall inform the public about the activities of the NRC.
  8. The City shall issue such permits as are required by this Chapter and shall obtain as a condition precedent to the issuance of such permits the written agreement of each person who applies for such permits that he or she will comply with the requirement of this Chapter, the Urban Forestry Management Plan and with the regulations and standards of the Trees and Shrubs Ordinance. The City's Public Works Department shall have the right to inspect all work performed pursuant to such permits. If the City's Public Works Department finds that the work performed is not in compliance with the requirements of this Chapter, the Urban Forestry Management Plan or with the regulations or standards of the Trees and Shrubs Ordinance, the Public Works Department shall provide written notice of its findings to the permit applicant. The notice shall contain a copy of Section 12.20 of this Chapter, and the permit shall be nullified and voided. The City's Public Works Department may issue a written order that the permit applicant cease and desist all work for which the permit was required. The permit applicant shall be subject to penalty under the terms of the Ordinance. The City's Public Works Department may take steps to correct the results of the non-complying work and the reasonable costs of such steps shall be charged to the permit applicant.

#### Public Utility Companies

Nothing in this section shall be construed to exempt public utility companies or their agents from any of the requirements of this Ordinance

SECTION FOUR:

That, after the adoption and approval hereof, this Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the City Council of the City of St. Charles, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

SECTION FIVE: This Ordinance shall be in full force and effect ten (10) days from and after its passage by a vote of the majority of the corporate authorities now holding office, approval and publication in the manner provided by law.

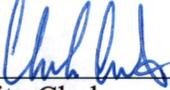
PRESENTED to the City Council of the City of St. Charles, Illinois, this 5<sup>th</sup> day of March, 2018.

PASSED by the City Council of the City of St. Charles, Illinois this 5<sup>th</sup> day of March, 2018.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 5<sup>th</sup> day of March, 2018.

  
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Raymond P. Rogina, Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk



COUNCIL VOTE:

Ayes : 10  
Nays : 0  
Absent : 0

State of Illinois )  
 )  
 ) ss.  
Counties of Kane and DuPage )

## Certificate

I, CHUCK AMENTA, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on March 5, 2018, the Corporate Authorities of such municipality passed and approved Ordinance No. 2018-M-6 entitled

"An Ordinance Amending Title 12 "Streets, Sidewalks, Public Places and Special Events", Chapter 12.20 "Trees and Shrubs", Section 12.20.010 "Definitions", Section 12.20.020 "Purpose and intent", Section 12.20.040 "Tree Commission: establishment, composition, appointment of members" and Section 12.20.050 "Tree Commission duties" of the St. Charles Municipal Code."

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

The pamphlet form of Ordinance No. 2018-M-5, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on March 12, 2018, 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 St. Charles, Illinois, this 5<sup>th</sup> day of March, 2018.

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Municipal Clerk