

VILLAGE OF HAMMOND
PIATT COUNTY, ILLINOIS

ORDINANCE #2020-08

"An Ordinance Re: Tree Trimming Within the Village of Hammond"

ADOPTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HAMMOND THIS
11TH DAY OF MARCH, 2020

Published in pamphlet form by authority of the Village Board of Trustees of the Village of
Hammond, Piatt County, Illinois, this 11th day of March, 2020.

VILLAGE OF HAMMOND
PIATT COUNTY, ILLINOIS
ORDINANCE #2020-08

Be it ordained by the President and the Board of Trustees of the Village of Hammond, Piatt County, Illinois, as follows

Purpose and Intent:

- A. **Purpose.** It is the purpose of this ordinance to promote and protect the public health, safety, and general welfare by providing for the regulations of the planting, maintenance, and removal of trees, shrubs, and other plants within the Village.
- B. **Intent.** It is the intent of the Board of Trustees of the Village that the terms of this Ordinance shall be construed so as to promote:
1. The planting, maintenance, restoration, and survival of desirable trees, shrubs, and other plants within the Village; and
 2. The protection of the Village residents from personal injury and property damage, and the protection of the Village from property damage, caused or threatened by the improper planting, maintenance, or removal of trees, shrubs, or other plants located within the Village.

Definitions:

The following definitions shall apply unless the context clearly indicates or requires a different meaning.

“Village Owned Property”: Property within the Village limits and owned by the Village in fee simple absolute or implied or expressly dedicated to the public for present or future use for purposes of vehicular or pedestrian traffic, or for public easements of right-of-way.

“Property Owner”: The record owner or contract purchaser of any parcel of land.

“Trees, shrubs, and other plants”: All vegetation, woody or otherwise, except lawn grass and flowers less than 24 inches in height.

Permits:

- (A) Scope of Requirement. No person except the Public Works Superintendent or a contractor hired by the Village may perform any of the following acts and nothing in this section shall be construed to exempt any person from the requirements of obtaining any additional permits as are required by law:
1. Plant on any Village owned property, or treat, prune, remove, or otherwise disturb any tree, shrub, or other plant located on Village owned property, except that this provision shall not be construed to prohibit owners of property adjacent to Village owned property from

- watering or fertilizing any tree, shrub, or other plant located on such Village owned property;
2. Place on any Village owned property, either above or below ground level, a container for trees, shrubs, or other plants;
 3. Damage, cut, tap, carve, or transplant any tree, shrub, or other plant located on Village owned property;
 4. Attach any rope, wire, nail, sign, poster, or any other man-made object to any tree, shrub, or other plant located on Village owned property;
 5. Dig a tunnel or trench on Village owned property.

Public Nuisances:

(A) Definition. The following are hereby declared public nuisances:

1. Any dead or dying tree, shrub, or other plant whether located on Village owned property or private property;
2. Any otherwise healthy tree, shrub, or other plant whether located on Village owned property or on private property, which harbors insects or diseases which reasonably may be expected to injure or harm any other tree, shrub, or other plant;
3. Any tree, shrub, or other plant or portion thereof, whether located on Village 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;
4. Any tree, shrub, or other plant or portion thereof, whether located on Village owned property or on private property, which obstructs the free passage of pedestrian or vehicular traffic of which obstructs a street light;
5. Any tree, shrub, or other plant or portion thereof, whether located on Village owned property or on private property, which dangerously obstructs the view of the intersection as such may be determined by the Public Works Supervisor.

(B) Right to infect. The officers, agents, servants, and employees of the Village have the authority to enter onto private property whereon there is located a tree, shrub, plant, or plant part that is suspected to be a public nuisance, as defined hereinabove.

(C) Abatement. The following are the prescribed means of abating public nuisances:

1. Any public nuisance which is located on Village owned property shall be pruned, removed, or otherwise treated at the direction of the Public Works Superintendent in whatever fashion is required to cause the abatement of the nuisance within 30 days after its discovery.
2. Any public nuisance which is located on private property shall be pruned, removed, or otherwise treated by the owner or his/her agent in whatever fashion is required to cause the abatement of the nuisance. No property owner may be found guilty of violating this provision unless and until the following requirement of notice have been satisfied:
 - (a) The Public Works Superintendent shall cause a written notice to be personally served or sent by registered mail to the person to who was sent the tax bill for the general taxes for the last preceding year;

- (b) Such notice shall describe the kind of tree, shrub, or other plant or plant part which has been declared to be a public nuisance; its location on the property; and the reason for declaring it a nuisance;
 - (c) Such notice shall describe by legal description or by street address the premises;
 - (d) Such notice shall state the actions that the property owner may undertake to abate the nuisance;
 - (e) Such notice shall require the elimination of the nuisance no less than 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;
 - (f) Such notice shall include a copy of this Ordinance and a copy of ILCS Ch. 65 Act 5, 11-20-11 and 11-20-12.
- (D) In the event a Village owned tree has branched out over a house, the homeowner may trim on his/her property only the part(s) of the tree hanging over. If said homeowner's actions should cause the demise of the tree, the homeowner will be responsible for replacement of said tree at the current rate of replacement.
- (E) In the event that the nuisance is not abated by the date specified in the notice, then the Public Works Supervisor is authorized to cause the abatement of said nuisance. The reasonable cost of such abatement shall be filed as a lien against the property on which the nuisance was located. In addition, the property owner of the property on which the nuisance was located shall be subject to prosecution under violations and penalties of this Ordinance. Nothing in this provision shall be construed to exempt any person from the requirements of obtaining permits as are required by law.

Interference with Public Works Superintendent: No person shall unreasonably hinder, prevent, delay, or interfere with the Public Works Superintendent or his/her agents while engaged in the execution or enforcement of this Ordinance.

Violation and Penalty: Any person or persons who violate any of the provisions of this Ordinance or who fails to comply with any notice issued pursuant to the provisions of this Ordinance, shall be fined as follows:

- 1st Offense: \$180.00
- 2nd Offense-committed within 12 months of any prior offense: \$330.00
- 3rd Offense-committed within 12 months of any prior offense: \$580.00

In addition, if, as a result of the violation of any provision of this Ordinance, the injury, mutilation, or death of a tree, shrub, or other plant located on Village owned property is caused, the cost of repair or replacement of such tree, shrub, or other plant shall be borne by the party in violation. The replacement value of trees and shrubs shall be determined.

Notice shall be deemed to be properly served by:

- a. Depositing the notice in U.S. mail, prepaid first-class postage regardless of whether the addressee accepts or refuses delivery; or
- b. Personal service; or

c. Posting of notice upon property.

Effect: This Ordinance shall be in full force and effect from and after its passage and approval. Any and all Ordinances not in conformity herewith are hereby revoked and declared to be null and void.

Passed by the Board of Trustees of the Village of Hammond, Piatt County, Illinois, this 11th day of March, 2020, by the following roll call vote:

AYES: 5

NAYS: 0

ABSENT: 0

Approved by the President of the Board of Trustees of the Village of Hammond, this 11th day of March, 2020.

Deborah Waldrop
President, Board of Trustees
Village of Hammond, Piatt County, Illinois

ATTEST:

Brenda Sebens
Village Clerk
Village of Hammond, Piatt County, Illinois

State of Illinois)
) ss.
County of Piatt)
Certificate of Publication)

I, Brenda Sebens, certify that I am the duly appointed and acting Municipal Clerk of the Village of Hammond, Piatt County, Illinois.

I further certify that on March 11, 2020, the Corporate Authorities of such municipality passed and approved Ordinance #2020-08, entitled "An Ordinance Re: Tree Trimming Within the Village of Hammond", which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance #2020-08, 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 11, 2020 and continuing for at least 10 (ten) days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

Dated at Hammond, Illinois, this 11th day of March, 2020.

(SEAL)

Brenda Sebens
Municipal Clerk