

VILLAGE OF HAMMOND
PIATT COUNTY, ILLINOIS

ORDINANCE #2023-22

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

ADOPTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HAMMOND THIS
13TH DAY OF December, 2023

Published in pamphlet form by authority of the Village Board of Trustees of the Village of
Hammond, Piatt County, Illinois

VILLAGE OF HAMMOND
PIATT COUNTY, ILLINOIS
ORDINANCE #2023-22

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. In the event a Village owned tree has branched out over a house, the Public Works Superintendent or a contractor hired by the Village may trim on the homeowner's property.
- (E) The contractor and/or his/her agents hired by the Village to trim trees within the Village and is called to determine if a tree is still viable will have the say whether a tree comes down or can be saved.
- (F) 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.

Summary Abatement: Whenever, in the opinion of the Village, the maintenance or continuation of a nuisance creates an imminent threat of serious injury to persons or serious damage to real or personal property, and the continuation of the nuisance poses a substantial threat of injury to persons or property, the Village may proceed immediately and summarily to abate such nuisance.

Penalty:

Any person, firm, or corporation violating any provisions of this Ordinance shall be notified as follows:

1. Place phone call to homeowner notifying them of the violation on their property and giving them 10 days in which to fix the violation.
2. If compliance is not met in the 10 days, a non-certified letter will be sent reiterating the violation that needs to be corrected. Allow another 10 days.
3. If compliance is still not met, a certified violation letter is mailed to the homeowner. The first fine will be charged at this time for non-compliance and due within 10 days. The fine structure is 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

Each day that a violation continues beyond the 10-day notice period described above shall constitute a separate offense.

Notice shall be deemed to be properly served by:

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

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 take effect and be in full force from and after its passage and approval, and publication in pamphlet form as required by law. Any and all prior Ordinances not in conformity herewith are hereby revoked and declared null and void.

Passed by the Board of Trustees of the Village of Hammond, Piatt County, Illinois, this 13th day of December, 2023, by the following roll call vote:

AYES: 4

NAYS: 0

ABSENT: 2

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

Marsha Burgener
President, Board of Trustees
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 December 13, 2023, the Corporate Authorities of such municipality passed and approved Ordinance #2023-22, 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 #2023-22, including the Ordinance and a cover sheet thereof, was prepared and a copy of such Ordinance was posted in the municipal building commencing on December 14, 2023 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 13th day of December, 2023.

(SEAL)

Brenda Sebens
Municipal Clerk