

AN ORDINANCE AMENDING CHAPTER 78-145 OF THE
MUNICIPAL CODE OF THE VILLAGE OF NEW LENOX, ILLINOIS
(Parkway Trees)

WHEREAS, the Village Mayor and Board of Trustees of the Village of New Lenox, Will County, Illinois have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs; and

WHEREAS, the Village of New Lenox is a Home Rule Municipality under and by virtue of the Constitution of the State of Illinois; 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 has determined it desirable to set standards for the size, species, and spacing requirements for parkway trees.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF NEW LENOX, WILL COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AND HOME RULE AUTHORITY, AS FOLLOWS:

Section 1: The Mayor and Board of Trustees hereby find that all of the recitals contained in the preamble to this ordinance are true, correct and complete and are hereby incorporated by reference thereto and made part hereof.

Section 2: That Section 78-145 of the Municipal Code be amended to read 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. This shall be the responsibility of the developer. Trees planted in the parkway shall be 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 provided all location requirements of Sec. 78-145 (2) are met.
- (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, manholes and fire hydrants and at least thirty (30) feet from all streetlights. No tree shall be planted closer than forty (40) feet from an intersection as measured from the adjacent property corner. This distance is necessary to provide the necessary line of sight at the intersection.

(3) *Size.* Trees planted shall be at least 2 ½ inches in caliper measured six inches above grade.

(4) *Species.* All trees planted in parkways shall be chosen from the following list:

- a. Autumn Blaze
- b. State Street Maple
- c. Marmo Maple
- d. Red Maple
- e. Hackberry
- f. Thornless Honey Locust
- g. Kentucky Coffeetree
- h. Swamp White Oak
- i. Hill's Oak
- j. Shingle Oak
- k. Red Oak
- l. Littleleaf Linden
- m. American (Redmond) Linden
- n. Silver Linden
- o. European Linden
- p. Patriot Elm
- q. Lacebark Elm

(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 an amount as determined as follows:
 - (1) Construction costs - approved engineer's estimate of public improvements.
 - (2) Warranty contingency equals ten percent of (1).
 - (3) Inflationary contingency equals 15 percent of (1).
 - (5) Surety amount equals (1) + (2) + (3).

shall be provided to the village prior to the village executing 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

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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 3: 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 4: 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.

Section 5: Publication: That the Village Clerk is hereby directed to publish this ordinance in pamphlet form.

Section 6: 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.

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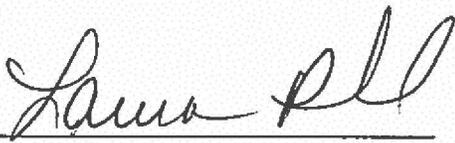
PASSED THIS 13th day of November, 2017

with 6 members voting AYE, with -0- members voting NAY, and with

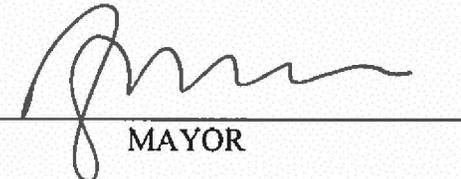
1 members ABSENT, the Mayor voting aye; and said vote being

BUTTERFIELD aye, BOWDEN aye, SMITH aye, MADSEN aye,

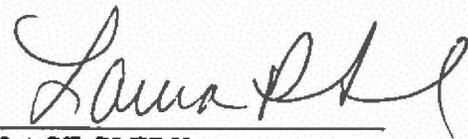
FINNEGAN aye, and HOWARD absent.


VILLAGE CLERK

APPROVED this 13th day of November, 2017.


MAYOR

ATTEST:


VILLAGE CLERK