

Ordinance No. 02.22.2022

**Tree Preservation Ordinance
Prospect Heights Park District, Cook County, Illinois**

1.1 STATEMENT OF PURPOSE

The purpose of this ordinance is to provide for the protection, management, removal and replacement of trees throughout the Prospect Heights Park District.

Specific goals of this ordinance are to:

- Preserve, protect and enhance the urban forest to ensure that trees are properly planted and maintained within the Prospect Heights Park District so that trees can protect, enhance and preserve the quality of life for residents of the District.

Value Statement

- Prospect Heights Park District recognizes the tangible benefits that trees provide in the suburban environment. Healthy trees reduce air and noise pollution, provide energy-savings shade and cooling, furnish habitat for wildlife, enhance aesthetics and property values, and are an important contributor to community image, pride and quality of life. In order to protect and enhance their valuable tree resources, it is useful to view and manage trees as infrastructure, in a manner similar to park buildings and facilities.

1.2 DEFINITIONS

ARBORIST Any individual experienced in the profession of forestry or a related field and is licensed or certified in forestry by an accredited forestry industry body, e.g. International Society of Arboriculture.

ANSI American National Standards Institute.

BUILDING ACTIVITY AREA The portion of a property within which development activity, including grading, excavation, storage of materials, construction access and construction of both main buildings and unattached structures.

CANOPY The upper portion of a tree sometimes called the crown. This section of the tree usually contains branches and leaves.

DAMAGE Impact or loss of function to any tree including but not limited to: removal, root compaction, root removal, girdling, soil contamination, topping, pruning more than 20% of the trees, canopy removal, bark removal, poisoning and or/ actions resulting in the decline or death of a tree.

DEVELOPMENT Any proposed change in the use or character of land, including, but not limited to the replacement of any structure or site improvements, e.g. irrigation installation, driveway replacement, installation of a retaining wall among others.

DIAMETER AT BREAST HEIGHT The diameter of the trunk of the tree measured in inches at a point 4.5 feet above ground line. This forestry standard measurement is used for established and mature trees and is referred to as "DBH". All reference to diameter size shall be to the DBH.

DRIP LINE A vertical line run through the outermost portion of the canopy of a tree and extending down to the ground.

INFRASTRUCTURE The basic underlying framework or features that provide collective services, including but not limited to roads, waterlines, storm sewers, bioswales, and trees.

INVASIVE SPECIES An introduced or exotic species that significantly modifies or disrupts the ecosystem in which it colonizes (e.g. buckthorn).

LANDSCAPING PROFESSIONAL A registered landscape architect, horticulturalist or other similarly degreed, experienced and/or licensed plant professional.

PREFERRED TREE LIST A listing of tree species, identified in the Prospect Heights Park District Urban Forest Management Plan.

PROPERTY OWNER An individual or organization who owns property located within the corporate limits of the Prospect Heights Park District.

PROTECTIVE/ TEMPORARY FENCING A snow fence, chain link fence, orange vinyl construction fence or other similar fencing with a minimum 4 foot height.

SITE That parcel of land for which landscaping or tree removal is sought.

SPECIMEN TREE A tree that is particularly impressive or an unusual example of a species due to its size, shape age, or any other trait that epitomizes the character of the species.

TREE Any self-supporting woody plant, together with its root system, trunk and canopy; growing upon the earth usually with one trunk, or a multi-stemmed trunk system, supporting a definitely formed crown.

TREE PRESERVATION PLAN Process of protecting trees from damage related to construction activity.

TREE PROTECTION ZONE area on the ground surrounding a tree in which excavation, compaction, and other construction-related activities should be avoided or mitigated.

TREE REMOVAL The cutting down, destruction, removal, or relocation of any tree, including damaging by poison or other direct or indirect action.

URBAN FORESTRY MANAGEMENT PLAN The District's plan as referenced as UFMP

1.3 OVERSIGHT

- In order to streamline operations, tasks will be assigned to various staff, contractors and consultants.
 - The Superintendent of Facilities and Parks is responsible for overseeing and coordinating the activities of both in house staff, outside contractors or consultants and volunteers.
 - The Superintendent of Finance will assist with request for proposals (RFP), GIS system, and volunteers.
 - The Executive Director is tasked with making sound decisions about funding, and plan implementation.
- Prospect Heights Park District's Recreation Facilities, Parks and Maintenance Committee, will be the recommending body to provide assistance, direction and expertise to Board and staff regarding the preservation, planting, management and protection of trees.
- The District shall require that any Contractor, working for the District who may interact or have impact on the District's public property urban forest, utilize or have on staff at least one International Society of Arboriculture Certified Arborist. This is for all work pertaining to trees, including but not limited to removal, pruning and planting activities.

1.4 INSURANCE AND SAFETY REQUIREMENTS

- Insurance requirements for all contractors must meet the guidelines defined by the Park District Risk Management Association, PDRMA.

- Parks staff will participate in safety training provided by PDRMA.

1.5 PRESERVATION

- The Prospect Heights Park District shall have an approved Urban Forestry Management Plan. This plan shall be the framework for the protection, management, and planting of trees within the District and shall support and clearly define regulations identified in the Tree Preservation Ordinance.
- All tree planting, selection, care, pruning and management shall follow the Urban Forest Management Plan .
- Tree topping is prohibited and potentially penalized by fine of not less than \$50 and no more than \$750. Tree topping, cutting the top of a tree off, reduces the tree's remaining top branches to stumps resulting in weak, unstable limbs, more prone to breaking and may be a risk hazard. Proper tree pruning is required at all times.
- It is recognized that diverse species and age structure of urban trees throughout the District are critical to the health of the forest structure and protects the District from catastrophic loss and improved longevity. Specifications for tree nursery sources, species and age diversity, planting, and management are contained in the Urban Forest Management Plan.

1.6 PLANTING

- As outlined in the UFMP, Prospect Heights Park District shall plant, as budget allows diverse species with the ratio of not more than 20% of any one family, 10% of any one genus or 5% of any one species. Diverse species composition protects the District from catastrophic loss.
- All trees planted by the District or their agent shall be planted in accordance with the Urban Forest Management Plan. A list of approved and unapproved species is included in the UFMP.

1.7 TREE PROTECTION

- Unless otherwise authorized by this Section, it shall be unlawful for any person to remove, injure or undertake any procedure which will cause death, substantial damage, or create a hazard, to any public property tree without first obtaining permission from the District. Based on the severity of the incident, actions will be taken by the District including contacting the police or a fine of not less than \$50 and no more than \$750 will be imposed In the case of tree management practices, these practices shall comply with the requirements identified in the Urban Forest Management Plan
- Any person found guilty of violating any provision of this Ordinance shall be assessed a fee based on the cost for damages, referenced in the most current

version of the ISA's Guide for Plant Appraisal. Each tree cut down, destroyed, damaged, removed or moved shall constitute a separate offence.

- In the event of any site improvement which may impact public property trees, a Tree Preservation Plan is required, must be approved, and implemented prior to the start of any work or delivery of any materials to the Building Activity Area. See UFMP appendixes G and L for more information. Tree protection and preservation during periods of construction involves protecting trees from damage caused by construction activities. This damage includes physical and chemical damage to the trunk, branches, and roots. Damage may be caused by equipment such as backhoes, skid steers or other appendage-type equipment. Tree Preservation Plan specifies which trees are to be protected, how the trees will be protected, who is responsible. The plan shall be available on the site throughout the entire construction period until final approvals for all site work shall be received in writing.
 - 1) Protective/Temporary Fencing shall be required for any protected trees and specimen trees within the active construction zone to prevent infringement on the root system from any construction related activities. The protective fencing must encompass no less than 100% of the radius of the drip line of the protected tree, excluding any pre-existing structures, foundations, slabs, roadways, highways, and driveways. All fencing must appear on construction documents and shall be installed prior to any other construction related activity. The fencing shall remain in place until all other construction related activity has been completed.
 - 2) Prohibited activities within the Tree Protection Zone shall include but not limited to the following:
 - A) Material Storage: No materials for construction or waste accumulated due to excavation, demolition, or construction shall be placed under the canopy of any tree.
 - B) Equipment Cleaning/Liquid Disposal: No equipment shall be cleaned, or other materials or liquids deposited or allowed to flow over land within the limits of the canopy of any tree. This includes, without limitation, paint, solvents, asphalt, concrete, mortar, or any other material.
 - C) Tree Attachments: No signs, wires, or other attachments other than those of a protective nature shall be attached to any tree.
 - D) Vehicular Traffic: No vehicular and/or construction equipment traffic or parking shall take place within the limits of the protective fencing.

- E) Grade Changes: No grade changes more than two inches (cut or fill) shall be allowed within the limits of the drip line of any tree.
- F) New Impervious Paving: No new paving with asphalt, concrete or other impervious materials in a manner which may be expected to severely damage or kill a tree shall be placed within the limits of the drip line of any tree. If efforts are made to protect the tree roots, such as root pruning, an exception may be made by the District.

1.8 SPECIMEN TREE PROTECTION

A Specimen Tree is a tree provided special designation by the District. The criteria for designation is provided in the Urban Forest Management Plan.

1.9 TREE REMOVAL

It shall be unlawful for any individual or contractor to remove, cause damage or effectively destroy any tree located on District property without first receiving a permission from the District. All written permit requests should be submitted to the Executive Director during project planning. There is no cost to obtain the permit but it's necessary to proceed. Any person found guilty of violating any provisions of the Tree Preservation Ordinance shall be addressed by the Executive Director, fined not less than \$50 and no more than \$750 and/or the police will be notified.

- Tree removal shall follow the ANSI A300 and ANSI Z133 safety requirements as outlined in the UFMP.
- All stump removals shall require underground utility locations prior to any action.
- The District will not remove healthy trees to meet diversity goals, unless the tree poses a risk to persons or property or is considered invasive. If a park area is redeveloped based on park planning, the district may include in its planning removal of healthy trees to meet diversity goals. Invasive trees may be removed to meet diversity goals.
- The District shall not perform or assist, programmatically or financially, with the removal of trees or pruning of trees on private property. Public/Private tree ownership is defined as having 51% or greater of its trunk diameter on park property. Limbs overhanging park property may be pruned back to property line with adjacent properties, following ANSI A300 standards listed in the UFMP with written permission from the Executive Director.

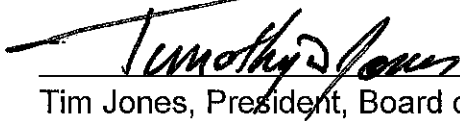
1.10 TREE REPLACEMENT

- It is required that tree replacement species adhere to the Approved and Unapproved Species List. The List is provided in the Urban Forest Management

Plan. Choice of species should be done so according to the district's diversity goals outlined in the UFMP.

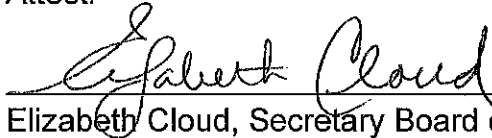
- When a tree removal is required because of any project, tree replacement shall occur within the landscape season, when possible. When possible, at a minimum same number of trees should be replaced as were removed. To address the lost in tree canopy, when possible, it is encouraged to replace more than what was removed. It is required that tree replacement species come from the Preferred Species List provided in the UFMP. Each tree should be a minimum of 1.75 inch caliper, measured at six inches from the truck flare and match the standards specified in the UFMP
- All tree replacement plantings shall require an underground utility location prior to planting.
- It shall be encouraged that any species identified as invasive be removed. There is no replacement requirement for these removals.
- New planting sites, when possible, should be 10 feet away from signage, driveways, intersections and utility structures. If this distance cannot be maintained, the site should not be planted, even if a tree was removed from the same site. Planting at a different location shall be considered.
- Planting and digging of certain species shall only occur at certain times of year, in accordance with nursery industry best management practices and professional judgement. These times are subject to the professional opinions of the District and its contractors.

Adopted February 22, 2022.



Tim Jones, President, Board of Park Commissioners

Attest:



Elizabeth Cloud, Secretary Board of Park Commissioners

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