

ORDINANCE NO. 1308

AN ORDINANCE AMENDING CHAPTER 78 OF THE
MUNICIPAL CODE OF THE VILLAGE OF NEW LENOX, ILLINOIS
(Parkway Trees)

WHEREAS, the New Lenox Village Board of Trustees has deemed it to be in the best interest of the Village of New Lenox, Illinois, to amend certain portions of Chapter 78 as they pertain to parkway trees in new residential subdivisions; and,

WHEREAS, the New Lenox Village Board of Trustees has determined it desirable to have parkway trees installed by the developers of new residential subdivisions; and,

WHEREAS, the New Lenox Village Board of Trustees has determined it to be in the best interest of the Village of New Lenox to increase the number of trees required for new residential subdivisions; and,

WHEREAS, the New Lenox Village Board of Trustees has deemed it necessary to require letters of credit to guarantee the installation of parkway trees.

NOW, THEREFORE, be it ordained by the Mayor and Board of Trustees of the Village of New Lenox, Will County, Illinois, as follows:

Section 1: That Section 78-145 shall be amended as follows:

Sec. 78-145. Parkway trees.

All residential subdivisions for which a final plat is approved after September 12, 2000 shall be required to have trees planted in the parkway in compliance with the following regulations:

- (1) *Number of trees.* One tree shall be required for each 40 lineal feet of street length. Cul-de-sac lots shall have at least one tree at the approximate center of the parkway and at least 10 feet from all driveways.
- (2) *Location.* Trees shall be planted halfway between the curb and sidewalk, no less than thirty (30) feet apart, at least ten (10) feet from all driveways, streetlights and fire hydrants.
- (3) *Size.* Trees planted shall be at least 2 ½ inches in caliper measured six inches above grade.

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(4) *Species (Ordinance # 2074, 11-09-2009)*. All trees planted in parkways shall be chosen from the following list

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|----------------------------------|----------------------|---------------------------|
| a. Autumn Blaze or Marmo Maple | i. Swamp White Oak | q. European Linden |
| b. State Street Maple | j. Hills Oak | r. Callery Pear |
| c. Norway or Emerald Queen Maple | k. Shingle Oak | s. Aristocrat Pear |
| d. Red Maple | l. Red Oak | t. Elm (new hybrids only) |
| e. Sugar Maple | m. Littleleaf Linden | |
| f. Hackberry | n. American Linden | |
| g. Thornless Honey Locust | o. Silver Linden | |
| h. Kentucky Coffeetree | p. Redmond Linden | |

(5) *Parkway tree plan; financial security.*

- a. *Parkway tree plan.* A parkway tree plan indicating the location of the improvements required by section 78-145 (1) shall be submitted as accompanying documents to a final plat in accordance with the provisions of Sec. 78-71 (7).
- b. *Financial security.* A letter of credit or security approved by the village board in the amount of the estimate of the village engineer of 125 percent of the cost of the installation of such improvements shall be required prior to the Village executing the final plat, conditioned upon the installation of the required improvements within two years of the approval of the final plat.

(6) *Specifications.*

- a. *General.* All trees shall conform to the American Standard for Nursery Stock as approved by the American Standards Institute, Incorporated, and issued as ANSI Z60.1-1996 or as amended.
- b. *Shape, size and propagation procedures.* All trees shall be propagated by commonly accepted methods (fruit and seed germination, budded, cuttings, grafted, etc.) for the given tree species and cultivar. All trees shall be straight, healthy, uniformly shaped, typical representatives of their normal species or varieties. Each tree shall have a recognizable and definable central leader throughout the entire head of the tree, and shall have typical branch growth in all quadrants of the crown, which shall not be a result of severe pruning. All terminal buds shall be in place. At the time of planting, all trees shall be freshly dug, free of insect pests, plant diseases, sun scald, frost crack, fresh abrasions, and other injuries, and with healthy, well-developed root systems.
- c. *Digging of plant materials and ball characteristics.* All plants shall be balled and burlapped. The rootflare of the tree shall be at the top of the ball, and if necessary, surface soil shall be removed to obtain such conditions before digging begins. The balls shall be prepared in a workmanlike manner and firmly bound. Ball diameter shall conform to the ANSI Z60.1-1996 standards.

- d. *Planting holes.* All planting holes shall be at least twenty (20) inches larger in diameter than the tree ball to a depth such that the tree when planted will be situated with the root collar at grade. The sides of the hole shall slope inward towards the bottom of the root ball. Planting holes shall be dug no more than twenty-four (24) hours before planting.
- e. *Tree basins.* Water retention saucers (tree basins) shall be formed around each tree planted.
- f. *Mulch.* All trees shall be mulched with a four (4) inch depth of wood chips or other approved mulch. The mulched surface area shall extend from the base of the tree to a point beyond the circumference of the disturbed area. Mulch shall not be placed against the trunk of the tree.
- g. *Removal of materials.* All excess excavated materials from the planting holes shall be removed and disposed of by the developer.

(7) *Installation of trees, guarantee.*

- a. *Installation of trees.* On an annual or semiannual basis, developer shall contract for the installation of parkway trees for all lots requiring parkway trees and that have received certificates of occupancy during that year. Planting will be done in the spring and/or fall of each year. Notwithstanding anything to the contrary, at such time as ninety percent (90%) of the lots in a given subdivision or unit of a subdivision have received certificates of occupancy, all parkway trees shall be installed in accordance with the parkway tree master plan required in Sec. 78-145 (5) a.
- b. *Guarantee.* Developer shall guarantee all parkway trees for a period of one year after installation. If during that time village, in its sole discretion, determines that a tree is in need of replacement due to infestation, mortality or growth not in accordance with the standards of Sec. 78-145 (6) b, developer shall replace such tree during the next scheduled planting, but in no case later than six (6) months after written notice by village that the tree is in need of replacement.

(8) *Prior ordinances.* The provisions of Ordinance No. 1114 shall continue to be in full force and effect for all subdivisions in which final plat approval was granted between May 23, 1995 and September 12, 2000.

Section 2: Severability: That each section and part hereof of this ordinance is deemed to be severable and should any section or part hereof be held invalid or unconstitutional by any court of competent jurisdiction, such ruling shall not affect the validity of constitutionality of the remaining portion(s) of this ordinance.

Section 3: Repeal of Inconsistent Ordinances: That all ordinances or parts thereof in conflict with the terms of this ordinance are hereby repealed and of no further force and effect to the extent of any such conflict.

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Section 4: Publication: That the Deputy Village Clerk is hereby directed to publish this ordinance in pamphlet form.

Section 5: Effective Date: That this ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as provided by law as of January 1, 1999.

PASSED THIS 12th day of September, 2000
with six members voting AYE, with -0- members voting NAY, and with
one member ABSENT, the Mayor voting aye; and said vote being BATSON aye,
MUELLER absent, BOWDEN aye, SMITH aye, SKINIOTES aye, and WEIGEL
aye.

Marcia Engert
DEPUTY VILLAGE CLERK

APPROVED this 13th day of September, 2000.

Don Dina
MAYOR

ATTEST:

Marcia Engert
DEPUTY VILLAGE CLERK