THE VILLAGE OF ROBBINS

COOK COUNTY, ILLINOIS

ORDINANCE

No. 2-11-25

AMENDING ORDINANCE 6-12-23 AN ORDINANCE REGULATING HAZARDOUS AND NUISANCE VEGETATION FOR THE VILLAGE OF ROBBINS, COUNTY OF COOK, STATE OF ILLINOIS.

DARREN E. BRYANT, MAYOR

SHARON S. DYSON, VILLAGE CLERK

THOMAS HARPER JR.

DAVID R. DYSON

TIFFANY S. ROBINSON

GREGORY N. JACKSON

MICHAEL COLLIER SR.

ERNEST MAXEY JR.

Board of Trustees

PASSED AND APPROVED BY THE MAYOR AND BOARD OF TRUSTEES

THIS 11TH DAY OF FEBRUARY, 2025

ORDINANCE NO. 2-11-25

AN ORDINANCE REGULATING HAZARDOUS AND NUISANCE VEGETATION FOR THE VILLAGE OF ROBBINS, COUNTY OF COOK, STATE OF ILLINOIS.

WHEREAS, the Village of Robbins (the "Village") is a duly organized and existing municipality and a home rule unit of government pursuant to Article VII, Section 6 of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Village Mayor (the "Mayor"), the Honorable Darren E. Bryant and the Village Clerk, the Honorable Sharon S. Dyson (the "Clerk"), and the Board of Trustees of the Village (the "Village Board"), the Honorable Thomas Harper Jr., David R. Dyson, Tiffany S. Robinson, Gregory N. Jackson, Michael Collier, Sr. and Ernest Maxey, Jr. (together, the "Corporate Authorities"), constitute the duly elected, qualified and acting officials of the Village; and

WHEREAS, the Corporate Authorities have determined that the prevalence of hazardous and nuisance vegetation has a deleterious impact on the Village; and

WHEREAS, the Corporate Authorities have determined and do hereby determine that it is advisable, necessary and in the best interest of the Village to enact standards for vegetation and ; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Robbins, Cook County, Illinois, by and through its Home Rule Powers, as follows:

Section 1: Incorporation. All of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true, and correct, and the Village Board does hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

Section 2: Purpose. The purpose of this Ordinance is to regulate and provide for the removal of hazardous and nuisance vegetation.

Section 3: Authority. This Ordinance is adopted pursuant to the authority granted to the Village by the Constitution of the State of Illinois and the Illinois Compiled Statutes.

Section 4: Amendment. Ordinance No. 6-12-23 of the Code of Ordinances of the Village of Robbins, Illinois is hereby amended by adding and deleting the following language (additions underlined; deletions ~~stricken~~):

A. ABATEMENT NOTICES.

(1) *Notice to abate.* Whenever a nuisance is found to exist within the Village or within the Village's extraterritorial jurisdiction, a duly designated officer or employee of the Village shall give written notice to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance.

(2) *Recurring nuisance.* Only one (1) not]ice shall be required to be provided during any calendar year for a particular category of nuisance violation, and additional notice beyond the initial notice shall not be required if the same type of nuisance recurs on the property during that calendar year (a "recurring nuisance violation"). Recurring nuisance violations shall be subject to immediate abatement and/or fines without additional notice to the violator, the owner of the property or the occupant thereof.

(3) *Contents of notice.* Notice to abate shall contain:

a. The location of the nuisance, if the same is stationary.
b. A description of what constitutes the nuisance or reference to the applicable ordinance provisions.
c. A statement that the nuisance shall be corrected within 72 hours .
d. Information regarding the Village's Administrative Adjudication of Violation of this Ordinance.

(4) Service of notice. The notice to abate a nuisance shall be served by either: certified mail with return receipt or first class mail, postage prepaid, addressed to the owner or occupant of premises or person responsible for nuisance as indicated in Village records, property tax records or records of the county recorder of deeds. Notice shall also be posted at the location of the nuisance. Notwithstanding the above, notice may be provided by any manner in which legal process may be served pursuant to law. Notice for a property's nuisance vegetation, as set forth in Section 4(A) of this Ordinance, shall also be recorded at the Cook County Clerk's Office.

B. ENFORCEMENT.

(1) Failure to comply. Any failure to comply with a notice or failure to abate a nuisance shall result in the issuance of a citation which may include fines and penalties and cost of abatement.

(2) Abatement by the Village.

a. In addition to any other methods provided by law, whenever any nuisance exists or is found on any premises within the Village after proper notice to abate, Village officials are authorized to cause the same to be summarily abated in such manner as he or she directs and at the expense of the party permitting or maintaining the nuisance.
b. Any building, structure, vegetation or appurtenances thereto, which is not constructed or kept in a sanitary, nonhazardous or negligent condition, or in conformity with the requirements of this code or any other ordinances of the Village, is deemed a nuisance and that nuisance may be abated in the manner herein, elsewhere or by law provided.

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C. WEEDS AND VEGETATION.

(1) No owner of real estate within the Village shall knowingly permit the growth of noxious weeds on the real estate.

(2) No owner of real estate within the Village shall permit any weeds or grass in the front or side lawn area, parkway or rear of the property which is visible from the street to grow thereon to a height in excess of six inches. Trees, fFlowers, Illinois prairie plants or other ornamental plants are exempt from this provision.

(3) No owner of real estate within the Village shall permit any trees or vegetation in the front or side lawn area, parkway or rear of the property in a manner that is hazardous, a nuisance, unsafe or negligent condition, including, but not limited to, trees existing in the following manner:

a. Trees existing in a hazardous or unsafe manner – Any tree or part of a tree which is dead which could potentially fall on a person or structure is defined as a nuisance.
b. Infested Trees – Any tree which is in a state of irreparable or untreatable decline due to heavy infestation or disease is included in the definition of a nuisance. Infested or infected trees, which are identified by Federal or State Departments of Agriculture to be in quarantine or can potentially infect or infest other trees are defined as a nuisance. This would include but not be limited to Ash (Fraxinus) trees infested with emerald ash borer which are not being treated or whose treatment is ineffectual, Elm trees (Ulmus) infected with Dutch elm disease, trees infested with European Elm Bark beetle or any other invasive species of tree.
c. Damaging Tree - a tree that is causing obvious physical damage to structures, including but not limited to sidewalks, curbs, the surfaces of streets, parking lots, or driveways, or building foundations.
d. High Risk Tree - Tree with: (a) one or more defects (e.g., disease, significant lean, large cracks, a shallow root system or other defect); and (b) one or more targets (e.g., a use area, surrounding tree or structure that would be struck or otherwise damaged in the event the Tree fell) imposes risks upon the community; or (c) because of age, is nearing mortality.
e. Other Nuisance Trees – are defined as follows:
    i. Containing one or more limbs that obscure and impair the view of passing motorists, cyclists, or pedestrians so as to create a safety hazard;
    ii. Limiting access to a fire hydrant or other facility necessary for public safety;
    iii. Imposing a detriment to or crowding an adjacent tree;
    iv. A tree which annoys or disturbs the free use of one's property, or which renders its ordinary use or physical occupation uncomfortable, gives

offense to the senses, violates the laws of decency, or obstructs the reasonable and comfortable use of property.

v. Any such other conditions as agreed to by the Village and the property owner.

(4) Nuisance Tree Abatement Notices – In addition to the Abatement Notice Requirements as set forth in Section C, if the Village is scheduled to remove three (3) or more nuisance trees from a property, the Village shall issue notice of, and conduct, an administrative hearing not less than fifteen (15) days after issuing notice. The administrative hearing shall afford the Property Owner an opportunity to contest the removal of the trees. The Owner's failure to appear at the hearing shall render a default ruling against the Owner. After conducting the hearing, the Village shall remove any trees determined to be a nuisance during the hearing.

D. Density Requirements for Vegetation on Residential and Commercial Lots.

The purpose of this section is to regulate the density of trees within residential and commercial zones to ensure public safety, promote environmental health, and maintain aesthetic standards. Studies indicate that excessive tree density can strain resources, lead to competition for light, and increase hazards in storm events, particularly in urban areas.

A. Residential Zone Density Requirements.

1. **Minimum and Maximum Tree Count:**
   - Each residential lot may maintain a minimum of **one (1)** tree for every **2,000 square feet** of lot area.
   - The maximum allowable density is **one (1) tree per 1,000 square feet** of lot area, with a limit of **ten (10)** trees per lot.
2. **Spacing and Placement Guidelines:**
   - Trees should be spaced at least **15 feet apart** to prevent root interference and allow for full canopy growth.
   - Placement of trees near structures or utility lines should follow a minimum distance of 20 **feet** to prevent damage and ensure safety.
3. **Environmental Considerations:**
   - Property owners are encouraged to select native tree species that support local biodiversity and require minimal maintenance.
   - Priority should be given to species that provide shade, reduce urban heat effects, and enhance air quality.

B. Commercial Zone Density Requirements.

1. **Minimum and Maximum Tree Count:**
   - Each commercial lot may maintain a minimum of **one (1)** tree for every **3,000 square feet** of lot area.
   - The maximum allowable density is **one (1) tree per 3,000 square feet**, with a limit of **fifteen (15)** trees per lot, to balance vegetation with visibility and accessibility for business operations.
2. **Spacing and Placement Guidelines:**
   - Trees in commercial areas should be spaced a minimum of **20 feet apart**, particularly near parking areas, pathways, and buildings.

- Trees must not obstruct building entrances, signage, or parking spaces, and should comply with ADA requirements to ensure accessibility.

E. Variance and Special Exceptions:
Property owners may apply for a variance to the density requirements based on unique lot characteristics, such as lot shape, soil type, or pre-existing trees. The Village Board shall review applications and may grant exceptions if they are deemed to align with municipal interest and environmental goals.

Section 5: Headings. The headings for the articles, sections, paragraphs, and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provisions of this Ordinance.

Section 6: Severability. The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, subparagraph, section or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision, clause, sentence, paragraph, subparagraph, section or part shall be excluded and deemed inoperative, unenforceable and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the Village Board that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, subparagraph, section or part thereof been included.

Section 7: Superseder. All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

Section 8: Publication. A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

Section 9: Effective Date. This ordinance shall be in full force and effect immediately upon its publication in pamphlet form.

ADOPTED this 11TH day of FEBRUARY, 2025, pursuant to a roll call vote as follows:

	AYES	NAYS	ABSENT	ABSTAIN
Thomas Harper Jr.	X			
David R. Dyson	X			
Tiffany S. Robinson			X	
Gregory N. Jackson	X			
Ernest Maxey Jr.			X	
Micheal Collier Sr.	X			
Mayor Darren E. Bryant				
Total	4	0	2	0

PASSED AND APPROVED on this 11TH day of FEBRUARY, 2025.

Darren E. Bryant, Mayor

Darren E. Bryant

ATTEST:
Sharon S. Dyson

Sharon S. Dyson, Village Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CLERK'S CERTIFICATE

I, Sharon Dyson, Village Clerk of the Village Robbins, in the County of Cook and State of Illinois, certify that the attached document is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

AMENDING ORDINANCE 6-12-23 AN ORDINANCE REGULATING HAZARDOUS AND NUISANCE VEGETATION FOR THE VILLAGE OF ROBBINS, COUNTY OF COOK, STATE OF ILLINOIS.

which Ordinance was passed by a roll call vote of the Board of Trustees of the Village of Robbins, Illinois at their Regular Village Board Meeting on the 11TH day of FEBRUARY, 2025, at which meeting a quorum was present, and approved by the President of the Village of Robbins on the 11th day of FEBRUARY, 2025.

I further certify that the vote on the question of the passage of said Ordinance by the Board of Trustees of the Village of Robbins was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Robbins, and that the result of said vote was as follows, to-wit:

AYES: 4

NAYS: 0

ABSENT: 2

I do further certify that the original Ordinance, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Robbins, this 11TH day of FEBRUARY, 2025

Sharon S. Dyson

Sharon S. Dyson, Village Clerk

[SEAL]