

**AMENDMENTS BY STAFF 12/06/17
TO DEFINITIONS AND PURPOSE AND INTENT
FOR REVIEW BY TREE COMMISSION**

12.20.010 – Definitions

As used within this Chapter, the following terms shall have the meanings set forth in this Section:

- A. "Parkway" – ~~A portion of the right-of-way ("ROW") between the edge of the pavement structure or curbing and the lot or parcel adjacent to the ROW. The parkway may include sidewalk, driveway, trees, shrubs, seeded and/or sodded lawn areas and utility services as defined in Chapter 12.04.005.~~ means a strip of land is part of the dedicated street right-of-way extending from the edge of the street pavement or curb line to the right-of-way property line.
- B. "Arborist" – The City Arborist of St. Charles, Illinois, a position requiring expertise in the field of arboriculture.
- C. "Shrubbery" – ~~means a~~ A group of low, usually several stemmed woody plants.
- D. "Property Owner" The record owner or contract purchaser of any parcel of land.
- E. "Tree" – ~~means a~~ A woody perennial plant having a main stem or trunk exceeding ten feet in height at maturity.
- F. "Root Flare" – ~~means~~ The exposed roots that flare out from the base of the tree.
- G. "Volcano Mulching" – ~~means m~~ Mulch that has been piled up too high around the trunk of the tree similar to a volcano.
- H. "ISA" – ~~means~~ International Society of Arboriculture.
- I. Right of Way or ROW – A strip of land occupied or intended to be occupied by a street, sidewalk and/or railroad, and by electrical transmission lines, oil or gas pipelines, water mains, sanitary or storm sewer mains, trees and/or for other special uses. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-ways intended for streets, crosswalks, water mains, sanitary sewers, storm drains, trees or any other use involving maintenance by a public agency shall be dedicated to public use by the make of the plat on which such right-of-way is established as defined by Chapter 12.30.30. ~~"R.O.W." means right-of-way.~~

(2012-M-47: § 5; 2007-M-56: § 1; 1998-M-28: § 1; Prior code: § 12.501)

12.20 – Natural Resources ~~Trees and Shrubs~~

12.20.020 – Purpose and intent

A. Purpose – ~~It is t~~The purpose of this Chapter is to:

1. ~~promote and p~~Protect the City's natural resources, and promote environmental values and stewardship within the community.

2. Protect the public health, safety and general welfare of the community by providing for the regulation of ~~the~~ planting, maintenance and removal of trees and shrubs within the eCity.
(Ord. 2012-M-47 § 5.)

B. Intent – It is the intent of the City Council of St. Charles that the terms of this Chapter shall be construed so as to promote:

1. Environmental programs and awareness, and natural resources conservation and education.
2. ~~The p~~Planting, maintenance, restoration and survival of desirable trees and shrubs within the eCity.
3. The protection of community residents from personal injury and property damage, and the protection of the City St. Charles from property damage, caused or threatened by ~~the~~ improper planting, maintenance, or removal of trees and shrubs located within or affecting eCity owned property or the eCity right-of-way.

(2012-M-47: § 5; 1998-M-28: § 1)

DRAFT APPROVED BY TREE COMMISSION ON 11/09/17

AMENDMENTS BY STAFF 12/06/17

12.20.040 – Natural Resources Commission~~Tree Commission~~: establishment, composition, appointment of members

- A. Establishment – The St. Charles Natural Resources Commission ~~Tree Commission~~ (hereinafter "NRC ~~Tree Commission~~" {formerly the St. Charles Tree Commission}) is hereby established and incorporates the functions and duties of the former Tree Commission. ~~Its~~ The NRC's functions and duties are limited to those set forth in this chapter.
- B. Composition – The NRC St. Charles Tree Commission shall be composed of eleven ~~nine~~ commissioners. All commissioners shall be appointed by the Mayor with the approval of the City Council. All commissioners shall serve

without pay. Subject to the exceptions in paragraph “~~C~~e” immediately below, each commissioner shall serve for a term of four years.

- C. Appointment of Members – ~~Five (5) Four~~ of the ~~eleven (11) nine~~ commissioners initially appointed to the ~~NRC Free Commission~~ shall serve for a term of two ~~(2)~~ years; ~~six (6) five~~ of the ~~eleven (11) nine~~ commissioners initially appointed shall serve for a term of four ~~(4)~~ years. Terms shall start on May 1. Determination of the initial term length (two or four year) shall be by lot. The Chairperson of the ~~NRC Free Commission~~ shall be elected by majority vote of the ~~NRC Free Commission~~ and shall be subject to re-election annually on May 1. The NRC may also include one (1) or more, not exceeding four (4), non-voting member(s) who shall be a high school student and/or college student resident having an interest in the duties and mission of the NRC. Student members shall be appointed by the NRC and shall serve on the NRC for a minimum of one (1) school semester and a maximum term of two (2) years. Student members may be appointed to the NRC at the age of eighteen (18) if a vacancy exists on the NRC.
- D. Expiration or Vacation of Terms – Within thirty days following the expiration of the term of any appointed commissioner, a successor shall be appointed by the Mayor with the approval of the City Council, and the successor shall serve for a term of four ~~(4)~~ years. Should any commissioner resign or be removed from the ~~NRC Free Commission~~, a successor shall be appointed by the Mayor with the approval of the City Council and shall serve for the unexpired period of the vacated term. A member of the ~~NRC Free Commission~~ may be removed by the Mayor with the approval of a majority of the City Council.
- E. Official Meetings – The NRC shall meet twelve (12) times per year on the second Thursday of every calendar month.

(1998-M-32: § 1; 1998-M-28: § 1)

12.20.050 – Natural Resources ~~Free~~ Commission Duties

- A. Duties – The ~~NRC Free Commission~~ shall perform the following duties:
1. Within a reasonable time after the appointment of the ~~NRC Free Commission~~, upon call of the Chairperson of the ~~NRC Free Commission~~, the ~~NRC Free Commission~~ shall meet and adopt rules

of procedure for regular and special meetings to fulfill the duties imposed upon it by this Chapter.

2. Serve as a resource and advocate to City Government in developing policies and practices in an environmentally conscious manner.
3. The ~~NRC~~Tree Commission shall advise and consult the City's Government Services Committee on any matter pertaining to the ~~topics matters~~ covered in this Chapter and its enforcement. The topics under which this advice and consultation may be given may include, but are not limited to, any of the following:
 - a. Amendment to this Chapter and alteration or revisions of the ~~U~~Urban Forestry ~~Management~~ Plan;
 - b. Policy concerning ~~matters of City business as outlined in this Chapter; selection, planting, maintenance, and removal of trees and shrubs within the City;~~
 - c. ~~Recommend investigation into practices of green infrastructure, sustainable business practices and programs, native species and ecological restorations and other matters of importance that may influence the City's environmental footprint. allocation of funds and expenditures of funds by Department of Public Works for planting and maintenance of trees and shrubs on city-owned property or right-of-way.~~
 - d. Establishment of educational and informational programs including, but not limited to, ~~natural resources conservation, environmental awareness and behavior, public health, an annual yearly~~ Arbor Day celebration ~~and the City's Tree City USA designation.~~
(Ord. 2012-M-47 § 5.)
 - e. ~~Investigate and recommend to the City's Public Works Department and the City Council as it may consider appropriate to support:~~
~~Preservation, conservation, education, enhancement and protection of the environment, natural resources and environmental values of the City, including the quality of land, air and water and the interrelationship that exists between them and all biotic systems living things within the limits of the City.~~

All recommendations by the NRC and information resulting from the NRC's activities shall be forwarded to the designated representative of the City's Public Works Department and the City Council.

f. Advise the City Council on such matters as may be requested.

4. ~~The NRC Tree Commission~~, with the assistance of the City's Public Works Department and City Arborist, shall ~~develop, and each subsequent year,~~ update the Urban Forestry Management Plan annually. The Urban Forestry Management Plan shall outline the City's urban forestry program activities for ~~a minimum of~~ the next five (5) years. ~~Theis Urban Forestry Management 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, pruning, tree removal, beautification projects and educational projects.
5. The ~~NRC Tree Commission~~, with the assistance of the Public Works Department and the City Arborist, shall develop and periodically review and revise, as necessary, the City's Trees and Shrubs ordinance. This ordinance shall contain regulations and standards for the planting, maintenance and removal of trees and shrubs upon City-owned property and the City right-of-way. (Ord. 2012-M-47 § 5.)
6. The ~~NRC Tree Commission~~ shall cause the Urban Forestry Management Plan and the Trees and Shrubs Ordinance, and all revisions and amendments to it, to be published and promulgated and shall cause copies of the ordinance and all revisions and amendments to it, to be available for public inspection at the office of the City Clerk. The Trees and Shrubs Ordinance and any revisions and additions thereto shall become effective upon the approval date

~~of effective date of any ordinance approving~~ the ordinance or revision or amendments thereto.

7. The ~~NRC Tree Commission~~ shall inform the public about the activities of the ~~NRC Tree Commission~~.
8. The City 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 requirement of this Chapter, the Urban Forestry Management Plan and with the regulations and standards of the Trees and Shrubs Ordinance. The City's Public Works Department shall have the right to inspect all work performed pursuant to such permits. If the City's Public Works Department finds that the work performed is not in compliance with the requirements of this Chapter, the Urban Forestry Management Plan or with the regulations or standards of the Trees and Shrubs Ordinance, the Public Works Department shall provide written notice of ~~its his/her~~ findings to the permit applicant. The notice shall contain a copy of Section 12.20 of this Chapter, and the permit shall be nullified and ~~shall be voided. -and the~~ The City's Public Works Department may issue a written order that the permit applicant cease and desist all work for which the permit was required. The permit applicant shall be subject to penalty under the terms of the Ordinance. The City's Public Works Department 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.

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 Ordinance