

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL WORKSHOP
MAY 12, 2009 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
Parkway Tree Protection Ordinance Amendment	✓ Resolution Ordinance Motion Discussion Only	Naneil Newlon, P.E. Director of Public Works

SYNOPSIS

An ordinance has been prepared amending Chapter 24 of the Municipal Code which relates to public parkway tree protection.

STRATEGIC PLAN ALIGNMENT

The 2008-2013 Strategic Plan identifies *Top Quality Infrastructure and Facilities*. Associated objectives include *Improve Neighborhood Infrastructure* and *Maintain Urban Forest*.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval on the May 17, 2009 consent agenda.

BACKGROUND

In August, 1996 a significant amendment to the Municipal Code changed and improved public parkway tree protection requirements, and the survival of parkway trees adjacent to construction projects has increased as a result. The most recent revision to the Code, in August 2007, added increased protection by requiring fencing around trees to be six-foot high chain link. While this has been extremely successful for some construction projects, staff has found that strict enforcement of the Code may not be necessary in some situations.

Staff has carefully reviewed past construction projects and permits, and has found that projects involving excavations to a depth of more than two feet in the parkway or street could potentially have a negative impact on public parkway trees. This proposed amendment would distinguish between projects which require protection of trees in the parkway.

Examples of public projects where tree protection would be warranted include watermain replacement with new roadway keystops and domestic service box installations, new or replacement storm sewers, and projects that widen roads which in turn decrease the parkway soil volume around public parkway trees. Public projects where this level of tree protection would not be warranted include pavement resurfacing, pavement patching, and watermain replacement within the pavement. The demolition and construction of new homes would still require public parkway trees to be fenced; however, other private improvements, such as replacing driveways, would not. The attached ordinance clarifies under what conditions fencing is required and also provides the Village Forester with the discretion to provide for three sided fencing, which allows access for maintenance of the grass within the fenced areas.

ATTACHMENTS

Ordinance

Tree Injury Prevention

ORDINANCE NO. _____

AN ORDINANCE FOR THE PREVENTION OF INJURY TO TREES IN THE PUBLIC RIGHT-OF-WAY

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County,

Illinois, as follows: (Additions are indicated by **shading**/underline; deletions by ~~strikeout~~):

Section 1. That Section 24.7. is hereby amended to read as follows:

24.7. Prevention of Injury to Trees-Public Right-of-Way

~~In the erection, alteration or repair of any building or structure, or the construction, installation, alteration or repair of any street, driveway, sidewalk, or utility, It shall be unlawful for any entity or person to sever roots, compact the soil, regrade the parkway or excavate within the critical root zone of any tree in any right-of-way of any street during the erection, alteration or repair of any building or structure, or the construction, installation, alteration or repair of any street, driveway, sidewalk or utility without a valid permit to do so.~~

¶ Trees located in the right-of-way or on any Village owned or maintained property shall be protected from damage or removal during the erection, alteration or repair of any building or structure, or the construction, installation, alteration or repair of any street, driveway, sidewalk or utility. Tree protection measures set forth herein shall not be required for the erection, alteration or repair of any building or structure, or the construction, installation, alteration or repair of any street, driveway, sidewalk or utility when such projects involve excavations of less than two (2) feet in depth. unless otherwise authorized by a permit issued by the Public Works Department pursuant to the provisions of Chapter 19. Suitable protection shall include a six (6) foot high temporary chain link construction fence secured to metal posts driven into the ground which are spaced no further than ten (10) feet apart. Tree crowns and trunks shall not suffer any branch or bark loss.

Required tree protection measures shall be as follows

(a) Roots shall be protected from compaction, storage of materials, severing, regrading of the parkway or excavation within the Critical Root Zone by placement of a continuous six (6) foot high temporary chain link construction fence around the critical root zone. Such fence shall be secured to metal posts driven into the ground and spaced no further than ten (10) feet apart. It shall be unlawful for any entity or person to sever roots, compact the soil, regrade the parkway or excavate within the critical root zone of any tree in any right-of-way of any street without a valid permit during the erection, alteration or repair of any building or structure, or the construction, installation, alteration or repair of any street, driveway, sidewalk or utility. The critical root zone is defined as the minimum volume of roots necessary for maintenance of tree health and stability, and shall be a rectangle around the tree trunk with the minimum dimensions listed in the table below:

Tree diameter 4.5 feet above ground	Width from street to property (minimum -curb to sidewalk)	Length along street (minimum)	Depth
0 - 12.0 inches	10 feet	10 feet	4 feet
12.1 - 24.0 inches	10 feet	20 feet	4 feet
24.1 or more inches	10 feet	30 feet	4 feet

~~Whenever possible, the entire parkway shall be fenced except where access has been permitted. Any factors that would cause any deviations from the table above shall be noted on the permit issued for work in the area and shall be approved by the Village Forester before the work begins or the permit is issued.~~

Tree Injury Prevention

(b) In some circumstances, with the approval of the Village Forester, the required fencing need not be continuous, but may have three (3) sides with the opening facing away from the area where the activity for which the fence is required is occurring.

(c) Fencing shall be maintained at all times and shall remain in an upright position.

In addition to any fines that may be assessed for violation of this section, the person shall pay to the Village a sum equal to the value or partial value of the tree lost as a result of the violation. The value or partial value of the tree lost shall be as determined by the Village Forester using the most current edition of the Guide for Plant Appraisal prepared by the Council of Tree and Landscape Appraisers, and edited, published and copyrighted by the International Society of Arboriculture. Various factors used in the tree value calculations for northern Illinois shall be obtained from the most current edition of the Species Ratings and Appraisal Factors for Illinois prepared by the Illinois Arborist Association.

(R.O. 1925, § 209.)

Section 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:

Published:

Attest: _____

Village Clerk