

**ARTICLE 25**  
**REGULATION OF THE PLANNING, MAINTENANCE, AND REMOVAL**  
**OF TREES, SHRUBS, AND OTHER PLANTS**

**SECTION 1: DEFINITIONS**

**PARK TREES:** “Park Trees” are herein defined as trees, shrubs, bushes, and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

**STREET TREES:** “Street Trees” are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City.

**TREE BOARD:** “Tree Board” shall be the Board established by Article 2, Section 2.14 of the Revised Code of Ordinances.

**SECTION 2: TREE SPECIES TO BE PLANTED**

The following list constitutes the official tree species for Mt. Vernon, Illinois. No species other than those included in this list may be planted as Street or Park Trees without written permission of the City Tree Board. Only desirable trees of good appearance, beauty, and adaptability that are generally free from injurious insects, diseases, or other limitations may be planted. The overall objective of proper tree selection is to select the right tree for the right location in order to benefit from trees without being subject to future maintenance liability or hazards.

**SMALL TREES**

**Scientific Name**

**Common Name**

Acer ginnala	Amur Maple (tree form)
Acer griseum	Paperbark Maple
Acer Palmatum	Japanese Maple
Acer Pennsylvanicum	Striped Maple
Amalanchier canadensis	Shadblow Serviceberry (tree form)
Amalanchier grandiflora	Apple Serviceberry (tree form)
Amalanchier Laevis	Allegheny Serviceberry (tree form)
Cercidiphyllum japonicum	Katsura Tree
Cornus alternifolia	Pagoda Dogwood
Cornus florida	Flowering Dogwood
Cornus kousa	Japanese Dogwood

Crataegus sp.	Hawthorn (Thornless)
Euonymus sp.	Wahoos
Halesia carolina	Carolina Silverbell
Koelrevertia paniculata	Goldenrain Tree
Malus sp.	Flowering Crab
Ostrya virginiana	Ironwood
Rhus typhina	Staghorn Sumac

Small Trees are appropriate in street locations where due to space limitations larger trees cannot be properly utilized without creating space conflicts with existing trees. Height limitations imposed by overhead utilities also necessitate the use of appropriate Small Trees in order to avoid line conflicts and the necessity of excessive utility trimming that results in disfigured trees. On the whole, Small Trees tend to be more ornamental than their larger counterparts and can create an added aesthetic dimension to the streetscape.

### MEDIUM TREES

<u>Scientific Name</u>	<u>Common Name</u>
Alnus glutinosa	Black Alder
Betula nigra	River Birch
Carpinus betulus	European Hornbeam
Cercidiphyllum japonicum	Katsuratree
Cladrastic lutea	Yellowwood
Eucommia ulmoides	Hardy Rubber Tree
Juniperus virginiana	Juniper-Eastern Red Cedar
Magnolia kobus	Kobus Magnolia
Phellodendron amurense	Amur Cork Tree
Picea pungens	Blue Spruce
Prunus sargentii	Sargent Cherry
Pyrus calleryana	Callery Pear
Sassafras albidum	Sassafras
Sophora japonica	Pagoda tree
Zelkova serrata	Zelkova Tree

Medium-sized trees are generally better suited for planting as Street Trees rather than their larger counterparts.

### LARGE TREES

<u>Scientific Name</u>	<u>Common Name</u>
------------------------	--------------------

Acer saccharum	Sugar Maple
Acer rubrum	Red Maple
Alnus incana	Tag Alder
Cary illinoensis	Wild Pecan
Celtis occidentalis	Hackberry
Celtis laevigata	Sugar Hackberry
Fagus grandifolia	American Beech
Fagus sylvatica	European Beech
Fraxinus americana	White Ash
Fraxinus pennsylvanica	Green Ash
Ginkgo biloba	Ginkgo (male)
Gymnocladus dioicus	Kentucky Coffee (male)
Liriodendron tulipifera	Tulip Tree
Magnolia acuminata	Cucumber Tree
Nyssa sylvatica	Blackgum
Picea abies	Norway Spruce
Picea engelmannii	Engleman Spruce
Pinus echinata	Shortleaf Pine
Pinus strobus	White Pine
Prunus serotina	Black Cherry
Quercus acutissima	Sawtooth Oak
Quercus alba	White Oak
Quercus bicolor	Swamp White Oak
Quercus coccinea	Scarlet Oak
Quercus imbricaria	Shingle Oak
Quercus macrocarpa	Bur Oak
Quercus muehlenbergii	Chinquapin Oak
Quercus pagodafolia	Cherrybark Oak
Quercus phellos	Willow Oak
Quercus robus	English Oak
Quercus rubra	Red Oak
Quercus shumardii	Shumard Oak
Taxodium distichum	Bald Cypress
Tilia americana	Basswood
Tilia cordata	Littleleaf Linden
Tilia euchlora	Crimean Linden
Tilia heterophylla	Beetree Linden
Tilia platyphyllos	Bigleaf Linden
Tilia petiolaris	Pendent Silver Linden
Tilia tomentosa	Silver Linden

Large Trees require more living: space, and for this reason it is recommended they be

planted on the private side of the sidewalks whenever possible.

### **SECTION 3: UNSUITABLE TREES**

The following is a listing of the trees more or less common to our area not suitable as Street or Park Trees. Their lack of suitability is based on the undesirable growth habits, fruiting habits, form, susceptibility to serious diseases, propensity to storm damage, and a host of other limitations too numerous to mention. The limitations listed for each tree or species group are not all inclusive, and list only the more serious problems encountered locally.

Any tree listed as unsuitable presently growing within City parks as a result of previous unrestricted and natural plantings constitutes a maintenance expense to the City; and, therefore, upon removal, shall be replaced with the appropriate, approved Small, Medium, or Large Tree.

UNSUITABLE TREES

<u>Scientific Name</u>	<u>Common Name</u>	<u>P r o b l e m o r Limitation</u>
Albiers sp.	Fir	Form-visibility hazard
Acer negundo	Boxelder	Weak wooded
Acer platanoides	Norway Maple	Local problem
Acer saccharinum	Silver/Soft Maple	Subject to rot
Aesculus sp.	Horsechestnut	Foliar diseases
Ailanthus altissima	Tree of Heaven	Weak wooded, aggressive
Albizzia sp.	Mimosa	Not hardy
Betula sp. (non-native)	Birch	Environmental stress, borers
Catalpa	Catalpa	Littering fruit
Diospiros	Persimmon	Littering fruit
Elaeagnus spp.	Russian and Autumn Olive	Aggressive, littering fruit
Gleditsia sp.	Honey Locust	Serious disease
Juglans sp.	Walnut	Littering fruit
Mulus sp.	Common Apple	Littering fruit
Morus sp.	Mulberry	Littering fruit
Paulownia tomentosa	Royal Paulownia	Aggressive, thin skinned
Pines nigra	Austrian Pine	Storm damage
Pinues resinosa	Red Pine	Storm damage
inus sylvestris	Scotch Pine	Storm damage
Pinus taeda	Loblolly	Storm damage
Platanus occidentalis	Sycamore (American)	Disease
Populus sp.	Poplar	Weak wooded
Pyrus sp.	Common Pear	Littering fruit
Robinia sp.	Black Locust	Shallow rooted
Salix sp.	Willow	Weak wooded
Thulja sp.	Arbor-vitae	Form-visibility hazard
Ulmus sp.	Elm	Disease

**SECTION 4: SPACING**

The spacing of trees will be in accordance with three species size classes listed in Section 2 of this Ordinance, and no trees may be planted closer together than the following: Small Trees - 30 feet; Medium Trees - 40 feet; and Large Trees - 50 feet; except in special plantings designed and/or recommended by a landscape architect and approved by the City

Tree Board. Any person desiring to make a special planting shall submit such request in writing to the Tree Board and shall provide such information and attend such meetings as may be required by the Tree Board.

**SECTION 5:           DISTANCE FROM CURB OR SIDEWALKS**

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in Section 2 of this Ordinance, and no trees may be planted closer to any curb or curblines and sidewalk than the following: Small Trees - 2 feet; Medium Trees - 3 feet; and Large Trees - 4 feet.

**SECTION 6:           DISTANCE FROM STREET CORNERS AND FIREPLUGS**

No tree shall be planted closer than 35 feet of any street corner, measured from the point of the nearest intersecting curb or curblines. No tree shall be planted closer than 10 feet of any fireplug.

**SECTION 7:           UTILITIES**

No trees other than those species listed as Small Trees in Section 2 of this Ordinance may be planted under or within 10 lateral feet of any overhead utility pole or over or within 5 lateral feet of any underground water line, sewer line, transmission line, or other utility. No tree may be planted within 10 lateral feet of any utility pole.

**SECTION 8:           PUBLIC TREE CARE**

The City has the right to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

**SECTION 9:           TREE TOPPING**

No person shall top any Street, Park, or other tree on public property or within the public right-of-way. "Topping" is defined as the severe cutting back of limbs to stubs within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or trees creating a hazard under utility wires or other obstructions, shall be exempted from this prohibition.

**SECTION 10:         PRUNING, CORNER CLEARANCE**

Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. Said owner shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device.

**SECTION 11:        DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY**

The City shall have the right to cause removal of any dead or diseased tree on private property within the City, when such tree constitutes a hazard to life and property, or harbors insects or disease which constitutes a potential threat to other trees within the City, or otherwise creates a nuisance. The City Tree Board or designated City Department will notify in writing the owner of such tree(s). Removal shall be done by said owner at their expense within sixty days after the date of service of the notice. In the event of failure of the owner to comply with such provisions, the City shall have the authority to remove such tree(s) and place a lien on the owner's property to recover all costs incurred, including a reasonable attorney's fee; which lien may be foreclosed in the same manner as other City liens. The owner of the property shall also be personally liable for all costs and expenses, including reasonable attorney fees.

**SECTION 12:        INTERFERENCE WITH CITY TREE BOARD**

It shall be unlawful for any person to prevent, delay, or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Tree, Park Tree, or trees on private grounds, as authorized by this Ordinance.

**SECTION 13:        ARBORIST, LICENSE AND BOND**

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing Street or Park Trees within the City without first applying for and procuring a license. The license fee shall be \$25.00 annually in advance; provided, however, that no license shall be required of any public service company or City employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 for property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

**SECTION 14:        REVIEW BY CITY MANAGER**

The City Manager shall have the right to review the conduct, acts, and decisions of the City Tree Board. Any person may appeal any ruling of the City Tree Board to the City Manager, who may hear the matter and make a final decision.

**SECTION 15:        VIOLATION AND PENALTY**

Any person who violates any provision of this Ordinance or who fails to comply with any notice issued pursuant to the provisions of this Ordinance, upon being found guilty of violation,' shall be subject to a fine not to exceed Two Hundred Dollars (\$200.00) for each separate offense; each day during which any violation of the provisions of this Ordinance shall occur or continue shall be a separate offense.

**SECTION 16:        SEVERABILITY**

If any provision of this Ordinance or application thereof to any person or circumstance is held invalid by any court, other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications shall not be affected, and to this end the provisions of this Ordinance are declared to be severable.