

**ORDINANCE**

**AN ORDINANCE AMENDING CHAPTER 25 (“TREES, SHRUBS, AND OTHER PLANTS”)  
OF THE OAK PARK VILLAGE CODE**

**WHEREAS**, the Village of Oak Park (“Village”) as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970 has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

**WHEREAS**, as a home rule unit, the Village of Oak Park’s powers shall be construed liberally as held by the Illinois Supreme Court in the case of *Scadron v. City of Des Plaines*, 153 Ill.2d 164 (1992); and

**WHEREAS**, the Village Board unanimously adopted a motion at its January 30, 2024 meeting recommending that the it adopt the Urban Forest Management Plan which contained goals of updating the Village’s tree ordinance and to define trees as critical stormwater infrastructure; and

**NOW THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

**Section 1. Recitals Incorporated.** The above recitals are incorporated herein by reference as though fully set forth.

**Section 2. Village Code Amended.** Chapter 25 (“Trees, Shrubs, and Other Plants”) of the Oak Park Village Code is amended to delete the overstricken language and add the underlined language as follows:

**CHAPTER 25  
TREES, AND SHRUBS AND OTHER PLANTS**

**Planting, Maintenance And Removal Of Trees And Shrubs 1**

**~~Dutch Elm Disease—2~~**

**ARTICLE 1  
PLANTING, MAINTENANCE AND REMOVAL OF TREES AND SHRUBS**

**25-1-1: Purpose, ~~And Intent,~~ And Statement of Value**

**25-1-2: Definitions**

**25-1-3: ~~Village Forester;~~ Authority And Duties**

**25-1-4: Tree And Shrub Maintenance And Planting Approval**

**25-1-5: Public Nuisances**

**25-1-6: Clear Sight Areas At Street Intersections**

**25-1-7: Tree Protection**

**25-1-8: Violation And Penalty**

**25-1-9: Severability**

**25-1-1: PURPOSE, AND INTENT, AND STATEMENT OF VALUE:**

A. Purpose: It is the purpose of this article to promote and protect the public health, safety and general welfare by providing for the regulation of the planting, maintenance and removal of trees and shrubs within the Village.

B. Intent: It is the intent of the Village Board that the terms of this article shall be construed so as to promote:

1. The planting, maintenance, restoration, protection, and survival of desirable trees and shrubs within the Village so that they may provide benefits to the community; and

2. The protection of community 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 and shrubs located within the community. (1981 Code)

C. Statement of Value: The Village recognizes that trees are an integral part of the critical infrastructure of the Village and as such are preserved, protected, and cared for as other critical Village infrastructure. Trees produce oxygen, reduce flooding, stabilize soil, reduce urban heat island effects, sequester carbon, reduce energy consumption, buffer against noise, light, and pollutants, improve crime and accident rates, improve revenue in business districts, provide habitat for birds and desirable wildlife, and have been shown to be beneficial to memory and learning as well as overall mental and physical health.

**25-1-2: DEFINITIONS:**

The following words and phrases shall have the meanings, and are hereby defined, as follows:

DIAMETER AT BREAST HEIGHT: Tree trunk diameter measured at 4.5 feet above grade.

FENCING: Posts installed at a maximum of 8 feet on center with snow fence, chain link fence, or other highly visible approved material attached to each post and taught.

FORESTER: ~~The Village Forester~~ Forestry Superintendent of the Village of Oak Park, Illinois or any person authorized to act on their behalf.

PROPERTY OWNER: The record owner or contract purchaser of any parcel of land.

ROOT FLARE: Area where the tree trunk widens as it transitions to the root system and the attachment of the first structural roots is visible.

ROOT PROTECTION ZONE: the area of the parkway where most of the tree's structural roots are found, determined by designating a distance on either side of a tree, based upon the tree's diameter at breast height, where fencing is installed to protect the parkway area between the curb and sidewalk.

TREES AND SHRUBS: All woody vegetation with a height in excess of 30 inches at maturity, ~~woody or otherwise, except lawn grass and herbaceous flowers.~~

URBAN FOREST MANAGEMENT PLAN: A plan adopted by the Village Board to regulate the management of public trees in the Village, ~~three (3) copies of which are on file in the offices of the Village Clerk and Village Forester and shall be available for public inspection.~~

VILLAGE OWNED PROPERTY: Property within the Village limits and: a) owned by the Village in fee simple absolute, or b) impliedly or expressly dedicated to the public sewer easements.

### **25-1-3: ~~VILLAGE FORESTER; AUTHORITY AND DUTIES:~~**

A. The Forester is hereby empowered to inspect, superintend, regulate, or otherwise be the controlling authority over matters pertaining to trees on public property.

B. The Forester shall have no authority or obligation unless expressly granted in this article to regulate, inspect, superintend, or other such activity trees or tree planting on private property.

CA. The Forester shall administer the Village Urban Forest Management Plan.

DB. The Forester shall approve or disapprove tree plantings on public property and approve or disapprove any other acts in regard to tree and shrub removal and maintenance as ~~are~~ required by this chapter and shall obtain prior to ~~as a condition precedent to~~ the granting of any approval, the written agreement of each person who applies for such approval that he or she will comply with the requirements of this chapter and with the Urban Forest Management Plan.

E. The Forester shall have the right to inspect all work performed after such approval is granted. If, pursuant to such inspection, the Forester finds that the work performed pursuant to the approval has not been performed in compliance with the requirements of this article or with the Urban Forest Management Plan,

the Forester shall provide written notice of such finding to the applicant, and the notice shall contain a copy of this subsection, and

1. The approval shall be rescinded and shall be void ab initio (from the beginning), and

2. The Forester ~~may~~ shall issue a written order that the applicant cease and desist all work for which the approval was granted, and

3. The applicant shall be subject to penalty under the terms of this chapter, and

4. The Forester may take steps to correct the results of the noncomplying work and the reasonable costs of such steps shall be charged to the applicant.

~~FC. The Forester shall establish a program of public information and education that will encourage the planting, maintenance or removal of trees and shrubs and other plants on private property to support increasing tree canopy cover in the Village, consistent with the goals of the Urban Forest Management Plan, in furtherance of the general program for optimizing the tree, shrub and other plant resources of the Village.~~

#### **25-1-4: TREE AND SHRUB MAINTENANCE AND PLANTING APPROVAL:**

A. Scope Of Requirement: No person except the Forester, an agent of the Forester or a contractor hired by the Village, may perform any of the following acts without first obtaining written approval from the Forester:

1. ~~Plant trees or shrubs on Village owned property; or spray, fertilize, prune, remove or otherwise disturb any tree or shrub located on Village owned property, except that this provision shall not be construed to prohibit owners of property adjacent to or appurtenant to Village owned property from watering without approval any tree or shrub located on such Village owned property;~~

2. ~~Spray, inject, fertilize, prune, remove, vandalize, or otherwise disturb any tree or shrub located on Village owned property, except that this provision shall not be construed to prohibit owners of property adjacent to or appurtenant to Village owned property from watering without approval any tree or shrub located on such Village owned property; Trim, prune or remove any tree or portions thereof if such tree or portions thereof reasonably may be expected to fall on or across Village owned property and thereby to cause damage to persons or property;~~

3. ~~Mound soil or mulch against the trunk of the tree burying the root flare, which is commonly referred to as volcano mulching;~~

~~4.~~ Place on Village owned property, either above or below ground level, a container for trees or shrubs except as set forth in Section 22-16-2 of this Code;

54. Damage, cut (including roots), tap, carve or transplant any tree or shrub located on Village owned property;

65. Attach any rope, wire, nail, sign, poster or any other manmade object to any tree or shrub located on Village owned property; or

76. Make or cause to be made any tree well, curb cut, or sidewalk cut on Village owned property.

B. Approval: Within seven (7) days of receipt of the application, set forth in subsection 25-1-4B3 of this Section, the Forester ~~shall~~ may grant approval to perform within thirty (30) days of the day of approval any of the acts specified in subsection 25-1-4A of this Section, for which approval is requested whenever:

1. Such acts would result in the abatement of a public nuisance; or

2. Such acts ~~are not inconsistent~~ comply with the Urban Forest Management Plan; and whenever:

3. A letter of application has been signed by the applicant and submitted to the Forester detailing the location, number, size and species of trees or shrubs that will be affected by such acts, setting forth the purpose of such acts and the methods to be used, and presenting any additional information that the Forester may find reasonably necessary to determine ~~a determination of~~ whether such acts are consistent with this Chapter and with the provisions of the Urban Forest Management Plan; and

4. The applicant agrees in writing to perform the work for which approval is sought in accordance with the provisions of this Chapter and with the regulations and standards set forth in the Urban Forest Management Plan; and

5. If the work for which approval is sought entails the felling of any tree or part thereof located on private property, which as a result of such felling, reasonably may be expected to fall on or across Village owned property, the applicant agrees in writing to indemnify and hold harmless the Village for all damages resulting from work conducted pursuant to the approval; and (1981 Code)

6. Further in regard to the felling of any tree or part thereof located on private property, which as a result of such felling may reasonably be expected to fall upon or across Village owned property, if such felling is done by a contractor or some person other than the owner of the property upon which the tree is located, the contractor shall submit to deposit with the Forester a liability insurance policy in the amount of ~~three hundred thousand~~ one million dollars (~~\$31,000,000.00~~) per accident for bodily injury liability and ~~fifty thousand~~ two million dollars (~~\$52,000,000.00~~) aggregate for property damage liability. A blanket certificate may be filed with the Forester covering all tree work by the contractor during the policy period. (1981 Code)

C. Exemptions Not Construed From Section: Nothing in this Section shall be construed to exempt:

1. Public utility companies or their agents from any of the requirements of this Chapter; or

2. Any person from the requirements of obtaining any permits as are required by law.

D. Granting Approval For Removal And Maintenance Of Trees On Private Property: Nothing in this Section shall be construed as granting the Forester the authority to disapprove tree removal or maintenance on private property except as set forth in the Zoning Code. ~~provided the Forester is notified of such removal or maintenance pursuant to subsection 25-1-4B3 of this Section and provided the applicant under subsection 25-1-4B3 of this Section complies with subsection 25-1-4B3 of this Section.~~

#### **25-1-5: PUBLIC NUISANCES:**

A. Definition: The following are hereby declared public nuisances under this Article:

1. Any dead or dying tree or shrub, whether located on Village owned property or on private property if it may reasonably be expected to fall on or across Village owned property and thereby cause damage to persons or property;

2. Any otherwise healthy tree or shrub, whether located on Village owned property or on private property, which harbors insects or diseases which reasonably may be expected to injure or harm Village owned ~~any~~ tree(s) or shrub(s);

3. Any tree or shrub 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 in the public way;

4. Any tree or shrub or portion thereof whether located on Village owned property or on private property which obstructs the reasonable free passage of pedestrian or vehicular traffic or which obstructs a streetlight; and

5. Any tree or shrub or portion thereof whether located on Village owned property or on private property which obstructs the view of any vehicular traffic in or approaching an intersection.

B. Abatement: The following are the prescribed means of abating public nuisances under this Section:

1. Any public nuisance under this Section which is located on Village owned property shall be pruned, removed or otherwise treated by the Forester in whatever fashion is required to cause the abatement of the nuisance within a reasonable time after its discovery.

2. Any public nuisance under this Section which is located on private property shall be pruned, removed or otherwise treated by the property owner or his/her agent in whatever fashion is required to cause the abatement of the nuisance. No property owner may be in violation of this provision unless and until the following requirements of notice have been satisfied:

a. The Forester shall cause a written notice to be sent by ~~registered or certified mail, or delivered in-person~~ to the owner of the property upon which the nuisance is found, or posted on the property;

b. Such notice shall describe with particularity the tree(s) or shrub(s) which has/have been declared to be a public nuisance;

c. Such notice shall state with particularity the alternative actions that the property owner may and may not undertake to abate the nuisance;

d. Such notice will require the elimination of the nuisance within thirty (30) days after receipt of the notice by the property owner, although, upon a showing of good cause, said period may be extended by the Forester for a reasonable period.

In the event that the nuisance is not abated within thirty (30) days following posting or receipt of notice by the property owner or within any further time period allowed by the Forester, the Forester is authorized to cause the abatement of said nuisance, ~~and the~~ reasonable cost of such abatement ~~shall~~ may be filed as a lien against the property on which the nuisance was located, and the property owner of the property upon which the nuisance is located shall be subject to prosecution under Section 25-1-~~87~~ of this Article. Nothing in this provision shall be construed to exempt any person from the requirements of obtaining approvals under Section 25-1-4 of this Article.

3. The provisions of subsections 25-1-4.B.1 and 25-1-4.B.2 of this Article notwithstanding, the Forester is hereby empowered to cause the immediate abatement of any public nuisance under this Article, provided that the nuisance is declared by the Forester to present threaten imminent and serious danger of injury or death to any person in the public way, and provided that the owner of the property on which the nuisance is located cannot be contacted found through the reasonable efforts of the Forester.

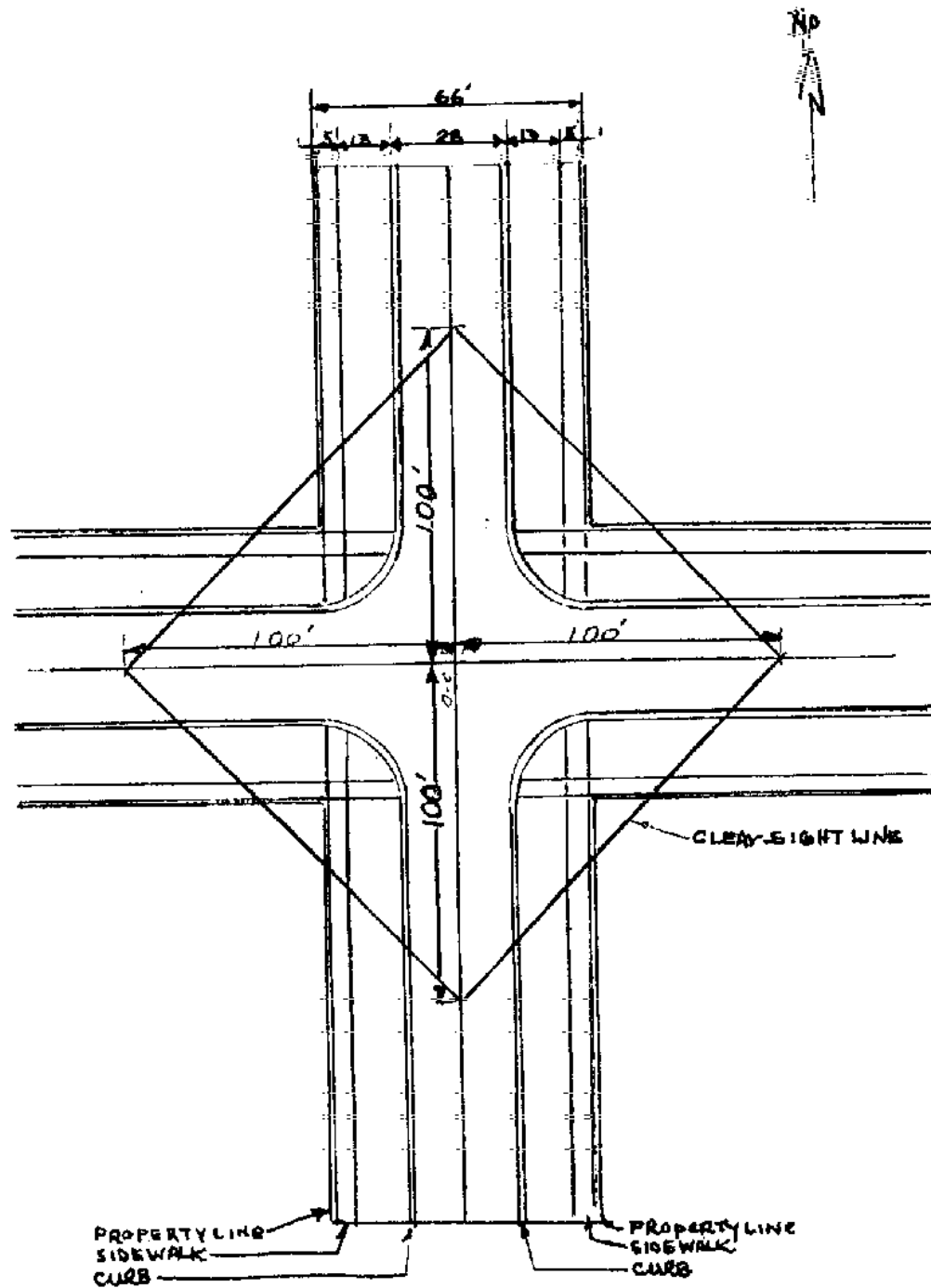
4. The Forester is hereby empowered to seek from any court of competent jurisdiction an order directing the immediate abatement of any public nuisance under this Chapter.

~~—C. The control of trees infected with Dutch Elm Disease shall be governed by Article 2 of this Chapter.~~

#### **25-1-6: CLEAR SIGHT AREAS AT STREET INTERSECTIONS:**

A. Finding: In order to promote greater safety at street intersections, it is in the public interest that shrubs, solid fences and other interferences with the sight of pedestrians or of operators of vehicles at such intersections be regulated in accordance with the daylighting standards hereinafter set forth.

B. Definition Of Clear Sight Area: A clear sight area is that area between the roadways of intersecting streets containing no traffic control signs or signals as set forth in Section 15-11-3 of this Code, ~~which is included within lines connecting the centerlines of such intersecting streets at points one hundred feet (100') from the center of the intersection. In a usual four-way intersection, the clear sight area is the area included in a diamond the corners of which are in the centerlines of the intersecting streets and one hundred feet (100') from the center of the intersection as illustrated by the diagram below:~~



(1981 Code)

C. Trees: Except for trimming standards set forth in subsection 25-1-6D of this Section, existing trees shall be exempt from clear sight area standards unless warranted as set forth in Section 15-11-3 of this Code.

D. Overhanging Branches Of Trees And Bushes: Branches of trees and bushes overhanging in the clear sight area shall be trimmed to a height of no less than

seven feet (7') from the ground, or higher if necessary to comply with subsection 25-1-6F of this Section.

E. Maximum Height Of Shrubs And Plantings: When warranted as set forth in Section 15-11-3 of this Code, shrubs, bushes and plantings within the clear sight area shall be trimmed or limited to a maximum height of thirty inches (30"). Measurements shall be from the ground to the top of the object. When warranted as set forth in Section 15-11-3 of this Code, a lesser height must be maintained if necessary to comply with the minimum horizontal sight distance across such clear sight area specified in subsection 25-1-6F of this Section.

F. Minimum Horizontal Sight Distance: When warranted as set forth in Section 15-11-3 of this Code, no overhanging branches, shrubs, bushes or plantings in clear sight areas may be of a height which obstructs horizontal sight lines across such clear sight areas. ~~measured from points forty five inches (45") above the centerlines of the intersecting streets along such centerlines for a distance of one hundred feet (100') from the center of the intersection.~~

G. No Future Plantings Of Trees And Shrubs In Parkways Within Clear Sight Areas: No future plantings of trees and shrubs shall be permitted in parkways within clear sight areas. New trees will be planted at least 25 feet from the back corner of where the sidewalks intersect.

H. Enforcement Of Daylighting Standards: The ~~Public Works~~ Neighborhood Services Department shall be responsible for issuing warnings to homeowners not complying with the daylighting standards herein specified, advising them of proper application of same in relation to their property, and notifying the Law Department for enforcement if noncompliance continues.

**25-1-7: TREE PROTECTION:**

A. Parkway trees and their root zones must be protected during construction under any of the following circumstances:

1. Excavation on the parkway
2. Powered wheel or track vehicles or equipment cross the parkway other than on a driveway.
3. Construction materials, supplies, or spoils are stored on the parkway
4. Refuse dumpster is within 10 feet of a parkway tree.
5. Village inspectors deem construction operations have the potential to affect the health and/or safety of a parkway tree.

B. The applicant must apply for and receive a permit before any activity begins. The permit application must include a sketch showing the location of all protected parkway trees, their trunk diameter at breast height, the location and dimensions of any excavation, and the proximity to the protected parkway tree.

C. Prior to and during construction, fencing must be erected and maintained around the root protection zone of all protected parkway trees. The fence shall protect the area between the sidewalk and curb for the width of the parkway.

D. Install steel or wood posts 1 inch by 2 inches at maximum eight feet on center. Finished posts must be at least two feet into the ground and four feet above ground.

E. Snow fence, chain link fence, or other highly visible similar approved material must be secured to and taught with each post.

F. The fencing shall surround the protected parkway tree as outlined in the Village's "Mandatory Tree Protection Specifications".

G. Excavation within the root protection zone must be approved by the Forester. If approved, root pruning may be required and must follow the process outlined in the Village's "Mandatory Tree Protection Specifications."

H. When construction equipment must cross the parkway outside of the root protection zone of a protected parkway tree, including dumpster delivery on private property, the parkway must be protected with a maintained 6-inch layer of wood mulch or chips, or one-inch thick sheets of plywood, or similar approved material sufficient to protect the entire parkway where equipment crosses.

I. Within the root protection zone of any protected parkway tree, there may be no cut or fill unless the Forester has evaluated and approved the disturbance.

J. During construction no cleaning of equipment or material or the storage and disposal of waste material, such as paints, oils, solvents, asphalt, concrete, motor oil, or any other material, potentially harmful to the tree within the root protection zone of any protected parkway tree. Nothing within this section is interpreted as an authorization to ignore or violate applicable federal or state hazardous waste laws.

K. No attachments, wires, signs, or permits which may damage a parkway tree may be fastened to any parkway tree.

## **25-1-87: VIOLATION AND PENALTY:**

Any person who violates any provision of this Chapter or who fails to comply with any notice issued pursuant to the provisions of this Chapter, upon being found guilty of violation, shall be subject to a fine as provided in Section 1-1-5 of this Code. If, as the result of the violation of any provision of this Article, the injury, mutilation or death of a tree or other plant located on Village owned property is caused, the cost of repair or replacement of such tree or other plant shall be borne by the party in violation. The replacement value of trees may be determined in accordance with the latest version of "Guide for Plant Appraisal as published by the International Society of Arboriculture".

## **ARTICLE 2**

### **DUTCH ELM DISEASE**

#### **~~25-2-1: Dutch Elm Diseased Trees Declared a Public Nuisance~~**

#### **~~25-2-2: Elm Bark Beetle Breeding Places Declared a Public Nuisance~~**

#### **~~25-2-3: Enforcement by Village Forester~~**

#### **~~25-2-4: Removal of Infected Trees~~**

#### **~~25-2-1: DUTCH ELM DISEASED TREES DECLARED A PUBLIC NUISANCE:~~**

~~Trees of all species and varieties of elm, zelkova and planera affected with the fungus Ceratostomella ulmi, as determined by laboratory analysis, are hereby declared to be a public nuisance, and shall be removed and burned within ten (10) days following notification of the discovery of such infection.~~

#### **~~25-2-2: ELM BARK BEETLE BREEDING PLACES DECLARED A PUBLIC NUISANCE:~~**

~~Trees or parts thereof of elm, zelkova or planera in a dead or dying condition that may serve as a breeding place for the European Elm Bark Beetle, Scolytus Multistriatus, are hereby declared to be public nuisances, and it shall be unlawful for the person, firm or corporation owning property whereon the same is situated to possess or keep the same.~~

#### **~~25-2-3: ENFORCEMENT BY VILLAGE FORESTER:~~**

~~The Village Forester is charged with enforcement of this Article, and to that end, may enter upon private property at all reasonable hours for purposes of inspecting trees thereon, and may remove such specimens as are required for purposes of analysis to determine whether or not the same are infected. It shall be unlawful~~

~~for any person, firm or corporation to prevent the Village Forester or his representative from entering on private property for purposes of carrying out his duties hereunder, or to interfere with such Village Forester or his representative in the lawful performance of his duties.~~

**~~25-2-4: REMOVAL OF INFECTED TREES:~~**

~~The Director of Public Works or the Village Forester shall serve notice on the owner of premises containing trees infected with Dutch Elm Disease, said notice to be in conformance with section 11-20-12 of the Illinois Municipal Code. The notice shall be served by registered mail or personally on the person to whom was sent the tax bill for general taxes on said property for the last preceding year and the notice shall be delivered or sent not less than thirty (30) days prior to the removal of the tree(s). In the event the tree is not removed within said thirty (30) day period, the Village shall proceed to remove the tree(s), charge the cost to the owner, and in the event of nonpayment, file a lien against the property in accordance with section 11-20-12. In the event a tree is particularly infectious because of its proximity to other elm trees or because of the time of year the disease is discovered, then the notice period shall be five (5) days instead of thirty (30) days. The Village Forester shall determine when the conditions exist warranting the imposition of the shorter notice period based on the foregoing standards.~~

**Section 3. Severability and Repeal of Inconsistent Ordinances.** If any section, paragraph, clause or provision of this Ordinance is held invalid, the invalidity thereof will not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict. This Ordinance will take effect upon passage and may be published in pamphlet form by the Office of the Village Clerk.

**Section 4. Effective Date.** This Ordinance will be in full force and effect after its passage, approval and publication as required by law.

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**ADOPTED** this 30<sup>th</sup> day of September, 2025, pursuant to a roll call vote as follows:

Voting	Aye	Nay	Abstain	Absent
President Scaman				
Trustee Eder				
Trustee Enyia				
Trustee Leving Jacobson				
Trustee Straw				
Trustee Taglia				
Trustee Wesley				

**APPROVED** this 30<sup>th</sup> day of September, 2025.

\_\_\_\_\_  
Vicki Scaman, Village President

**ATTEST**

\_\_\_\_\_  
Christina M. Waters, Village Clerk

Published in pamphlet form this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Christina M. Waters, Village Clerk