

§ 122-5. Trees on Village property or within Village right-of-way. [Amended 7-2-2007 by L.L. No. 2-2007]

A. Trees on Village property. The Board of Trustees by resolution shall provide for the annual inspection by a licensed/certified arborist of the trees within the Village, which trees are located on Village property. If, in the opinion of the licensed/certified arborist retained by the Village, there are trees on Village property which are dangerous or hazardous and require corrective action or removal, the Village Clerk shall within 15 days of having received the written opinion of said licensed/certified arborist, have said condition corrected or said dangerous or hazardous trees removed. The removal of trees on Village property shall include the grinding of the stump and root flares 6 inches to 8 inches below grade, the removal of the grindings and the installation of topsoil to grade. The cost to the Village of correcting a dangerous condition of a tree or removing a dangerous or hazardous tree shall be borne by the Village, unless said dangerous or hazardous tree is situated on Village land adjacent to the public street of the Village, i.e., within the Village right-of-way.

B. Trees located within the Village right-of-way. All trees located within the Village right-of-way shall be maintained by the adjoining property owner. For dangerous trees or hazardous trees, defined as any tree, or part or limb thereof, that is creating a hazard to private property, to a Village street, to the public rights-of-way, to persons using the rights-of-way, or if its roots are causing excessive damage to the curb, gutters, sidewalks, or a sewer system, located within the Village right-of-way, the Board of Trustees shall regularly require the Village Clerk to list the landowners that have situated dangerous or hazardous trees adjacent to their property, within the Village right-of-way. Every such landowner shall be required to remove or to trim the dangerous or hazardous tree located within the public right-of-way. Upon resolution of the Board of Trustees requiring removal of the tree, such landowner shall be required to remove the tree. The Village Clerk shall give to the landowner 15 days' written notice that there is a dangerous or hazardous tree located on the right-of-way adjacent to his property. Failure of said landowner to have the dangerous condition of the tree corrected or the dangerous or hazardous tree removed within said 15-day period shall constitute a violation of this chapter. Before the Village Clerk shall list a dangerous or hazardous tree, the tree shall have been determined to be a dangerous or hazardous tree by a licensed/certified arborist retained by the Village. Should the property owner contest the determination that a tree is a dangerous or hazardous tree, the licensed/certified arborist retained by the Village shall make the final determination whether corrective action is needed. If the subject tree remains designated as a dangerous or hazardous tree, upon the failure of said landowner to correct the dangerous condition of said tree or to remove said tree, the Board of Trustees may cause said dangerous condition to be corrected, or said dangerous or hazardous tree to be removed, and assess the expense thereof upon the adjoining real property, and such charge shall constitute a lien and charge upon the real property of said abutting owner upon which it is levied until paid or otherwise satisfied or discharged, and shall be collected by the Village Treasurer in the manner provided by law for the collection of delinquent taxes. Any person found guilty of a violation of this section shall be punishable as set forth in Chapter [122, Trees, Penalties for offenses, § 122-6.](#)

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~~Deleted: Article III, General Penalty~~

§ 122-6. Penalties for offenses.

Any person violating the provisions of ~~§ 122-5~~, shall be required to replace the living tree or shrubbery with a like tree or shrub, in consultation with the Village Arborist as to location and type, and shall be punished by a fine or penalty up to and including \$2,500.

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