



City of Wilmington

1165 S. Water Street – Wilmington, IL 60481
Phone 815.476.2175 – Fax 815.476.9782
www.wilmington-il.com

Parkway Tree Removal Permit

Wilmington City Ordinance Chapter 100 dictates all trees removed from public property, easement, right of way, or parkway, must receive an approved permit before the removal can take place.

Site Address: _____

Property Owner: _____

Email: _____

Phone: _____

Tree Removal Contractor: _____

(All contractors performing work inside the City of Wilmington must be registered with the City before any permits can be approved and/or inspections made per [City Code Chapter 124](#))

	<u>Species</u>	<u>Diameter</u>	<u>Reason for Removal</u>	<u>Location of Tree</u>
Tree 1:	_____	_____	_____	_____
Tree 2:	_____	_____	_____	_____
Tree 3:	_____	_____	_____	_____
Tree 4:	_____	_____	_____	_____

The diameter of the tree is the overall diameter of the trunk 12" above ground level

I will be removing the tree stumps Yes No

I will be replacing the removed trees Yes No New Tree Species: _____

I acknowledge this permit does not grant authority to enter private property. If temporary lane closures are necessary for the removal of trees, I will contact Wilmington Public Works for approval at least **three business days** before the work is to commence. I understand that under no circumstances are parkway trees to be felled and that all trees shall be removed from the top down.

By signing this permit, I release, indemnify, and hold the City of Wilmington, its mayor, city council, officers, employees, representative, agents, successors, and assigns (collectively referred to as "City") harmless, and I shall defend the City from any and all known and unknown liabilities, claims, losses, costs, expenses, demands, suits, damages, proceedings, actions, and causes of action, including but not limited to, property damage, personal injury, death, worker's compensation, or other claims to any person or property, and I shall pay any settlements, judgments, and awards of any type, nature, or description, including paying all the City's attorneys, consultants, and expert witness fees, and all other fees, costs, or expenses having any logical or factual relationship to or claimed to be proximately, directly or indirectly, caused, attributable to or due to some act,

error, omission or activity of the City or to this permit or the tree removal. I further agree to pay for repair to any property damaged by the removal of tree(s).

Property Owner Signature: _____ **Date:** _____

Upon completion, turn this form in Wilmington City Hall, 1165 S. Water Street Wilmington II, 60481. A public works representative will be in contact within two weeks' time. If you have further questions regarding the permitting process, please contact Wilmington Public Works at 815-476-3104. This permit is valid for 30 days from the date of inspection.

******* For Office Use Only *******

Tree Permit No. _____

Approved

Date:

Signature:

Tree 1: Yes No

Tree 2: Yes No

Tree 3: Yes No

Tree 4: Yes No

ORDINANCE NO. 23-05-16-02

**AN ORDINANCE AMENDING CHAPTER 100 STREET TREES
OF THE CITY OF WILMINGTON CODE OF ORDINANCES**

WHEREAS, the City of Wilmington finds it to be in the best interest of the health, safety, and welfare of the City and its residents to update its ordinance as it relates to trees within the City of Wilmington and to continue to provide for the regulation of trees within the City of Wilmington on City owned property and private property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILMINGTON, WILL COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: ORDINANCE AMENDED

That the City of Wilmington Code of Ordinances shall be amended to delete and replace Chapter 100 – Street Trees with the following:

Title IX - GENERAL REGULATIONS

Chapter 100 STREET TREES

100.1 Title.

This chapter shall be known as and may be cited as the "Wilmington Tree Ordinance" of Wilmington, Illinois.

(Ord. 1399, passed 12-18-01)

100.2 Purpose and Intent.

- (A) Purpose. It is the purpose of this chapter to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs and other plants within the city of Wilmington, Illinois.
- (B) Intent. It is the intent of the city council of Wilmington that the terms of this chapter be construed so as to promote:
 - (1) The planting, maintenance, restoration and survival of desirable trees, shrubs and plants within the city; and
 - (2) The protection of community residents from personal injury and property damage and the protection of Wilmington from property damage, caused or threatened by the improper planting, maintenance, or removal of trees, shrubs, or other plants, located within the community.

(Ord. 1399, passed 12-18-01)

100.03 Definitions.

As used within this chapter the following terms shall have the meanings set forth in this section:

- (A) "Arboricultural Specifications and Standards of Practice for Wilmington" (hereinafter "Arboricultural Specifications Manual") means a manual prepared by the arborist pursuant to the ordinance containing regulations and standards for the planting, maintenance and removal of trees, shrubs and other plants upon city owned property.
- (B) "Arborist" means the city arborist of Wilmington, Illinois.
- (C) "City-owned property" means property within the city limits of Wilmington, Illinois and:
 - (1) Owned by the city in fee simple absolute or;
 - (2) Implied or expressly dedicated to the public for present or future use for purposes of vehicular or pedestrian traffic or for public easements.
- (D) "Property owner" means the record owner or contract purchaser of any parcel of land.
- (E) "Trees, shrubs and other plants" means all vegetation, woody or otherwise, except lawn grass and flowers less than 24 inches in height.

(Ord. 1399, passed 12-18-01)

100.04 Reserved.

100.05 City arborist—Establishment—Duties.

- (A) Establishment. The position of the arborist is hereby established.
- (B) Duties. The arborist shall perform the following duties:
 - (1) The arborist shall develop and, each subsequent year, update the Urban Forestry Plan. The plan shall outline urban forestry program activities for a minimum of the next five years. This plan shall describe the urban forestry activities to be undertaken by the city, the reasons for those activities, the possible funding source(s), the means of accomplishing the activities, the alternatives available to the city to fund or accomplish the activity, the projected date of completion, and the consequences if the activity is not completed. Activities may include but are not limited to street tree inventory, planting, tree removal, beautification projects and educational projects.
 - (2) The arborist shall develop and periodically review and revise, as necessary, the Arboricultural Specifications Manual. This manual shall contain regulations and standards for the planting, maintenance and removal of trees, shrubs and other plants upon city-owned property.
 - (3) The arborist shall cause the Urban Forestry Plan and the Arboricultural Specifications Manual and all revisions and amendments to it, to be published and promulgated and shall cause three copies of the manual, and all revisions and amendments to it, to be available for public inspection at the office of the city hall. Notice that such information is available for public inspection shall be published in a newspaper of general circulation with Will County at least one weekday of each of four consecutive weeks immediately following the initial availability of the Arboricultural Specifications Manual or revisions or amendments thereto. The Arboricultural Specifications Manual and any revisions and additions thereto shall become effective on the 10th day following the final publication in a newspaper of general circulation required under this paragraph.
 - (4) The arborist shall make available to any interested person copies of the tree chapter, copies of the Arboricultural Specifications Manual and copies of the Urban Forestry Plan.

- (5) The arborist shall administer the Urban Forestry Plan, the tree chapter and the provisions of the Arboricultural Specifications Manual.
- (6) The arborist shall perform whatever acts are necessary, including the planting and maintenance of trees, shrubs and other plants located on city-owned property, to conform with the Urban Forestry Plan, the Arboricultural Specifications Manual and this chapter.
- (7) The arborist shall issue such permits as are required by this chapter and shall obtain as a condition precedent to the issuance of such permits the written agreement of each person who applies for such permits that he or she will comply with the requirements of this chapter, the Urban Forestry Plan and with the regulation and shall have the right to inspect all work performed pursuant to such permits. If the arborist finds that the work performed is not in compliance with the requirements of this chapter, the Urban Forestry Plan or the regulations or standards of the Arboricultural Specifications Manual, the arborist shall provide written notice of his/her findings to the permit applicant. The notice shall contain a copy of Section 100.04 of this chapter and;
 - (a) The permit shall be nullified and shall be void and;
 - (b) The arborist may issue a written order that the permit applicant cease and desist all work for which the permit was required and;
 - (c) The permit applicant shall be subject to penalty under the terms of this chapter and;
 - (d) The arborist may take steps to correct the results of the non-complying work and the reasonable costs of such steps shall be charged to the permit applicant.
- (8) The arborist shall establish a program of public information and education that will encourage the planting, maintenance, or removal of trees, shrubs and other plants on private property in furtherance of the goals of the Urban Forestry Plan.

(Ord. 1399, passed 12-18-01)

100.06 Permits.

- (A) Scope of requirement. No person except the arborist, an agent of the arborist or a contractor hired by the arborist may perform any of the following acts without first obtaining from the arborist a permit for which no fee shall be charged. 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 city-owned property, remove or otherwise disturb any tree, shrub or other plant located on city-owned property, except that this provision shall not be construed to prohibit owners of property adjacent to city-owned property from watering, treating, pruning or fertilizing, without a permit, any tree, shrub or other plant located on such city-owned property;
 - (2) Remove any tree if such tree or portion thereof reasonably may be expected to fall on city-owned property and thereby to cause damage to persons or property;
 - (3) Place on city-owned property either above or below ground level, a container for trees, shrubs or other plants;
 - (4) Damage, tap, carve, or transplant any tree, shrub, or other plant located on city-owned property;
 - (5) Attach any rope, wire, nail, sign, poster or any other manmade object to any tree, shrub or other plant located on city-owned property;

- (B) Issuance. Within seven days of receipt of the application, the arborist shall issue a permit to perform within 30 days of the date of issuance any of the acts specified in subsection (A) immediately above, for which a permit is requested whenever:
- (1) Such acts would result in the abatement of a public nuisance;
 - (2) Such acts are not inconsistent with the development and implementation of the Urban Forestry Plan or with any regulations or standards of the Arboricultural Specifications Manual;
 - (3) An application has been signed by the applicant and submitted to the arborist detailing the location, number, size and species of trees, shrubs or other plants 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 arborist may find reasonably necessary;
 - (4) The applicant agrees to perform the work for which the permit is sought in accordance with the provisions of this chapter, the Urban Forestry Plan and with the regulations and standards set forth in the Arboricultural Specifications Manual;
 - (5) The applicant certifies that he or she has read and understands those provisions of the Urban Forestry Plan, this chapter and the Arboricultural Specifications Manual which are pertinent to the work for which the permit is sought;
 - (6) If the work for which a permit is issued 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 upon city owned property and if such felling is done by one other than the owner of the property on which such felling is done, then the applicant shall agree to indemnify and hold the city of Wilmington harmless for all damages resulting from work conducted pursuant to the permit and shall deposit with the city clerk a Liability Insurance Policy in the amount of \$100,000 per person/\$300,00 per accident for Bodily Injury Liability and \$50,000 aggregate for Property Damage Liability, which policy shall name the city of Wilmington as an additional insured.
- (C) Public Utility Companies. Nothing in this section shall be construed to exempt public utility companies or their agents from any of the requirements of this chapter.

(Ord. 1399, passed 12-18-01)

100.07 Public nuisances.

- (A) Definition. The following are hereby declared public nuisances under this chapter:
- (1) Any dead or dying tree, shrub, or other plant, whether located on city-owned property or on private property;
 - (2) Any otherwise healthy tree, shrub or other plant, whether located on city-owned property or on private property, which harbors insects or diseases which reasonably may be expected to injure or harm any tree, shrub or other plant;
 - (3) Any tree, shrub or other plant or portion thereof, whether located on city-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 city-owned property or on private property which obstructs the free passage of pedestrian or vehicular traffic or which obstructs a street sign on city property.
 - (5) Any tree, shrub or other plant or portion thereof whether located on city-owned property or on private property that dangerously obstructs the view as such may be determined by the city engineer pursuant to this chapter.

- (B) Right to inspect. The officers, agents, servants and employees, of the city 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.
- (C) Abatement. The following are the prescribed means of abating public nuisances under this chapter:
 - (1) Any public nuisance under this chapter which is located on city-owned 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 within a reasonable time after its discovery.
 - (2) Any public nuisance under this chapter 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 found guilty of violating this provision unless and until the following requirements of notice have been satisfied:
 - (a) The arborist shall provide written notice to be personally served or by registered mail, to the person to whom the general taxes for the last preceding year were sent;
 - (b) Such notice shall describe the kind of tree, shrub or other nuisance, its location on the property and the reason for declaring it a nuisance;
 - (c) Such notice shall describe by legal description or by common language the premises;
 - (d) Such notice shall state the actions that the property owner may undertake to abate the nuisance;
 - (e) Such notice will require the elimination of the nuisance no less than 30 days after the notice is delivered or sent.
 - (3) The arborist is empowered to cause the immediate abatement of any public nuisance provided that the nuisance is determined by the arborist to be an immediate threat to any person or property.

(Ord. 1399, passed 12-18-01)

100.08 Interference with the arborist.

No person shall unreasonably hinder, prevent, delay or interfere with the arborist or his/her agents while engaged in the execution or enforcement of this chapter.

(Ord. 1399, passed 12-18-01)

100.98 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 not to exceed \$200 for each separate offense, each day during which any violation of the provisions of this chapter shall occur or continue shall be a separate offense. If, as the result of the violation of any provision of this chapter, the injury, mutilation or death of a tree, shrub or other plant located on city-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 in accordance with the latest revision of A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs and Evergreens as published by the International Society of Arboriculture.

(Ord. 1399, passed 12-18-01)

100.99 Appeal.

Any party who elects to dispute any action or decision by the city arborist shall be entitled to appeal to the city council for a final determination.

(Ord. 1399, passed 12-18-01)

SECTION 2: SEVERABILITY

If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect

SECTION 3: REPEALER

All ordinances or parts of ordinances conflicting with any provisions of this ordinance are hereby repealed.

SECTION 4: EFFECTIVE DATE

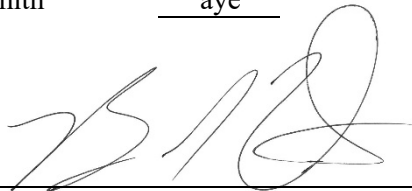
That this Ordinance shall be in full force and effect after its adoption and approval, as provided by law.

PASSED this 16th day of May 2023 with 7 members voting aye, 0 members voting nay, the Mayor voting N/A, with 0 members abstaining or passing and said vote being:

Kevin Kirwin	<u>aye</u>	Ryan Jeffries	<u>aye</u>
Dennis Vice	<u>aye</u>	Ryan Knight	<u>aye</u>
Leslie Allred	<u>absent</u>	Jonathan Mietzner	<u>aye</u>
Todd Holmes	<u>aye</u>	Thomas Smith	<u>aye</u>

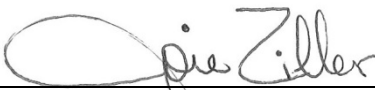
Approved this 16th day of May, 2023





Ben Dietz, Mayor

Attest:



Deputy City Clerk