

ORDINANCE NO. 2017-02-009

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

(Section 25-71 Legacy tree assessment)

**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 25-71 which provides:

In the event that the property owner on which the nominated tree is located provides written consent to participate in the legacy tree program, the city arborist shall conduct a legacy tree assessment which shall include:

- (1) A locale assessment to ensure the tree is visible from the public-right-of-way and note distance from overhead utilities;
- (2) A condition assessment to ensure the tree is in good or better condition and assess tree safety;
- (3) A legacy standards assessment to ascertain whether the nominated tree meets one or more of the legacy tree standards as specified below:

a. *Size*. The tree is in the top one (1) percent of tree sizes of its inventoried species in Urbana.

- b. *Rarity*. One of a kind type tree due to species type, characteristic and/or a species of less than one (1) percent of all inventoried trees in Urbana.
- c. *Historic or notable event*. There is a documented association with a historic event of seventy-five (75) or more years and/or a more recent event of notable worth.
- d. *Age*. The tree is more than one hundred (100) years old or a minimum of seventy-five (75) years old when adjacent to a historically designated home.
- e. *Special ecological value*. The tree is shown to provide soil stabilization, important genetic resource, or provides critical habitat for important plant or animal species.
- f. *Location*. The tree is considered to be of public value as a prominent visual focal point as viewed from public streets and ways.
- g. *Aesthetics*. The tree has a distinct or unusually appealing visual characteristic.
- h. *Illinois or National Register of Big Trees*. The tree is included in the Illinois or National register of Big Trees.

By undertaking a legacy tree assessment, as defined in [this] section of this division, regarding whether a tree qualifies for legacy tree status, the city will not assess whether or not the location or the condition of the tree presents any hazard to human life, health or safety or injury to property. Property owners shall remain responsible for the care and condition of trees located on their property to assure safety insofar as conditions relating to each tree.

and

**WHEREAS**, the City Council deems it appropriate and necessary to amend Section 25-71 of the Urbana City Code to enlarge the pool of legacy tree candidates.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF URBANA, ILLINOIS AS FOLLOWS:**

**Section 1:** Section 25-71 of the Urbana City Code shall be and hereby is amended such that it reads as follows:

In the event that the property owner on which the nominated tree is located provides written consent to participate in the legacy tree program, the city arborist shall conduct a legacy tree assessment which shall include:

- (1) A locale assessment to ensure the tree is visible from the public-right-of-way and note distance from overhead utilities;
- (2) A condition assessment to ensure the tree is in fair or better condition and assess tree safety;

(3) A legacy standards assessment to ascertain whether the nominated tree meets one or more of the legacy tree standards as specified below:

- a. *Size.* The tree is in the top one (1) percent of tree sizes of its inventoried species in Urbana.
- b. *Rarity.* One of a kind type tree due to species type, characteristic and/or a species of less than one (1) percent of all inventoried trees in Urbana.
- c. *Historic or notable event.* There is a documented association with a historic event of seventy-five (75) or more years and/or a more recent event of notable worth.
- d. *Age.* The tree is more than one hundred (100) years old or a minimum of seventy-five (75) years old when adjacent to a historically designated home.
- e. *Special ecological value.* The tree is shown to provide soil stabilization, important genetic resource, or provides critical habitat for important plant or animal species.
- f. *Location.* The tree is considered to be of public value as a prominent visual focal point as viewed from public streets and ways.
- g. *Aesthetics.* The tree has a distinct or unusually appealing visual characteristic.
- h. *Illinois or National Register of Big Trees.* The tree is included in the Illinois or National register of Big Trees.

By undertaking a legacy tree assessment, as defined in [this] section of this division, regarding whether a tree qualifies for legacy tree status, the city will not assess whether or not the location or the condition of the tree presents any hazard to human life, health or safety or injury to property. Property owners shall remain responsible for the care and condition of trees located on their property to assure safety insofar as conditions relating to each tree.

**Section 2:** 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 3:** 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 4:** 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 6<sup>th</sup> day of March, 2017.

**AYES:** Ammons, Brown, Jakobsson, Madigan, Marlin, Roberts, Smyth

**NAYS:**

**ABSENT:**

**ABSTAINED:**

**APPROVED BY THE MAYOR** this 7<sup>th</sup> day of March, 2017.



*Phyllis D. Clark*  
Phyllis D. Clark, City Clerk

*Laurel Lunt Prussing*  
Laurel Lunt Prussing, Mayor



## CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the 6<sup>th</sup> day of March, 2017, the City Council of the City of Urbana passed and approved Ordinance No. 2017-02-009,

entitled:


**AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER 25,  
LEGACY TREE PROGRAM (SECTION 25-71 LEGACY TREE ASSESSMENT)**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2017-02-009 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 7<sup>th</sup> day of March, 2017, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 7<sup>th</sup> day of March, 2017.



  
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Phyllis D. Clark, City Clerk