
ORDINANCE NO. 2024-25-34

***An Ordinance Amending Chapter 33, Construction of Utility Facilities in the Rights of Way,
by adding Section 33.25, to the Johnsbury Municipal Code***

AN ORDINANCE PASSED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG
AT A REGULAR MEETING ON APRIL 24, 2025
PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG

President

Edwin P. Hettermann

Board of Trustees

Beth Foreman
Mike Fouke
Josh Hagen
Greg Klemstein
Jamie Morris
Scott Letzter

Village Administrator

Claudett Sofiakis

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WHEREAS, the preservation of the tree canopy and the planting of replacement trees will enhance the quality of life and the environment of the Village; reduce energy consumption; protect air quality; provide protection from glare and heat; baffle noise; reduce topsoil erosion and storm water runoff; preserve and enhance habitat for wildlife; protect and increase property values; combat climate change through carbon sequestration; provide natural privacy for neighbors; enhance the overall appearance of the Village; acknowledge the intrinsic value of the mature trees within our community; and conserve and enhance the Village's unique character and physical, historical and aesthetic environment, especially its natural and rural atmosphere that fosters the preservation and maintenance of the community identity, and

WHEREAS, the rich topography of the receding glaciers fostered the growth of expansive hardwood forest across the county, largely dominated by various species of Oaks, and "The Oaks of McHenry County", (McHenry County Conservation District, 2005), documents the loss of over 87% of these magnificent forests from early settlement through the year 2005, and

WHEREAS, the Johnsburg area has some of the last remaining tree stands of high ecological significance in the County, many of which over the years have been fragmented by development and roads in particular, leaving large trees subject to being compromised by utility trimming, and

WHEREAS, the Village of Johnsburg has a long history of dedication to resource preservation as reflected in its Comprehensive Land Use and Preservation Plan and incorporated in its Zoning Code, and

WHEREAS, the preservation of mature trees and native vegetation is necessary and desirable to preserve the recognized character of the Village of Johnsburg, maintain and enhance property values and to provide for the general well-being of the residents of the Johnsburg.

BE IT ORDAINED by the President and Board of Trustees of the Village of Johnsburg, McHenry County, Illinois, as follows:

SECTION 1: That the above and foregoing preamble is made a part of this ordinance in its entirety, as if fully set forth in the body of this ordinance.

SECTION 2: Chapter 33, Construction of Utility Facilities in the Rights of Way, of the Johnsburg Municipal Code shall be amended to add Section 33.25, which shall read as follows:

33.25 CARE OF TREES IN MUNICIPAL AND PUBLIC UTILITY EASEMENTS, VILLAGE RIGHT OF WAY AND ON VILLAGE PROPERTY

A. Purpose. The purpose of this ordinance is to establish tree preservation, care and maintenance standards in public and municipal utility easements, Village property and Village right of way within the Village of Johnsburg.

B. Definitions.

Diameter Breast Height (DBH): the diameter of a tree measured at 54" above the grade existing at the base of the tree.

Removal: the physical removal of a tree. Or actions such as topping, severe pruning, damaging, poisoning or other direct or indirect action resulting in, or likely to result in, the death of a tree.

Tree: a woody, self-supporting perennial plant usually with a single trunk, or a multi-stemmed configuration.

C. Maintenance and Removal.

1. Tree Preservation. No person, firm or Village department shall top any living street tree, park tree or other tree within a municipal or public utility easement, Village right of way or Village property to such a degree as to remove a substantial amount of the normal canopy and disfigure the tree. Trees severely damaged by storm or other causes, or certain trees under or with branches in close proximity to utility wires or other obstructions may be exempted from this provision if absolutely necessary. In all events, every effort will be made to remove only so much of the tree as absolutely necessary.

2. Standards. ALL tree pruning and removal of vegetation conducted by public utilities and tree services hired by public utilities to operate within the corporate boundaries of the Village of Johnsburg shall be done in a manner that is consistent with the guidelines promulgated by the National Arborists Association as referenced in 220 ILCS 5/8-505.1 (PA 92-0214) as amended from time to time, and in accordance with ANSI A300 (Part 1) – 2008 Pruning, (Revision of ANSI A300 Part 1-2001) American National Standard for Tree, Shrub, and other Woody Plant Management - Standard of Practices (Pruning) or subsequent revisions to these standards which are incorporated herein by this reference.

3. Non-Emergency Pruning. Non-emergency pruning of all tree species shall be permitted year round except that all species of Oaks, and Elms within a municipal or public utility easement, Village right of way or on Village property shall not be pruned from the beginning of March to the end of October. Cutting implements shall be disinfected prior to and after working on each individual tree to prevent the spread of Oak Wilt or Dutch Elm disease.

4. Notice. Prior to conducting any non-emergency tree pruning within a municipal or public utility easement, Village right of way or on Village property, all utility companies shall notify the Village of Johnsburg and adjacent property owners, in writing no less than fourteen days

prior to the start of any work. All utility companies shall provide similar notification when conducting non-emergency tree pruning of trees that are situated or partially situated on a parcel adjacent to Village property, or any municipal or public utility easement or Village right of way. .

5. Tree Removal. Prior to the physical removal of any healthy tree 10" DBH or larger from within a municipal or public utility easement or on Village right of way or Village property by a utility company; a permit must first be obtained from the Village of Johnsburg. Any tree removal by a utility company within a municipal or public utility easement or on Village right of way or Village property shall not encroach upon, or damage, any trees located on neighboring properties. Any permit authorizing removal may be subject to such conditions that the Village may deem necessary or appropriate to minimize damage to other trees or vegetation on a site including installation of protective fencing. Applications for a tree removal permit shall be made in writing to the Village of Johnsburg and shall clearly identify the subject tree or trees. All tree branches and trunks shall be neatly stacked, chipped or removed from the Village of Johnsburg promptly after such pruning or cutting.

6. Trees Damaged by Disease or other Natural Causes. Trees that are clearly diseased and dying, or have fallen or partially fallen to the ground due to natural causes shall be removed.

7. Tree Stumps. Trees that have been removed in accordance with Section (c) or (d) shall be removed to within 6" from the ground. Trees stumps that are within 30 feet from the center of any Village public way shall be ground to 6" below the surface of the surrounding ground within thirty days of the tree pruning.

8. Vehicles used by public utilities and for-profit tree services hired by public utilities within the corporate boundaries of the Village of Johnsburg shall be minimal in number and weight to minimize the damage to Village roads. Convoys of multiple trucks, lifts and chippers are prohibited. Village roads are not made to standards necessary to carry heavy truck weights.

D. Prohibited Pruning Practices. The following unapproved pruning practices create structural defects in trees and are to be avoided. The following practices are described in Tree Pruning Guidelines, published by the international Society of Arboriculture (ISA).

1. Lions-Tailing. One of the worst ways to prune trees is by removing interior and small lateral branches from main scaffold branches, leaving foliage only toward the ends of the branches.

2. Excessive Crown Thinning. Excessive thinning typically removes one-third or more of the foliage throughout a tree.

3. Excessive Crown Raising. Removing low branches shifts future growth into the existing branch structure in the middle and top of the tree.

4. Topping. Using only heading cuts to reduce a tree to a desired size. Cutting off the top of the tree.

5. Any other pruning practice that damages the structural integrity of a tree.

E. Penalties. Failure to obtain a Tree Removal Permit prior to removing trees shall result in a fine of \$200 per inch of tree diameter measured at DBH or tree stump, whichever is greater, and subject to a fine of \$750 per violation. Failure to abide by the terms of this Village of Johnsburg Tree Ordinance shall result in a fine of up to \$750 per tree for each day that a violation occurs.

SECTION 3: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Voting Aye: Trustees Letzter, Fouke, Foreman, Klemstein, Hagen and Morris

Voting Nay: None

Abstain: None

Absent: None



APPROVED:

Village President Edwin P. Hettermann

Passed: April 24, 2025

Approved: April 24, 2025

Published: April 24, 2025

CERTIFICATION

I, CLAUDETT E. SOFIAKIS, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Johnsburg, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Johnsburg.

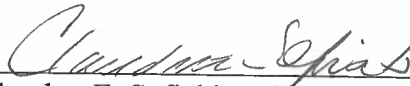
I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Johnsburg, held on the 24 day of April, 2025, the foregoing Ordinance entitled *An Ordinance Amending Chapter 33, Construction of Utility Facilities in the Rights of Way, by adding Section 33.25, to the Johnsburg Municipal Code*, was duly passed by the President and Board of Trustees of the Village of Johnsburg.

The pamphlet form of Ordinance No. 2024-25-34, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the 24th day of April, 2025, and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and seal of the Village of Johnsburg, this 24th day of April, 2025.





Claudett E. Sofiakis, Village Clerk
Village of Johnsburg,
McHenry County, Illinois