

CHAPTER 5
BOARDS and COMMISSIONS

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5.01 ARCHITECTURAL REVIEW COMMISSION
(Ord. 2009-119)

A. Creation: There is hereby established an Architectural Review Commission (“Commission” for purposes of this Section 5.01) for the purpose of retaining the unique character of the City with a diversity of architecture and design.

B. Purpose, Powers and Duties: Except as provided herein, the Commission shall be responsible for the review and approval of construction plans for any new building, additions to existing buildings and remodeling of existing buildings.

C. Membership and Terms of Office: The Commission shall consist of the members of City Council and the term of office shall be the same as each member’s term of office to his or her elected position.

D. Officers: The Mayor shall serve as Chairman of the Commission and shall appoint a Vice-Chairman. The Clerk shall serve as the Commission Secretary, except that he shall have no vote in any proceedings before the Commission. The chairman shall preside over meetings. In the absence of the chairman, the vice-chairman shall perform the duties of the chairman. If both are absent, a temporary chairman shall be elected by those present. The secretary shall have the following duties:

1. Take minutes of each Commission meeting;
2. Be responsible for publication and distribution of copies of the minutes, reports and decisions of the Commission to the Commissioners;
3. Give notice as provided herein or by law for all public hearings conducted by the Commission; and
4. Prepare and submit to the City Council a complete record of the proceedings before the Commission on any matter requiring City Council consideration.

E. Meetings:

1. A quorum shall consist of a majority of the members. All decisions or actions of the Commission shall be made by a majority vote of those Commissioners present and voting at any meeting where a quorum exists. Meetings shall be held at regularly scheduled times, to be established at the beginning of each calendar year or at any time upon the call of the Chairman.
2. A Commissioner shall not vote on any matter that may materially or apparently affect the property, income or business interest of that member. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Commission and shall be a public record.

F. Powers and Duties: The Commission shall have the following powers and duties:

1. To adopt its own procedural rules for the conduct of its meetings;
2. Review and approve all building permit applications submitted for new construction, remodeling of existing buildings and additions to existing buildings. The Building Commissioner shall determine whether or not building permit applications for accessory structures should be considered by the Commission.
3. For any application submitted to the Commission, a building permit shall not be issued until final design approval is granted by the Commission, as evidenced in its minutes, and by the dated Commission stamp on each approved set of plans.
4. To adopt architectural review guidelines to be applied in the consideration of application before the Commission.
5. The Commission shall consider an application based on its architecture and design in the neighborhood of the proposed construction and its zoning district.

5.02 LIBRARY BOARD OF DIRECTORS

A. Creation, Appointment: The Harvard Library Board of Directors is hereby created. The Board of Directors shall consist of nine directors to be appointed by the Mayor, by and with the advice and consent of the City Council. Not more than one director shall be a member of the City Council. Directors shall service without compensation.

B. Chairman: The chairman shall be appointed annually by the Mayor with the advice and consent of the City Council.

C. Term of Office: The term of the directors shall be three years, staggered so that three terms expire each year, as provided by law.

D. Removal of Members: The Mayor shall have the authority to remove any member of the Library Board without notice, and without hearing or approval by the City Council, at any time except where in conflict with state statutes.

E. Duties; Library Operation: The Board of Directors shall have charge of advising the Mayor and City Council on the operation of the Harvard City Library. Within 30 days after the close of each fiscal year an annual report shall be filed with the City Council containing, among other things, an itemized statement of the expenses anticipated for the coming year, as required by statute (75 ILCS 5/4-10).

F. Powers: The Board of Directors shall have the power to make any reasonable rules and regulations governing the library and library facilities.

5.03 PLANNING AND ZONING COMMISSION (Ord. 99-118,§2, 1999)

A. Organization

1. Creation: A Planning and Zoning Commission is hereby created for the City to carry out the duties of a plan commission and zoning board of appeals. When used in this Chapter 5, "Commission" shall be construed to mean the Planning and Zoning Commission and "Commissioners" shall be construed to mean the members of the Commission. (Ord 2019-102,§6)
2. Membership: The Commission shall consist of a chairman and six members to be appointed by the Mayor with the advice and consent of the City Council. The chairman shall be appointed annually by the Mayor with the advice and consent of the City Council. In the absence of the chairman, the Commissioners shall elect one of its own to serve as acting chairman.
3. Term of Office: The first appointees shall serve for the following terms or until their respective successors, in similar manner, have been appointed and qualified: one for one year, one for two years, one for three years; one for four years; one for five years, one for six years and one for seven years. Successors to each member so appointed shall serve five-year terms except that vacancies shall be filled for the unexpired term of the membership vacated. The term of each Commissioner shall expire April 30 of the year of the expiration of its respective term of office. Thereafter, the appointments shall be made at the annual meeting of the City Council.

4. Vacancy: Any vacancy on the Commission shall be filled in the same manner as the original appointment.
 5. Removal of Commissioners: The Mayor shall have the authority to remove any member of the Commission without notice, and without hearing or approval by the City Council, at any time except where in conflict with state statute.
 6. Compensation: Commissioners shall be compensated pursuant to Chapter 20, City Fees and Charges, of this Code and shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties from City funds. (Ord. 2005-143A, §1)
- B. Plan Commission, Zoning Board of Appeals References: Any ordinance, code, regulation, etc., of the City or state statute that references the Plan Commission and/or Zoning Board of Appeals shall mean the Planning and Zoning Commission.
- C. Duties of the Commission: The duties of the Commission are as follows:
1. To prepare and recommend to the City Council a comprehensive plan for the present and future development or redevelopment of the City. Such a plan, after its adoption by the City Council, will be known as the Official Comprehensive Plan. Such plan shall be advisory and in itself shall not be construed to regulate or control the use of private property in any way, except as to such part thereof as has been implemented by ordinances duly enacted by the City Council.
 2. To prepare and recommend to the City Council from time to time such changes on the Official Comprehensive Plan as may be deemed necessary by the City Council or by the Commission.
 3. To prepare and recommend to the City Council from time to time plans and/or recommendations for specific improvements in pursuance of such Official Comprehensive Plan.
 4. To give aid to City officials charged with the direction of projects for improvements embraced within the Official Comprehensive Plan, to further the making of such improvements and generally to promote the realization of the Official Comprehensive Plan.
 5. To arrange and conduct any form of publicity relative to its activities for the general purpose of public understanding.
 6. To exercise such other powers germane to the powers granted by this subsection as may be conferred by the City Council.

7. To prepare and recommend to the City Council schemes for regulating or forbidding structures or activities which may hinder access to solar energy necessary for the proper functioning of solar energy systems as defined in Section 1.2 of The Comprehensive Solar Energy Act of 1977 (30 ILCS 725/1.2) or to recommend changes in such schemes.
 8. File an annual report with the City Council setting forth its transactions and recommendations.
 9. Land Subdivision, Resubdivision: All maps or plats of any subdivision or resubdivision presented for record, affecting land within the corporate limits of the City and within 1 1/2 miles of the corporate limits, shall be reviewed by the Commission pursuant to the Harvard Subdivision Ordinance.
 10. Public Improvements: The City Clerk shall furnish the Commission for its consideration a copy of all ordinances, plans and data relative to public improvements of any nature. The Commission may report in relation thereto if it deems a report necessary or advisable for the consideration of the City Council.
 11. Regional Plan: The plan and activities of the Commission shall be in cooperation with and implemented by any regional plan that may be adopted by other municipalities in the county insofar as the same is possible.
 12. Zoning Matters: The duties pertaining to zoning matters are found in the Harvard Zoning Ordinance and the Illinois Municipal Code (65 ILCS 5/11-13-1 et seq.).
- D. Special Zoning Commission: The Commission shall serve as a special zoning commission whenever a text amendment is proposed to the Harvard Zoning Ordinance.
- E. Meetings: All meetings of the Commission shall be held at the call of the chairman and at such other times as the Commission and/or City Council may determine. The presence of four members shall be necessary for a quorum. All meetings shall be open to the public. The chairman, or acting chairman, may administer oaths and compel the attendance of witnesses. The Commission shall keep minutes of its proceedings, keep record of its examinations and other official actions, prepare findings of fact and record the individual votes upon every question.

5.04 PARKS AND RECREATION BOARD

(Ord. 2016-104,§1)

A. Creation: There is hereby created the Parks and Recreation Board of the City (the "Park Board" for purposes of this Section 5.04). The Park Board shall consist of seven members including the Chairperson and Vice-Chairperson. All members of the Park Board shall serve one-year terms.

B. Appointment and Qualifications: The Mayor shall make the appointments to the Park Board with the advice and consent of the City Council. The Park Board shall consist of four sitting Aldermen and up to five at large citizens. To be eligible to serve on the Park Board a person must be 18 years of age or older and be a City resident. The Mayor shall designate one of the Park Board members to serve as Chairperson, a Vice-Chairperson shall be appointed by the Mayor with the advice and consent of the Park Board. The position of Chairperson shall be reviewed on an annual basis. The Vice-Chairperson shall act in the absence of the Chairperson. The Chairperson shall be the presiding officer of the Park Board and ensure all meetings are conducted in compliance with the Open Meetings Act. (Ord 2018-124,§1)

B. Vacancies: Park Board vacancies occasioned by resignation, removal or otherwise, shall be filled in like manner as the original appointments; such appointments shall be for the unexpired term.

C. Compensation: All members of the Park Board may be compensated, as determined from time to time by the City Council and pursuant to Chapter 20, City Fees and Charges, for attendance at regular meetings of the Park Board.

D. Meetings: The Park Board shall keep written records of its proceedings, which shall be open at all times to public inspection and which minutes, after approval by the Park Board, shall be forwarded to the City Clerk. The Park Board shall meet monthly. Additional meetings may be called if necessary. A quorum shall consist of a majority of the members. All decisions or actions of the Park Board shall be made by a majority vote of those members present and voting at any meeting where a quorum exists.

E. Powers and Duties: The Park Board shall work with the Parks and Recreation Superintendent. They shall be responsible for the following:

1. Provide direction to the Parks and Recreation Superintendent regarding Park, Recreation and Aquatic activities in the City.
2. Assist the Parks and Recreation Superintendent to develop and maintain a comprehensive master plan for Park and Aquatic facilities, along with recreation and Aquatic activities within the City. Such plan should annually be reviewed by the Park Board with recommendations for necessary changes forwarded to the City Council.
3. Solicit information from the public, staff and user groups to determine Park, Aquatic, facilities and recreational programming needs. Recommend goals and implementation schedules to fulfill identified needs.
4. Evaluate current fee schedules and regulations governing Park and Aquatic facilities and recommend changes to the City Council as needed.
5. Solicit public comment on Park, Aquatic and Recreation issues and communicate with the public in order to increase general awareness and understanding.

6. Develop an annual budget for the Parks and Recreation Department, and forward that recommendation, upon a majority vote of the Park Board, to the City Council. If the annual budget is balanced the recommendation shall be adopted by the City Council, excepting the following:
 - a. When developing the annual budget for the Parks and Recreation Department, any line item which requires a transfer of funds to or from any resource other than those directly relating to park and recreation resources shall be approved individually by the City Council.

G. Compensation: Members shall be compensated pursuant to Chapter 20, City Fees and Charges, of this Code. (Ord 2018-110, §1, 2018)

5.05 Spirit of '76 Scholarship Fund:

A. Creation, Appointments: The Spirit of '76 Scholarship Fund ("Scholarship Fund") is established to administer a scholarship fund. The Mayor and City Council shall administer the Scholarship Fund after applications have been examined by the Application Committee. Members of the Application Committee shall be appointed by the Mayor with the advise and consent of the City Council. The Mayor shall serve as the Scholarship Fund Chairman in the event another individual is not appointed the chairman.

B. The Application Committee shall:

1. Elect a chairman and secretary and shall meet at the call of the chairman, or two of its members.
2. Examine all applications received by the Scholarship Fund Chairman;
3. Recommend to the City Council the name or names, if any, of worthy recipients;
4. Make any and all recommendations based solely upon applications submitted in type written form to the Scholarship Fund Chairman;
5. When adequate funds are available to fund the scholarship, review all applications on or before April 15th of each year; and
6. Where deemed appropriate, to personally interview each applicant.

C. Scholarship Eligibility Conditions: All high school seniors residing within the boundaries of Harvard Community Unit School District Number 50 shall be eligible to receive a scholarship regardless of their financial need.

D. Scholarship Application Procedure: The following procedure shall be followed to apply for a scholarship:

1. The application shall be in typewritten form and submitted to the attention of the Scholarship Fund Chairman.
2. The application shall include:
 - a. Biographical information;
 - b. Resume of participation activities, including, but not limited to, civil, school, church or other community related activities or organizations;
 - c. The reason the applicant is seeking a scholarship;
 - d. Applicant's intended use of the scholarship; and
 - e. The name, address and telephone number of three references.
3. Applicants may be personally interviewed by the Application Committee and/or City Council.

E. Scholarship Fund Chairman Duties: In addition to receiving all applications and forwarding them to the Application Committee, the chairman shall notify all applicants in writing on or before May 1 of each year that the scholarship is funded as to selection.

F. Scholarship Award Procedures and Conditions: The number of scholarships awarded and the monetary value of each shall be determined by the City. The City shall not award any scholarships if the City determines there are no worthy applicants. Scholarship funds shall be paid directly to the scholarship recipients.

G. Source of Funds, Investment: Scholarship funds shall be those funds representing accrued interest on the principal of all funds, whatever the source; the principal; legacies; and other donations that may be made to the Scholarship Fund. In addition, the City may appropriate funds to the Scholarship Fund. The monies shall be invested, pursuant to Illinois law, at the optimal rate of interest.

H. Scholarship Repayment Conditions: Except as provided herein, scholarship recipients shall not be required to repay scholarship monies. Scholarship recipients shall be required to repay scholarship monies if:

1. The recipient fails to use the funds for the purpose or purposes set forth in his application, and
2. The applicant terminates, without good cause, his efforts to complete the training set forth in the application.

I. Termination of Scholarship Fund: If the Scholarship Fund is terminated for any

reason, the funds shall be transferred to the General Fund or any other City fund so designated by a majority of the City Council.

5.06 TREE BOARD

(added Ord. 2023-117)

Section 1. Creation and Purpose.

There is hereby created and established a Tree Board for the purpose of enhancing the quality of life and the present and future health, safety, and welfare of all residents, to enhance property values, and to ensure proper planting and care of trees on public property. The City Council herein delegates the authority and responsibility for managing public trees, creates a Tree Board, establishes practices governing the planting and care of trees on public property, and makes provision for the emergency removal of trees on private property under certain conditions.

Section 2. Definitions.

As used in this Article, the following words and phrases shall have the meanings indicated:

Arborist – defined as a specialist in the care and maintenance of trees, certified by the Illinois Association of Arboriculture or comparable professional organization.

Damage – any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part of the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

Nuisance – any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety, and welfare.

Parkway – the area along a public street between the curb and the sidewalk; or if there is no curb or sidewalk, the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.

Public property – all grounds and rights-of-way (ROWs) owned or maintained by the City.

Public tree – any tree or woody vegetation on city-owned or city-maintained property or rights-of-way.

Top or **Topping** – the non-standard practice of cutting back of limbs to stubs within a tree’s crown to such a degree so as to remove the normal canopy and disfigure the tree.

Section 3. Tree board.

The City Council hereby creates a “Tree Board,” hereinafter referred to as the “Board.”

(a) **Duties.** The Board shall act in an advisory capacity to the Director and shall:

- (1) Coordinate and promote Arbor Day activities;
- (2) Review and update a five-year plan to plant and maintain trees on city property;
- (3) Support public awareness and education programs relating to trees;

- (4) Review Director's concerns relating to tree care;
 - (5) Submit an annual report of its activities to the City Council;
 - (6) Assist with the annual application to renew the Tree City USA designation;
 - (7) Recommend a list of tree species for planting on city property, and a list of prohibited species;
 - (8) Annually present a written plan to City Council for the care, preservation, pruning, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas which upon approval by the City Council shall constitute the official comprehensive tree plan for the City; and,
 - (9) Other duties that may be assigned by City Council.
- (b) **Membership.** The Board shall consist of six members with a minimum of one member coming from the City Council. To be eligible to serve on the Tree Board, a person must be 18 years of age or older and be a City resident. Members are appointed by the Mayor and with the approval of the City Council. Members of the Board will serve without compensation.
- (c) **Term of office.** Board members shall be appointed for three-year staggered terms. If a vacancy shall occur during the term of any member, a successor shall be appointed by the Mayor with the approval of the City Council.
- (d) **Officers.** The Board shall annually select one of the members to serve as chair, may appoint a second member to serve as vice-chair, and may appoint a third member to serve as secretary.
- (e) **Meetings.** The Board shall meet a minimum of four times each year. All meetings shall be open to the public. The Board chair may schedule additional meetings as needed.

Section 4. Authority and power.

- (a) **Delegation of authority and responsibility.** The City of Harvard Public Works Superintendent, hereinafter referred to as the "Director", shall have full authority and responsibility to plant, prune, maintain and remove trees and woody plants growing in or upon all municipal streets, rights-of-ways, city parks, parkway, and other public property. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest or disease.
- (b) **Coordination among city departments.** All city departments will coordinate as necessary with the Director and will provide services as required to ensure compliance with this Ordinance as it relates to streets, alleys, rights-of-way, parkways, drainage, easements, and other public properties not under direct jurisdiction of the Director.
- (c) **Director/board relationship.** The Tree Board shall advise and consult the Director on any matter pertaining to the maintenance and enforcement of this ordinance. The topics under which this advice and consultation may be given may include, but are not limited to, policy concerning the selection, planting, maintenance and removal of trees, shrubs, and other

plants within the City; establishment of educational and informational programs related to tree care; and the development of a program for optimizing the tree, shrub, and other plant resources within the City.

- (d) **Interference.** No person shall hinder, prevent, delay, or interfere with the Director or his/her agents while engaged in carrying out the execution or enforcement of this Ordinance.

Section 5. Tree planting and care standards.

- (a) **Standards.** All planting and maintenance of public trees shall conform to the American National Standards Institute (ANSI) A-300 "*Standards for Tree Care Operations*", as amended from time to time (see <https://www.tcia.org>) and shall follow all tree care *Best Management Practices (BMPs)* (see <https://www.isa-arbor.com>) published by the International Society of Arboriculture, as amended from time to time.
- (b) **Requirements of franchise utility companies.** The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards.
- (c) **Preferred species list.** The Director shall maintain an official list of desirable tree species for planting on public property in two size classes: Ornamental (20 feet or less in height at maturity) and Shade (greater than 20 feet at maturity). Trees from this approved list may be planted without special permission; other species may be planted with written approval from the Director. (See Section 13 for list of preferred/nuisance species list.
- (d) **Planting distances.** The Director shall develop and maintain an official set of spacing requirements for the planting of trees on public property. No tree may be planted within the visibility triangle of a street intersection or within 10 feet of a fire hydrant.
- (e) **Planting trees under electric utility lines.** Only trees listed as Ornamental trees on the official city tree species list may be planted under or within 15 lateral feet of any overhead utility wire.

Section 6. Prohibition against harming public trees.

- (a) It shall be unlawful for any person, firm, or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the Director.
- (b) It shall be unlawful for any person, firm, or corporation to attach any cable, wire, sign, or any other object to any street, park, or public tree.
- (c) It shall be unlawful for any person, firm, or corporation to "top" any public tree. Trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the Director.
- (d) Any person, firm, corporation, or city department performing construction near any public tree(s) shall consult with the Director and shall employ appropriate measures to protect the tree(s), according to procedures contained in the *Best Management Practices (BMPs)* (see

<https://www.isa-arbor.com>) for “*Managing Trees During Construction*” published by the International Society of Arboriculture, as amended from time to time.

- (e) Each violation of this section as determined and notified by the Director shall constitute a separate violation, punishable by fines and penalties under Section 10, in addition to mitigation values placed on the tree(s) removed or damaged in violation of this section.

Section 7. Adjacent owner responsibility.

- (a) The owner of land adjacent to any city street or highway, when acting within the provisions of this Ordinance, may plant and maintain trees in the adjacent parkway area.
- (b) No property owner shall allow a tree, or other plant growing on his or her property to obstruct or interfere with pedestrians or the view of drivers, thereby creating a hazard. If an obstruction persists, the Director shall notify the property owner to prune or remove the tree or plant. If the owner fails to comply with the notice, the City may undertake the necessary work and charge the cost to the property owner.

Section 8. Certain trees declared a nuisance.

- (a) Any tree, or limb thereof, on private property determined by the Director to have contracted a lethal, communicable disease or insect; to be dead or dying; to obstruct the view of traffic signs or the free passage of pedestrians or vehicles; or that threatens public health, safety, and welfare is declared a nuisance and the City may require its treatment or removal.
- (b) Private property owners have the duty, at their own expense, to remove or treat nuisance trees on their property. The City may remove such trees at the owner's expense if the owner does not comply with treatment and/or removal as specified by the Director within the written notification period.

Section 9. Violations and penalty.

Any person, firm or corporation violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each offense.

Section 10. Appeals.

Appeals to decisions by the Director or the Tree Board, or to penalties imposed after violations of this ordinance, shall be heard by City Council.

Section 11. Savings and repeal.

All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

Section 12. Severability.

Should any word, sentence, clause, paragraph, or provision of this Ordinance be held to be invalid or unconstitutional the remaining provisions of this Ordinance shall remain in full force and effect.