

ORDINANCE NO. 2016-06-047

AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER 25, LEGACY TREE PROGRAM

(Section 25-65 Consent; Sec. 25-69 Public awareness programs; Section 25-72 Delisting an unhealthy or declining legacy tree)

WHEREAS, the City of Urbana (the "City") is a home rule unit of local government pursuant to the Illinois Constitution of 1970 (ILCS Const. Art. 7, § 6); and

WHEREAS, the City of Urbana, a municipal corporation and body politic, has adopted Ordinance No. 2013-04-27 to provide for a program to honor certain trees located within the City's boundaries which ordinance has been commonly referred to as the "Legacy Tree Program Ordinance" which has been codified in Chapter 25, "Vegetation", Article II, "Trees, Plants and Shrubs", Division 4, "Legacy Tree Program" of the Urbana City Code (hereinafter, the "Legacy Tree Program"); and

WHEREAS, the Legacy Tree Program is intended , *inter alia*, to establish a voluntary program to recognize and provide information to the public concerning and to encourage the preservation of significant trees located within the City's boundaries; and

WHEREAS, the Legacy Tree Program approved by the City Council, as currently written, includes Section 25-65 which provides:

On receiving a nomination, the city arborist shall contact, in writing, the property owner on which the nominated tree is located to inform the said property owner of the nomination and request the property owner's consent to evaluate and potentially designate the property owner's tree as a legacy tree. If the nominated tree is on property owned by the City of Urbana, the city arborist shall inform the director of public works of the nomination and request consent from the said director to evaluate and potentially designate the tree as a legacy tree. If the city arborist identifies a tree on property for which the owner has received or applied for redevelopment or demolition financial or other assistance from the city, the city arborist shall notify the said property owner that one (1) or more trees on the said owner's property may qualify for designation as a legacy tree.

Such property owners will be encouraged to include the preservation of legacy tree candidates in their development plans. Any consent to participate in the Legacy Tree Program by a property owner shall be in writing and signed by the said property owner. If there is more than one (1) property owner on which the nominated tree is located, the written and signed consent of a majority of all property owners shall be required. In the event that a person purchases property on which one (1) or more trees have been accorded legacy tree status, such status shall continue unless the new property owner requests to de-list the one (1) or more trees as legacy trees as provided in section 25-72 or section 25-73 of this article. Participation in the program is voluntary.

Prior to the execution of any written request for consent, the city arborist shall provide a written notice in the form of a brochure or other writing to the property owner on which the nominated tree is located which explains:

- (1) The benefits available to the property owner should such nominated tree be designated as a legacy tree;
- (2) The process for the voluntary "designation" and "de-listing" of a legacy tree (as hereinafter set forth);
- (3) Any recommended best practices to ensure long-term health of designated legacy trees;
- (4) Any detriments which might occur from following voluntary tree care best practices; and
- (5) Any detriments which might reasonably be expected to arise in connection with a tree being designated as a legacy tree.

In the event, after the provision of the aforesaid written notice, the property owner elects not to sign the consent form, the legacy tree nomination process shall cease and no further action regarding that tree shall be undertaken during the next twelve (12) consecutive months.

and

WHEREAS, the City Council deems it appropriate and necessary to amend Section 25-72 of the Urbana City Code to clarify the process for removing a tree from the Legacy Tree Program.

NOW, THEREFORE, BE IT ORDAINED by the City Council for the City of Urbana, Illinois as follows:

Section 1: Section 25-65 of the Urbana City Code shall be and hereby is amended such that it reads as follows:

On receiving a nomination, the city arborist shall contact, in writing, the property owner on which the nominated tree is located to inform the said property owner of the nomination and request the property owner's consent to evaluate and potentially

designate the property owner's tree as a legacy tree. If the nominated tree is on property owned by the City of Urbana, the city arborist shall inform the director of public works of the nomination and request consent from the said director to evaluate and potentially designate the tree as a legacy tree. If the nominated tree is on property owned by the Urbana Park District, the city arborist shall inform the Urbana Park District's director of the nomination and request consent from the said director to evaluate and potentially designate the tree as a legacy tree. If the city arborist identifies a tree on property for which the owner has received or applied for redevelopment or demolition financial or other assistance from the city, the city arborist shall notify the said property owner that one (1) or more trees on the said owner's property may qualify for designation as a legacy tree. Such property owners will be encouraged to include the preservation of legacy tree candidates in their development plans. Any consent to participate in the Legacy Tree Program by a property owner shall be in writing and signed by the said property owner. If there is more than one (1) property owner on which the nominated tree is located, the written and signed consent of a majority of all property owners shall be required. In the event that a person purchases property on which one (1) or more trees have been accorded legacy tree status, such status shall continue unless the new property owner requests to de-list the one (1) or more trees as legacy trees as provided in section 25-72 or section 25-73 of this article. Participation in the program is voluntary.

Prior to the execution of any written request for consent, the city arborist shall provide a written notice in the form of a brochure or other writing to the property owner on which the nominated tree is located which explains:

- (1) The benefits available to the property owner should such nominated tree be designated as a legacy tree;
- (2) The process for the voluntary "designation" and "de-listing" of a legacy tree (as hereinafter set forth);
- (3) Any recommended best practices to ensure long-term health of designated legacy trees;
- (4) Any detriments which might occur from following voluntary tree care best practices; and
- (5) Any detriments which might reasonably be expected to arise in connection with a tree being designated as a legacy tree.

In the event, after the provision of the aforesaid written notice, the property owner elects not to sign the consent form, the legacy tree nomination process shall cease and no further action regarding that tree shall be undertaken during the next twelve (12) consecutive months.

Section 2: Section 25-69 of the Urbana City Code shall be and hereby is amended such that it reads as follows:

Information about characteristics and location of designated legacy trees shall be made available to the public through identification markers near

designated legacy trees, listing on the City of Urbana and Urbana Park District websites, and by printed brochures.

Section 3: Section 25-72 of the Urbana City Code shall be and hereby is amended such that the underlined language is inserted in the said section such that it reads as follows:

If a legacy tree other than on city or park district property needs to be removed due to poor health and decline beyond repair, the property owner may remove the tree following issuance of a legacy tree delisting permit by the city arborist. The legacy tree delisting permit shall be issued at no cost to the property owner within seven (7) calendar days of receipt of the application for the legacy tree delisting permit. If tree damage, decline and/or poor health are not obvious, the application shall include a certified arborist's recommendation for removal. Once a legacy tree delisting permit is issued, the legacy tree shall be removed from the city's database and other public records, as applicable. If the legacy tree poses imminent and serious danger to the property owner(s) or other persons' and/or their property, the legacy tree may be removed prior to issuance of a legacy tree delisting permit. Nothing in this section shall be construed to exempt any person from the requirements of obtaining any additional permits as are required by law.

Section 4: Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby and shall be re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 5: This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action accrued or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 6: The City Clerk is hereby directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage.

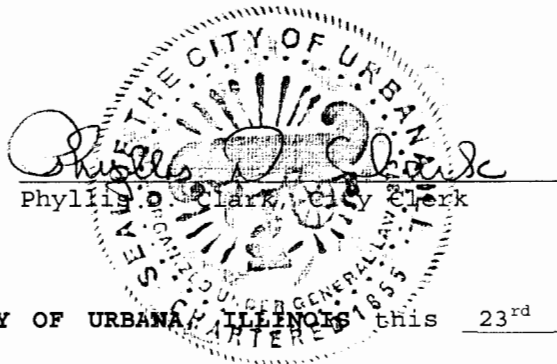
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the City Council of the City of Urbana, Illinois, at a meeting of said Council at which a quorum was present.

PASSED BY THE CITY COUNCIL this 20th Day of June, 2016.

Ayes: Ammons, Brown, Jakobsson, Madigan, Marlin, Roberts, Smyth

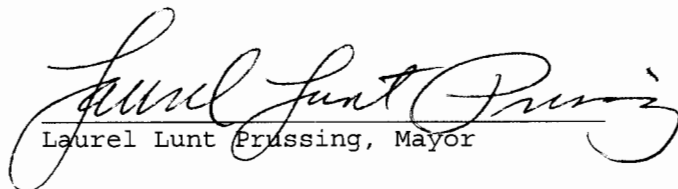
Nays:

Abstentions:



Phyllis Clark
Phyllis Clark, City Clerk

APPROVED BY THE MAYOR OF THE CITY OF URBANA, ILLINOIS this 23rd day of June, 2016.



Laurel Lunt Prussing, Mayor