

CHAPTER 6 STREETS

- 6.01 Names of Streets
- 6.02 Numbering Buildings
- 6.03 Damage to Streets, Public Property
- 6.04 Encroachments on Streets
- 6.05 Obstructing Streets
- 6.06 Material in Street
- 6.07 Painting on Streets and Rights-of-Way
- 6.08 Debris in Streets
- 6.09 Excavations in Streets and Rights-of-Way
- 6.10 Protection of Work in Streets
- 6.11 Moving Structures
- 6.12 Trees and Landscaping on Public Property
- 6.13 Snow on Sidewalks
- 6.14 Driveways
- 6.15 Easements, Rights-of-Ways, Ditches/Swales
- 6.16 Sidewalks
- 6.17 Street Maintenance
- 6.18 Dead or Diseased Tree Removal on Private Property
- 6.19 ~~Utilities in Right of Way~~ *Repealed 12-13-07*
- 6.20 Penalties

6.01 NAMES OF STREETS

All streets of the Village shall be known and designated by the names applied hereto, respectively, on the map of the Village kept on file at Village Hall. The street names designated on such map shall continue to be the names of the streets unless and until changed by ordinance of the Board of Trustees.

6.02 NUMBERING BUILDINGS

A. NUMBERING BUILDINGS: All buildings abutting streets of the Village shall be numbered by the Community Development Department.

B. RESPONSIBILITY: It shall be the duty of the owners and occupants of every building in the Village to have on each building, in a place visible from the street, the number of the building in Arabic numerals (script not permitted) at least 4 inches high with a minimum stroke width of 0.5 inches.

C. FINE: Any person, firm or corporation failing to number any house, building, or other structure occupied after receiving notice to do so from the Village shall be fined not less than \$25.00 nor more than \$500.00 for each day during or on which a failure to so number continues.

6.03 DAMAGE TO STREETS, PUBLIC PROPERTY

No person shall damage or deface any street, alley, sidewalk, public way, park, or other Village or public property, or any post, wire, lamp, street sign, traffic sign, tree, grass, vegetation, gutter, drain, manhole, or any other appurtenance thereon.

6.04 ENCROACHMENTS ON STREETS

A. PERMIT: Except as provided in Subsection B or C or D of this Section no person shall erect or maintain any structure or thing on, over or under any street, alley, sidewalk, or public right-of-way except by permit from the Board of Trustees. Each application for such a permit shall be on a form provided by the Director of Public Works and shall describe the nature of the encroachment in detail. The Board of Trustees, in its discretion, may issue or deny the permit and may impose any conditions to such permit as it deems appropriate.

B. AWNINGS: Awnings made of a pliable material attached to a building and extending not less than eight feet above the surface of the sidewalk may be erected and maintained without a permit.

C. IRRIGATION SYSTEMS: Irrigation systems may pass under a sidewalk or underground in the right-of-way if installed under a building permit issued by the Community Development Department.

D. MAILBOXES: Mailboxes with wooden, metal or plastic posts only may be installed in the right-of-way when installed according to the United States Postal Service regulations.

E. MAINTENANCE: Any encroachment on any street, sidewalk, alley, or public way shall be maintained so that it does not endanger or obstruct the public.

6.05 OBSTRUCTING STREETS

No person shall obstruct or endanger the free passage or proper use of the public on any street, sidewalk, alley or public place, except as specifically permitted by this Code.

6.06 MATERIAL IN STREET

No person shall place any materials on or over any street, sidewalk, or public place without a permit from the Public Works Director. Each application for such a permit shall be on a form provided by the Director of Public Works.

6.07 PAINTING ON STREETS AND RIGHTS OF WAY

No person shall paint on any streets, rights-of-way, poles or other structures in any street or on the surface of any street or

sidewalk except for the placement of an address on the curb directly in front of a residence. No such painting shall be undertaken without a permit first having been issued therefor by the Director of Public Works. Each application for such permit shall be on a form provided by the Director of Public Works.

6.08 DEBRIS IN STREETS

A. LITTERING: No person shall litter or deposit any foreign matter on any street, alley, sidewalk, right-of-way, park or public place, except as specifically permitted by this Code, or as may be specifically permitted in advance by the Director of Public Works.

B. PENALTY: Any person violating this Section 6.08 shall be liable for the cost of removal of the foreign matter in addition to the penalty provided for violation of this Code.

6.09 EXCAVATIONS IN STREETS and RIGHTS-OF-WAY

A. PERMIT: In addition to any other required governmental permit, no person shall excavate in or tunnel under any street in the Village without first securing a permit for such work from the Director of Public Works. Based upon the age of the street, amount of traffic and location of utilities, the Director of Public Works shall determine if the street shall be cut or tunneled.

B. DEPOSIT: A deposit or bond of \$2,500 shall be made at the time of permit issuance for any excavation in streets or rights-of-way. The Director of Public Works may reduce this requirement based on level of disturbance to public property. A perpetual performance or cash bond of \$10,000 may be posted by an organization which repeatedly excavates within the right-of-way. The deposit may be held by the Village for not less than six months. The Village, at the Director of Public Works discretion, may hold the deposit for up to two years. If no damage has been incurred to Village property, the total amount of the deposit shall be returned to the party making the deposit upon request. Any deposit not claimed within three years shall be deemed forfeited. In the event the Village property sustains damage, that portion of the deposit necessary to effect repairs shall be retained by the Village; the balance shall be returned to the party making the deposit. If the cost of repairs to the Village property exceeds the amount of the deposit, then such additional costs shall be charged to the owner of the property and/or the person issued the permit and it shall become immediately due and payable upon the owner receiving written notice of the amount of which the cost of repairs exceeds the deposit.

C. RESTORATION: Each street shall be restored immediately after work is completed to a condition at least as good as existed prior to such work as determined by the Director of Public Works.

6.10 PROTECTION OF WORK IN STREETS

Any person constructing, repairing, or making any excavation in or tunneling under, or placing any material on or over any street, sidewalk, right-of-way, or other public place shall install and maintain suitable barricades and other protective devices acceptable to the Director of Public Works and as necessary to prevent injury to any person exposed to the construction process. Suitable lights shall be maintained overnight to warn the public. No person, unless authorized by the Director of Public Works, shall interfere with or disturb any such warning devices.

A permit shall be secured from the Director of Public Works at least 24 hours in advance of placing any barricades in any street unless there is an emergency. In an emergency, a permit shall be requested no later than the first work day after the incident.

6.11 MOVING STRUCTURES

No person shall move any building or structure on any street without a permit therefor from the Director of Public Works. The Director of Public Works may impose such conditions as are necessary to protect the Village and the public. The applicant for such permit shall deposit \$5,000.00 in cash with the Village as security for the protection of the streets and other Village property exposed during the moving process. The deposit shall be returned if no permit is granted or after all work is completed, minus all costs to repair public facilities damaged by the moving process. At no time shall a deposit be returned without written approval from the Director of Public Works.

6.12 TREES AND LANDSCAPING ON PUBLIC PROPERTY

A. DEFINITIONS : In addition to the terms defined in Appendix A of this Code, the terms used in this Section 6.12 are defined as follows:

1. *Street Trees*: Street trees are defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the Village.
2. *Park Trees*: Park trees are defined as trees, shrubs, bushes and all other woody vegetation in public parks and all areas owned by the Village, or to which the public has free access as a park.

B. DUTIES AND RESPONSIBILITIES

1. The Director of Public Works shall be responsible to the Board of Trustees to study, investigate, counsel develop and administer a plan for the

care, preservation, inventory, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets, and in other public areas. The Director of Public Works shall also designate an individual from the Public Works staff to serve as the Village Arborist.

2. The Village Arborist shall be certified as an Arborist and shall implement the Director's plan.

C. TREE SPECIES TO BE PLANTED

1. The Director of Public Works, with advice from the Village Arborist, shall develop and maintain a list of desirable trees for planting along streets in three size classes based on mature height: small (20 to 30 feet), medium (30 to 40 feet) and large (over 50 feet). Efforts shall be made to ensure a sufficient diversity of tree species.
2. Permitted Trees and Shrubs
 - a. Trees - Minimum Tree Caliper for Medium and Large Trees: 2 inch at 4 feet from the ground.

Small Trees

20-30 Feet at Maturity

Latin Name	Common Name
	Disease and Apple Scab Resistant Thornless Crab Apple
Acer ginnala	Amur Maple
Acer griseum	Paperbark Maple
Acer tataricum	Tartarian Maple
Aesculus hippocastanum	Red Horsechestnut
Alnus rugosa	Speckled Adler
Amelanchier arborea	Shadblow Serviceberry
Amelanchier grandiflora	Apple Serviceberry
Amelanchier laevis	Allegheny Serviceberry
Cercis canadensis	Eastern Redbud
Cercis canadensis	Eastern Whitebud
Cornus mas	Corneliancherry Dogwood
Cornus kousa	Kousa Dogwood
Crategegus crusgalli	Thornless Cockspur Hawthorn
Crataegus phaenopyrum	Washington Hawthorne
Crataegus viridis 'Winter King'	Winter King Hawthorne
Halesia carolina	Silverbell
Koelreuteria paniculata	Golden rain tree

<i>Maackia amurensis</i>	Amur Maackia
<i>Malus baccata</i>	Korean Crabapple
<i>Ostrya virginiana</i>	Ironwood
<i>Syringa reticulata</i>	Japanese Tree Lilac

MEDIUM TREES 30-40 FEET AT MATURITY	
Latin Name	Common Name
<i>Acer beurgerianum</i>	Trident Maple
<i>Acer campestre</i>	Hedge Maple
<i>Acer miyabei</i>	Miyabe Maple
<i>Acer platanoides</i>	Norway Maple
<i>Aesculus hippocastanum</i>	Red Horsechestnut
<i>Alnus glutinosa</i>	Common Alder
<i>Betula lenta</i>	Sweet Birch
<i>Betula nigra</i>	River Birch
<i>Carpinus betulus</i>	European Hornbeam
<i>Carpinus caroliniana</i>	American Hornbeam
<i>Halesia tetraptera</i>	Carolina Silverbell
<i>Magnolia acuminata</i>	Magnolia--Yellowbird
<i>Magnolia acuminata</i>	Magnolia--Kobus
<i>Magnolia acuminata</i>	Magnolia--Merrill
<i>Phellodendron amurense</i>	American Corktree
<i>Pyrus calleryana</i>	Callery Pear--Chaticleer
<i>Ulmus carpinifolia</i> x <i>Parvifolia</i>	Frontier Elm
<i>Ulmus wilsoniana</i>	Prospector Elm

LARGE TREES 50 Feet & Up At Maturity	
Latin Name	Common Name
<i>Acer platanoides</i>	Norway Maple
<i>Acer rubrum</i>	Red Maple
<i>Acer pseudoplatanus</i>	Planetree Maple
<i>Acer saccharum</i>	Sugar Maple
<i>Acer nigrum</i>	Black Maple
<i>Acer miyabei morton</i>	State Street Maple
<i>Acer truncatum</i>	Pacific/Crimson Sunset Maple
<i>Acer X freemannii</i>	Autumn Blaze Freeman Maple
<i>Aesculus flava</i>	Yellow Buckeye
<i>Aesculus glabra</i>	Ohio Buckeye
<i>Aesculus hippocastanum</i>	Common Horschestnut
<i>Aesculus hippocastanum</i>	Eurpoean Horchestnut
<i>Alnus glutinosa</i>	Eurpoean Black Adler
<i>Carya glabra</i>	Pig Nut Hickory
<i>Carya ovata</i>	Shag Bark Hickory
<i>Celtis occidentalis</i>	Hackberry--Windy City
<i>Catalpa speciosa</i>	Northern Catalpa

<i>Celtis occidentalis</i>	Common Hackberry
<i>Cercidiphyllum japonicum</i>	Katsuratree
<i>Cladastris kentuckea</i>	American Yellowwood
<i>Corylus colurna</i>	Turkish Filbert
<i>Eucommia ulmoides</i>	Hardy Rubber Tree
<i>Fagus sylvatica</i>	European Beech
<i>Fagus grandifolia</i>	American Beech
<i>Ginkgo biloba</i> (Male)	Ginkgo-Magyar
<i>Gleditsia triacanthos</i> <i>Varinermis</i>	Thornless Honey Locust-- Halka
<i>Gymnocladus dioicus</i>	Kentucky Cofeetree
<i>Juglans nigra</i>	Black Walnut
<i>Larix decidua</i>	Common Larch
<i>Liquidambar styraciflua</i>	American Sweetgum
<i>Liriodenron tulipifera</i>	Tuliptree
<i>Magnolia acuminata</i>	Cucumbertree Magnolia
<i>Metasequoia</i> <i>glyptostroboides</i>	Dawn Redwood
<i>Nyssa sylvatica</i>	Black Tupelo
<i>Platanus acerifolia</i>	London Planetree
<i>Populus euramerica</i>	Robusta Poplar
<i>Populus deltoids</i>	Siouxland Poplar
<i>Populus tremuloides</i>	Quaking Aspen
<i>Prunus serotina</i>	Black Cherry
<i>Quercus alba</i>	White Oak
<i>Quercus coccinea</i>	Scarlet Oak
<i>Quercus ellipoidalis</i>	Northern Pin Oak
<i>Quercus bicolor</i>	Swamp White Oak
<i>Quercus coccinea</i>	Scarlet Oak
<i>Quercus ellipoidalis</i>	Northern Pin Oak
<i>Quercus imbricaria</i>	Shingle Oak
<i>Quercus macrocarpa</i>	Bur Oak
<i>Quercus rubra</i>	Red Oak
<i>Quercus muehlenbergii</i>	Chinkapin Oak
<i>Quecus prinus</i>	Chestnut Oak
<i>Quercus robur</i>	English Oak
<i>Quercus robur</i> X <i>alba</i>	Crimsonspire Oak
<i>Quercus schuetti</i>	Swamp Bur Oak
<i>Robinia pseudoacacia</i>	Black Locust
<i>Sassafras albidum</i>	Common Sassafras
<i>Sophora japonica</i>	Japanese Pagodatree
<i>Taxodium distichum</i>	Common Baldcypress
<i>Tilia cordata</i>	Littleleaf Linden
<i>Tilia cordata</i> Greenspire	Greenspire Linden
<i>Tilia</i> x <i>euchlora</i>	Crimean Linden
<i>Tilia tomentosa</i>	Silver Linden
<i>Ulmus carpinifolia</i>	Smoothleaf Elm-Regal
<i>Ulmus carpinifolia</i>	Smoothleaf Elm--Homestead
<i>Ulmus carpinifolia</i>	Smoothleaf Elm--Accolade
<i>Ulmus carpinifolia</i>	New Horizon
<i>Ulmus carpinifolia</i>	Frontier Elm

Ulmus carpinifolia	Triumph Elm
Zelkova serrata	Japanese Zelkova

b. SHRUBS

Large Deciduous Shrubs (Minimum Size At Installation - 3 Feet In Height)	
Common Name Botanical Name Cultivar	
Burning Bush Euonymus Alatus "Caompactus"	
Clethra Summersweet Clethra Alnifolia	Cotoneaster, Hedge Cotoneaster Multiflorus
Cotoneaster, Peking Cotoneaster Acutifolius	Cotoneaster, Spreading Cotoneaster Divaricatus
Dogwood, Comeliancherry Cornus Mas	Dogwood, Gray Cornus Racemosa
Dogwood, Pagoda Cornus Alternifolia	Dogwood, redosier Cornus Sericea "Baileyi"
Isanti, Cornus Sericia	Dogwood, tatarian Cornus Alba
Filbert, American Corylus Americana	Filbert, Turkish Corylus Columa
Forsythia, Border Forsythia x Intermedia	Forsythia, Green Stem Forsythia Viridissima "Meadowlark"
Northern Sun, Forsythia	Sunrise
Hydrangea, Panical Hydrangea Paniculate "Tardiva"	Lilac Syringa, Vulgaris
Sumac, Smooth Rhus Glabra	Sumac, Staghorn Rhus Typhina
Tamarix, Five-Stamen Tamarix Ramosissima	Viburnum, American Cranberry Viburnum Trilobum
Viburnum, Arrowwood Viburnum Detatum "Northern Burgandy"	Autumn Jazz, Viburnum debtatum
Chicago Lustre, Synnestvedt	Viburnum, Blackhaw Viburnum Prunifolium
Viburnum, Burkwood Viburnum x burkwoodii	Viburnum, European Cranberry Viburnum Opulus
Viburnum, Lantanaphyllum Viburnum x Rhytidophylloides	Viburnum, Nannyberry Viburnum Lentago
Viburnum, Wayfaringtree Viburnum Lantana	Weigela, Old Fashioned Weigela Floride
Witchhazel, Common Hamamelis Virginiana	Witchhazel, Vernal Hamamelis Vernalis

Large Evergreen Shrubs (Minimum Size At Installation - 5 Feet In Height)	
Common Name Botanical Name Cultivar	
Hemlock, Canadian Tsuga Canadensis	Arborvitae Thuja Occidentalis "Techny" Juniper, Upright Juniperus

Small Deciduous Shrubs (Minimum Size At Installation - 24 Inches In Height)	
Common Name Botanical Name Cultivar	
Serviceberry, Running Amelanchier Stolonifera	Alpine Currant Ribes Alpinum "Green Mound" Barberry, Japanese Berberis Thunbergii
Berberis, Mentor Berberis x Mentorensis	Bayberry Myrica Pennsylvanica
Chokeberry, Black Aronia Melonocarpa	Chokeberry, Red aronia Arbuitifolia "Brilliantissima"
Cotoneaster, Cranberry Cotoneaster Apiculata	Cotoneaster, Creeping Cotoneaster Adpressus
Cotoneaster, Rockspray Cotoneaster Horizontalis	Forsythia, Greenstem Forsythia Viridissima "Bronxensis"
Hydrangea, Annabelle Hydrangea Arborescens "Annabelle"	Lilac, Miss Kim Syringa Patula "Miss Kim"
Lilac, Meyer Syringa Meyeri "Palibin"	Rose, Rosa
Stephanandra, Cutleaf Stephanandra incise "Crispa"	Sumac, Gro Low Rhus Aromatica "Gro Low"
Viburnum, Dwarf Korean Viburnum Carlesii "Compacta"	Viburnum, Compact American
Cranberry Viburnum Trilobum "Compactum"	Viburnum, Judd Viburnum x Juddii
Viburnum, Sargent Viburnum Sargentii	

Small Evergreen Shrubs (Minimum Size At Installation - 24 Inches In Height)	
Common Name Botanical name Cultivar	
Boxwood, Littleleaf Buxus Microphylla	Boxwood, Common Buxus Semperviners Boxwood Buxus Koreana x Sempervirens "Glencoe"
Green Gem, Buxus	Green Mountain, Buxus Sempervirens
Green Mound, Ribes Alpinum	Green Velvet, Buxux
Winter Gem, Buxus microphylla japonica	Juniper, Creeping Juniperus Horizontalis

	"Bar Harbor"
Blue Chip, Buddleja	Blue Rug, Juniperus horizontalis Wiltoni
Hughes, Juniper Horizontalis	P.C. Youngstown
Juniper, Chinese Juniperus Chinensis "Kallays Compacta"	Pfitzeriana, Daubs Frosted
Compacta, Euonymous Alatus	Var. Sargentii "Glauca"
Var. Sargentii "Virdis"	Sea Green, Juniperus chinensis
Juniper, Japgarden Juniperus Procumbens	Pine, Mugo Pinus Mugo Var. Mugo
Rhododendron Rhododendrog spp. "P.J.M."	Northern Lights, Deschampsia cespitosa
Yew, Dense Taxus x Media "Densiformis"	Common Yew, Tauntonii
Hicksii, Taxus Media	

Groundcovers And Vines	
Common Name Botanical name Cultivar	
	Ajuga Ajuga reptans
Barren Strawberry Waldsteinia Ternate	Bittersweet Celastrus Scandens "Indian Brave"
Indian Maiden, <i>Celastrus scandens</i>	Boston Ivy Parthenocissis Tricuspidate
Clematis Clematis	Common Periwinkle Vinca Minor
Fleeceflower Polygonum Reynoutria	Hydrangea, Climbing Hydrangea Anomola Petiolaris
Pachysandra, Japanese Pachysandra Terminalis	Poreclein Vine Ampelopsis Brevipedunculata
Purpleleaf Wintercreeper Euonymous fortunei "Coloratus"	Sedum Sedum
Virginia Creeper Parthenocissis Quinquifolia	

D. SPACING OF TREES

1. The spacing of street trees will be in accordance with the three species size classes listed in Section 6.12.C. herein, and no trees may be planted closer together than the following: small trees, 15 feet; medium trees, 25 feet; and large trees, 35 feet; except in special plantings approved by the Director of Public Works.

2. The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with

the three species size classes listed in Section 6.12.C. herein, and no trees may be planted closer to any curb or sidewalk than 2 feet for small trees and 3 feet for medium or large trees.

3. No street tree shall be planted within 10 feet of any fire hydrant or street light pole.
4. No street trees other than those species accepted as small trees, in Section 6.12.C, may be planted under, or within 20 feet horizontally of, any overhead utility wire.
5. New developments shall require one tree per interior lot and two trees per corner lot. The standard tree caliper size shall be two inches minimum at four feet from finished grade.

E. PUBLIC TREE CARE

1. The Village shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the rights-of-way of all streets, avenues, lanes, and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.
2. The Director of Public Works may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect, or other pest. This section 6.12E2 does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with this chapter 6 and approved by the Director of Public Works.

F. PRUNING STANDARDS

1. Every owner of any tree overhanging any street or right-of-way within the Village shall prune the branches so that such branches shall not severely obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of thirteen feet (13') above street surface or eight feet (8') above the sidewalk surface. Clear space requirements for corner lots shall be maintained pursuant to Section 15.4 of the Lake in the Hills Zoning Ordinance (Chapter 22 of this Code). Said

owners shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The Director of Public Works will notify in writing the owners of such trees which do not meet the standard. A certified letter shall be sent to the property owner listed on the tax bill. Pruning shall be done by said owners at their own expense within 20 days after the date of service of the certified mailed notice. In the event that the delivery notice has not been returned within 7-10 days the Village shall post a notice on the property and this shall constitute notice to property owner. In the event of failure of owners to comply with such provisions, the Village shall have the right, but not the obligation, to prune such trees and to record a lien in the amount of the costs incurred by the Village in causing such tree to be pruned. The cost incurred by the Village in causing the pruning of the tree shall be a debt of the owner due in owing to the Village.

2. Tree limbs that grow near high voltage electrical conductors shall be maintained clear of such conductors by the electric utility company in compliance with any applicable franchise agreements. A utility tree trimming policy must be approved by the utility company and Director of Public Works prior to any trimming by the utility company.
3. It shall be unlawful as a normal practice for any person, firm, or Village department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Crown reduction by a qualified arborist may be substituted, where appropriate. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this Section 6.12F3 at the determination of the Village Arborist.
4. All tree pruning on public property shall conform to the American National Standard for Tree Care Operations (ANSIA300).

G. REMOVAL OF STUMPS

All stumps of street trees and park trees shall be removed to not less than six inches below the surface of the ground to allow for proper restoration.

H. PROTECTION OF TREES

1. In order to maintain the overall urban forest, reasonable efforts shall be made to replace trees that are removed and to protect quality trees that are endangered.
2. Trees removed by decision of the Director of Public Works or by natural causes shall be replaced somewhere in the urban forest on a one-for-one basis within one year. The location and species of any replacement tree shall be determined by the Director of Public Works.
3. Trees of desirable species and good health shall be protected as much as possible from damage during construction, sidewalk repair, utilities work above and below ground, and other similar activities. The zone of protection shall include the ground beneath the canopy of the tree.

I. LANDSCAPING AND SCREENING IN NEW DEVELOPMENTS

1. The requirements of this Section 6.12I apply to landscaping and screening plantings on public lands within new developments.
2. In the event that it can be demonstrated that existing vegetation, trees and shrubs, meet requirements identified in the Lake in the Hills Subdivision Control Ordinance, (Chapter 23 of this Code) existing vegetation may be credited for landscape materials required by this section 6.12I. If any of the vegetation dies, the developer shall be required to install the plant materials according to the standards of this Section 6.12 and as determined by the Director of Public Works or his / her designee. Said plant material shall be guaranteed, by the developer, for two years from the time of final acceptance by the Village's Director of Public Works.
3. Required screening shall not be disturbed for any reason except for required walks, driveways or bicycle paths and fences.

4. Prior to the acceptance of existing and proposed plant materials by the Director of Public Works, a plan review and inspection of existing and proposed vegetation shall be completed by the developer. The Director of Public Works will provide a written statement certifying that the existing and proposed landscape plan has been accepted and approved and that all materials will be planted in accordance with Village specifications.
5. All materials planted shall be guaranteed for an amount equal to 125% of their cost at the time of installation by the developer for one growing season from the time of acceptance by the Public Works Director. Said financial guarantee shall consist of either a letter of credit and / or bond and shall be posted with the Village prior to final plat approval.

J. SELECTION AND INSTALLATION OF PLANT MATERIALS

1. Planting materials used in conformance with the permitted trees and plant materials subject to this Section 6.12 shall be of good quality, of a species normally grown in Northeastern Illinois and capable of withstanding the extremes of individual microclimates.
2. All landscaping trees and materials shall be installed in accordance with the planting procedures established by the American Association of Nurserymen and International Society of Arboriculture.

K. AREA LANDSCAPING STANDARDS

1. The following standards shall apply to the required quantity of planting materials (trees and shrubs) for landscaped areas of public and private streets, subdivision entrance islands and cul-de-sac islands in right-of-ways.
2. On islands with more than 500 square feet of landscaped area there shall be at least one tree for each 1000 square foot increment greater than 500 square feet, i.e., 1500 sq. ft. = 2 trees 2500 sq. ft = 3 trees, etc.
3. On islands with an area that meets the requirements for one or more trees there shall also be one shrub for every 150 square feet of landscaped area. (e.g., 750 sq. ft. = 1 tree + 1

shrub, 900 sq. ft. = 1 tree + 2 shrubs, 1200 sq. ft. = 1 tree + 4 shrubs)

4. On islands with an area less than 500 square feet there shall be one shrub for every 150 square feet of landscaped area, e.g., 450 sq. ft. = 3 shrubs.
5. Mulch shall be installed at each tree and shrub.

6.13 SNOW ON SIDEWALKS

The person occupying the ground floor of any building, the owner/user of any lot without a structure thereon, and the owner of any vacant building or other premises shall remove the snow and ice accumulating on the abutting sidewalks within 24 hours after any snowfall has ceased. If snow or ice cannot be removed the surface shall be sanded or otherwise treated to lessen the hazard for pedestrians until the climate permits removal.

6.14 DRIVEWAYS

A. PERMIT: No person shall construct a new driveway entering any street without a permit therefor from the Director of Public Works.

B. CULVERTS: Culverts may be required under driveways connecting to a street that is not improved with curb, gutter and storm sewers, prior to the point of entry of the driveway to the public road, as defined in Chapter 24 of this Code. The length, width, depth, and location of the culvert shall be subject to the approval of the Director of Public Works.

No driveway without a culvert or with an inadequate culvert shall be altered except with the installation of a new culvert, subject to the approval of the Director of Public Works.

If, in the judgment of the Director of Public Works, a culvert is needed to remove obstructions in drainage ditches or swales, due to site alterations by the owner of the property, the Village shall install a culvert of the size and length determined by the Village Engineer. The cost of the culvert and repaving that portion of any driveway that may be affected shall be borne by the owner of the property.

6.15 EASEMENTS, RIGHTS-OF-WAY, DITCHES/SWALES

A. Buildings, structures or any parts of appurtenances thereto shall not be constructed or placed in any public easement or right-of way so as to restrict drainage channels.

B. No fill material of any kind shall be placed in any easement or right-of-way without a permit therefor issued in advance by the Director of Public Works except for fill placed

under work covered by a driveway permit issued and approved by the Community Development Department.

C. No permit to alter, build or fill any part of any public easement or right of way shall be issued by the Director of Public Works until written approval is received from the Village Engineer that the proposed alteration, building or fill will in no way effect surface water run-off capacities or patterns of surrounding properties.

D. The cost of the engineering review shall be born by the person(s) desiring the modification and shall be paid prior to the review being made.

E. All ditches and swales shall be planted and maintained with low growing grass or ground cover to eliminate erosion and sedimentation that could be caused by water transversing the ditch or swale, unless some other form of erosion and sedimentation control is recommended by the Village Engineer for the project.

6.16 **SIDEWALKS**

A. SPECIFICATIONS: All sidewalks built within the Village shall be constructed in accordance with the Subdivision Control Ordinance.

B. PERMIT: No person shall build any sidewalk along any public street or right of way without a permit therefor from the Director of Public Works.

C. GRADE: The grade at which all sidewalks shall be laid shall be fixed and determined by the Village Engineer and no person shall lay or construct any sidewalk within the Village except at such grade.

D. BOARD of TRUSTEES ACTION: The Board of Trustees may act to provide for installation or repair of sidewalks by abutting property owners in accordance with Article 11, Division 84 of the Illinois Municipal Code.

E. NOTICE: Whenever the Board of Trustees finds it necessary and proper to construct or rebuild any sidewalk along or upon any street or public alley or other public right of way in the Village, the affected property owner(s) shall be notified in writing that a sidewalk shall be built. Said notice shall state the specifications governing the construction of the sidewalk.

6.17 **STREET MAINTENANCE**

A. DUTY IMPOSED: It shall be the responsibility of every subdivider or developer to keep and maintain the streets and ways in and around the subdivision clean and free from all dirt, mud, construction material, and other debris during the period of

construction.

B. STREETS: The duty imposed by Section 6.17-A herein shall apply to all streets within the subdivision, all streets designated as construction traffic routes and all perimeter streets, or streets adjacent to the subdivision.

C. REQUIRED CLEANING: Every subdivider or developer shall scrape each street described in Section 6.17-B herein every day during the period of construction, and shall sweep or cause the streets to be swept once every week. In addition to the foregoing, every subdivider shall be required to scrape, sweep, or remove debris from the streets as from time to time directed by the Director of Public Works or designee, the Director of Community Development or designee or the Village Engineer or designee.

D. SNOW AND ICE REMOVAL: In the event one or more Certificates of Occupancy have been issued for any structures located on a nondedicated street, the subdivider or developer shall be responsible for snow and ice removal. If required by the Village, a subdivider or developer shall enter into a contract with the Village for snow and ice removal. The cost of such service shall be approved from time to time by the Board of Trustees.

E. PENALTIES: Any subdivider violating any provision of this Section 6.17 shall be subject to one or more of the following penalties, said penalties being cumulative and in addition to any other penalties that may be imposed:

1. A fine of not less than \$25.00 nor more than \$500.00 for each offense, and a separate offense shall be deemed committed on each day during or on which a separate violation occurs or continues.
2. The Village may undertake the necessary cleaning as required herein and then assess the costs and expenses, including reasonable attorneys' fees, incurred by the Village for such cleaning against the subdivider and may take action against the performance or construction bond for payment thereof.
3. "Stop Work Orders" for the subdivision may be issued by the Village until the subdivider complies with the requirements herein. No work shall be done in the subdivision while the stop work order is in effect.
4. The Village may withhold the issuance of Certificates of Occupancy for all residences within the subdivision until the subdivider complies with requirements herein.

F. NOTICE: Prior to the imposition of the penalties set forth in Sections 6.17-E-3 and 4 herein, the Village shall cause a written notice to be sent to the subdivider or developer setting forth the specific violations(s) of this Code. The subdivider or developer shall have twenty-four hours after the date of the notice within which time to comply with the terms of the Code. In the event the subdivider or developer does not comply with the terms herein within said twenty-four hour period, the Village may proceed to impose the penalties provided for in Section 6.17-E-3 and 4 herein. No notice shall be required prior to the imposition of the penalties set forth in Sections 6.17-E-1 and 2 herein.

6.18 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

The Village shall have the right to cause the removal of any dead or diseased trees on private property within the Village, when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees within the Village. The Director of Public Works will notify in writing the owners of such trees. A certified letter shall be sent to the property owner listed on the tax bill. Removal shall be done by said owners at their own expense within 20 days after the date of service of the certified mailed notice. In the event that the delivery notice has not been returned within 7-10 days the Village shall post a notice on the property and this shall constitute notice to property owner. In the event of failure of owners to comply with such provisions, the Village shall have the authority to remove such trees and to record a lien in the amount of the costs incurred by the Village in causing such tree to be removed from such property. The cost incurred by the Village in causing the removal of the tree shall be a debt of the owner due in owing to the Village.

6.19 ~~UTILITIES IN RIGHT OF WAY~~ Repealed 12-13-07

6.20 PENALTIES

Any violation of this Chapter 6 is declared a nuisance and may be abated by the Village. Unless otherwise provided in this Chapter 6, any person, firm, or corporation violating any section of this Chapter 6 shall be fined not less than \$25.00 nor more than \$500.00 for each offense. Each day that a violation continues shall be considered a separate offense. Restitution by the violator shall also be made to any property damaged or destroyed or person injured.

*Recodified September 10, 2002
Amended December 12, 2002
Amended October 26, 2006
Amended June 28, 2007
Amended December 13, 2007
Amended March 13, 2014*