

AN ORDINANCE AMENDING TITLE 6, CHAPTER 3

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRDEN, ILLINOIS, AS FOLLOWS:

SECTION 1: AMENDMENT OF TITLE 6, CHAPTER 3

Title 6, Chapter 3 of the City Code of Ordinances is hereby amended to read as follows:

CHAPTER 3

TREE PROTECTION ORDINANCE

SECTION:

- 6-3-1: Purpose
- 6-3-2: Applicability
- 6-3-3: Definitions
- 6-3-4: Authority and Enforcement
- 6-3-5: Tree Planting
- 6-3-6: Tree Maintenance
- 6-3-7: Tree Protection; Tree Removal
- 6-3-8: Severability Clause

6-3-1: Purpose

The purpose of this Ordinance is to ensure environmentally sensitive management of public parks and easements which furthers the preservation of mature trees and natural areas; to ensure responsible planting of new trees; to contribute to the long-term viability of existing trees; and to control the removal of trees when necessary.

This ordinance recognizes that trees are an integral part of the infrastructure of the City and as such should be preserved, protected, and cared for as other critical City infrastructure. Established and mature trees help in the prevention of soil erosion and the absorption of water; trees serve to provide a buffering of the sometimes damaging or harmful effects of exposure to the sun, cold and wind; and trees are the most intense source of oxygen production and facilitate the filtering out of airborne pollutants, the most notable of those being carbon dioxide.

6-3-2: Applicability

This Chapter governs the maintenance, protection, removal, planting and replacement of public trees located in city parks and city easements.

6-3-3: Definitions:

ANSI: American National Standards Institute.

ANSI A300: The recognized performance guidelines from the ANSI for the management of trees, shrubs, and other woody plants in the USA.

ANSI Z133: Provides essential safety requirements from the ANSI for arboricultural operations in the USA.

ANSI Z60.1: ANSI established American Standard for Nursery Stock, to provide consistent, common terminology for buying and selling plants; it establishes standard definitions for measuring, sizing, and packaging trees, shrubs, perennials, and other plants to facilitate industry transactions.

ISA: International Society of Arboriculture (local chapter is the Illinois Arborist Association).

ISA Certified Arborist: Qualified Arborist to provide expert advice on pruning, planting, and tree removal as well as disease and pest management.

6-3-4: Authority and Enforcement

- A. The Director of Public Works, or designee, shall be responsible for the administration and enforcement of this chapter. The city Tree Inventory shall be used as a reference tool and for documentation of any planting, maintenance, condition, and removal of trees in public spaces. The Director should reference the City of Virden Community Tree Management Plan and may consult an ISA Certified Arborist when needed. Any criminal matter may be referred to the Chief of Police. Where provisions of this chapter are more restrictive than other requirements, this chapter shall apply.
- B. Any person, firm, or corporation found guilty by the Director of Public Works of violating any provision of this Section shall be fined not less than \$50.00, nor more than \$750.00. Each unique tree cut down, destroyed, damaged, removed or moved shall constitute a separate offense.
- C. Any action or decision by the Public Works Director pertaining to the enforcement of this article may be appealed to the Mayor and City Council Public Works Committee. An appeal must be filed in writing within thirty (30) days after the decision of the Director. The decision of the Mayor and City Council shall be final and will be mailed to the accused and the Director of Public Works.

6-3-5: Tree Planting

- A. Procurement of all new and replacement trees shall be of a quality consistent with the most current American Standards for Nursery Stock pursuant to the most current edition of ANSI Z60.1. It is recommended that trees to be planted would be 1-inch to -2.5-inch DBH for shorter establishment periods and greater survival outcomes. All trees planted in public parks shall consist of species on the acceptable species list in the Community Tree Management Plan or be approved by the Director of Public Works.
- B. All planting of trees on public property shall be done in accordance with current ANSI A300 Standards for Tree Care Operations, ANSI Z133 Safety Standards, industry best management practices, as well as any standards noted in the City of Virden Community Tree Management Plan.
- C. It shall be unlawful to plant any tree or shrubs in any public park or other public space without having first secured a permit, therefore. Applications for such permits shall be made to the Director of Public Works and shall be referred by them to the City Tree Committee and to the City Council. All trees and shrubs so planted shall be placed subject to directions and approval of the City Council.
- D. It shall be unlawful to plant any bushes, trees, shrubs or other plants on the right of way of any public street, including the space on the right of way between the sidewalk and the adjacent street pavement.

6-3-6: Tree Maintenance

- A. All care, maintenance, and pruning of trees on public property shall be done in accordance with current ANSI A300 Standards for Tree Care Operations, ANSI Z133 Safety Standards, industry best management practices, as well as any standards noted in the City of Virden Community Tree Management Plan.
- B. The city Tree Inventory shall be used as a reference tool and for documentation of any care, maintenance, and pruning of trees in public spaces. The Director may consult an ISA Certified Arborist when needed.
- C. If because of emergency weather or other conditions a tree on public property is endangering health, safety or property and requires immediate removal, the Director of Public Works, with approval from the mayor, is authorized to do so without consulting a Certified Arborist or City Council approval. Such removal must be recorded in the Tree Inventory.
- D. Any tree or shrub which overhangs any sidewalk, street, or other public place in the City at a height less than eight feet (8') or in such a way as to impede or interfere with traffic or travel on such public space shall be trimmed by the owner of the abutting premises or of the premises on which such tree or shrub grows so that the obstruction shall cease.

- E. Any tree or limb of a tree which has fallen or has become likely to fall on or across any public way or place shall be removed by the owner of the premises on which such tree grows or stands.
- F. The Director of Public Works may, at the owner's expense, trim or remove any tree or shrub so that the obstruction or danger to traffic or passage shall be eliminated.

6-3-7: Tree Protection; Tree Removal

- A. It shall be unlawful to remove or cut down any tree or shrub or portion thereof in any street, parkway or other public place without having first secured a permit, therefore. Application for such permits shall be made to the Director of Public Works and shall be referred by them to the City Council before permission shall be granted.
- B. Injury To: It shall be unlawful to injure any tree or shrub planted in a public place.
- C. Posting Advertisements or Notices: It shall be unlawful to attach any sign, advertisement or notice to any tree or shrub in any street, parkway, or other public place.
- D. Utility Wires, Poles and Pipes:
 - 1. It shall be unlawful to attach any wires, cables or ropes to any tree or shrubs in any public street, parkway or other public place.
 - 2. Any person, utility or company given the right to maintain the poles, wires and cables in the streets, alleys, or other public places in the City shall, in the absence of provision in the franchise concerning the subject, keep such wires, cables and poles free from and away from any trees or shrubs in such places so far as may be possible and shall keep all such trees and shrubs properly trimmed, subject to the supervision of the Director of Public Works and compliant with ANSI Z133 safety standards so that no injury shall be done either to the poles, wires and cables or to any trees and shrubs by their conduct.
 - 3. Gas Pipes: Any person, utility or company maintaining any gas pipe in the City shall, in the absence of provision in the franchise concerning the subject, keep such pipes free from leaks so that no injury shall be done to any trees or shrubs.

6-3-8: Severability Clause

Where provisions of this chapter are more restrictive than other requirements, this chapter shall apply. If any provision of a section of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other

provisions or applications of the section or related sections which can be given effect without the invalid provision or application, and to this end the provisions are severable.

SECTION 2: Effective Date; Publication

This Ordinance shall be effective upon its passage, approval and publication as provided by law. The Clerk shall forthwith publish this Ordinance in pamphlet form.

PASSED this 6TH day of JULY, 2026



MAYOR

ATTEST:



Clerk

AYES: CALLOWAY, NEIGHBOR, BERTOLINO, BOSEK, CARTEL, MATRISON, RASLEY

NAYS: 0

PASSED: YES

APPROVED: YES

ABSENT: HARRICH

ORDINANCE CERTIFICATE

STATE OF ILLINOIS)

) SS.

COUNTY OF MACOUPIN)

I, the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the City of Virden, Illinois.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 20264, adopted by the City Council of said City on the 6TH day of July, 2026, said Ordinance being entitled:

AN ORDINANCE AMENDING TITLE 6, CHAPTER 3

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said City, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 6TH day of July, 2026.


Clerk