

VILLAGE OF BANNOCKBURN

BANNOCKBURN TREE ORDINANCE

**AN ORDINANCE REPEALING BANNOCKBURN
ORDINANCE NOS. 81-21, 82-16 AND 85-11
AND ESTABLISHING REVISED COMPREHENSIVE REGULATIONS
FOR THE PROTECTION, PRESERVATION, PLANTING
AND REGULATION OF TREES**

**BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF
THE VILLAGE OF BANNOCKBURN, LAKE COUNTY, ILLINOIS AS FOLLOWS:**

Section 1. REPEALER.

Except as to the repealer provisions contained therein, Village of Bannockburn Ordinance No. 81-21 passed and approved by the President and Board of Trustees on August 31, 1981, and Village of Bannockburn Ordinance No. 82-16 passed and approved by the President and Board of Trustees on October 27, 1982, and Village of Bannockburn Ordinance No. 85-11 passed and approved by the President and Board of Trustees on September 9, 1985, are hereby repealed.

Section 2. SHORT TITLE.

This Ordinance shall be known, cited and referred to as the Bannockburn Tree Ordinance.

Section 3. PURPOSE AND INTENT.

The intent of this Ordinance is through the preservation, protection, planting and proper maintenance of trees, to: aid in the stabilization of valuable top-soil by the prevention of erosion and sedimentation; assist in proper storm water runoff and prevent the costs associated with flooding to the greatest extent practicable; protect an important link in the hydrologic cycle which trees provide through the transpiring of water and the neutralization of waste that pass through to the ground water table and other aquifers; aid in the purification of the air through the removal of harmful carbon dioxide, the generation of oxygen and the precipitation of dust and other airborne pollutants; provide a buffer and screen against noise pollution; restore as much as possible the denuded soil resulting from construction or grading work which accompanies development; provide a haven for birds, insects and other forms of wildlife which are essential to the maintenance of the food chain and which provide assistance in the control of disease-carrying mosquitos; protect and increase property values in a manner that will maintain each individual's enjoyment of his or her property; conserve and enhance the Village's physical and aesthetic environment, especially its valuable natural and rural atmosphere; provide important psychological benefits to persons within the Village; prevent the existence of trees which pose a threat, danger or nuisance to the public or to the property in the Village; employ toward these ends the methods and instrumentalities authorized by the Illinois Municipal Code, Ill. Rev. Stat. ch. 24, ¶1-1-1, et seq., including but not limited to the power to zone, and the power to regulate subdivisions; complement the State's interests and values as stated through the

enactment of the Illinois Environmental Protection Act, Ill. Rev. Stat. ch. 111 1/2, ¶1001 et seq.; and generally protect and enhance the quality of life and the general welfare of the Village.

Section 4. SCOPE, APPLICATION AND ENFORCEMENT

4.1 General Application; Cumulative Provisions. The provisions of this Ordinance shall apply generally and uniformly to all areas and districts within the Village of Bannockburn, except as provided in Sections 4.2 and 4.3 hereof. The provisions of this Ordinance shall be cumulative with consistent provisions of other ordinances of the Village of Bannockburn and of the statutes of the State of Illinois and the United States, and to the extent consistent shall be applied and enforced simultaneously. Whenever inconsistent, the provision resulting in the maximum protection, preservation or planting of trees or the highest quality of trees shall govern, except where limited by law. It is intended in particular that the provisions of this Ordinance shall be applied cumulatively and simultaneously with the provisions of the Bannockburn Zoning Ordinance, the Bannockburn Subdivision Regulations Ordinance, the Bannockburn Building Code, the Bannockburn Storm and Sanitary Sewerage Systems and Facilities Regulations, the Bannockburn Water Systems and Facilities Regulations, and the Bannockburn Plumbing Code, and no approvals or permits issued pursuant to such ordinances and codes shall be deemed to authorize the killing, destruction, removal or planting of trees without also complying with the applicable provisions of this Ordinance.

4.2 Exemptions. The permit requirements set forth in Section 6 below, shall not apply to:

- (i) Trees which the Village Forester has determined have become, or immediately threaten to become, a hazard to persons, property or vegetation and must be destroyed in accordance with Section 9 or 10 below.
- (ii) Properties for which a specific landscaping or tree preservation plan has, prior to the effective date of this Ordinance, been approved pursuant to the terms of an annexation agreement, special permit ordinance, or other specific agreement or ordinance applicable to such property.

4.3 Exceptions. The Village Board may authorize exceptions to any of the requirements and regulations set forth in this Ordinance provided that the granting of the exception will not defeat the fundamental purpose and intent of this Ordinance nor be detrimental to the public property in the vicinity of the is requested.

4.4 Enforcement. The Building Commissioner shall be responsible for the administration and enforcement of this Ordinance.

Section 5. DEFINITIONS.

For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense and words in the singular include the plural.

The word "shall" is always mandatory and not merely directory. Words not defined herein shall have their usual and customary meanings with reference to related ordinances of the Village.

BUFFERYARD. "Bufferyard" shall mean any bufferyard area established pursuant to Section 9-107 of the Bannockburn Zoning Code or, if no bufferyard has yet been established on a lot, that area within 25 feet of a side lot line and within 30 feet of a front lot line and rear lot line.

BUFFERYARD TREE. "Bufferyard Tree" shall mean any Tree (regardless of caliper or DBH size) that is located within a Bufferyard.

BUFFERYARD SHRUB. "Bufferyard Shrub" shall mean any Shrub located within a Bufferyard.

BUILDING COMMISSIONER. The term "Building Commissioner" shall mean the Building and Zoning Commissioner of the Village or his duly designated agent or such other person as may from time to time be specifically appointed by the President and Board of Trustees to carry out all or any part of the functions of the Building Commissioner under the Ordinance.

CALIPER. The term "caliper" shall mean the diameter of the trunk of a tree measured at a point 6 inches above the ground line. This measurement is used for nursery stock.

CONSERVANCY AREAS. The term "conservancy area" shall mean an area designated on a recorded plat, deed or covenant to protect the natural features of the area.

CONSTRUCTION ACTIVITY. "Construction Activity" means any manmade change, other than maintenance of existing structures, paved areas, or utilities, to improved or unimproved real estate, including without limitation: (a) the construction or installation of new, or the enlargement of, existing structures, streets, or utilities; (b) dredging, filling, clearing, drilling, mining, grading, paving, or excavating operations; (c) demolition; and (d) open storage of materials.

DESTRUCTION. The words "destruction" and "destroy" shall mean causing the death of a tree through removal, damaging, poisoning or any other direct or indirect actions resulting in its death.

DIAMETER BREAST HEIGHT (DBH). The term "diameter breast height (DBH)" shall mean the diameter of the trunk of the tree measured in inches at a point 4.5 feet above ground line. This point of measurement is used for establishment and mature trees.

PERSON. The word "person" shall mean any public or private individual, group, company, firm, corporation, partnership, association, society or any other combination of human beings, whether legal or natural, but shall not include the Village or its employees or officials.

ROOT ZONE. The phrase "root zone" shall mean the area enscribed by an imaginary circular line on the ground beneath a tree having as its center point the center of the trunk of the tree and a radius equal to one foot for every inch of diameter breast height.

SHRUB. The word "shrub" shall mean any woody plant, together with its root system, of low height with several stems

SUBJECT PROPERTY. "Subject Property" shall mean any lot as that term is defined by the Bannockburn Zoning Ordinance) which, or any portion of which, is affected by a Use Change.

TREE "Tree" shall mean any self-supporting, woody plant together with its root system, growing upon the earth usually with one trunk, or a multi-stemmed trunk system, supporting a definitely formed crown. Except for Bufferyard Trees, a "Tree" shall not include any such plant with a caliper or DBH of less than two (2) inches. Each tree shall be categorized into one of two classes. "Class One" includes those trees of either the acer (maple), betula (birch), carya (hickory), fraxinus (ash), juglans (walnut), quercus (oak), or ulmus (elm) genus or any other tree deemed by the Village Forester to be rare or of hardwood quality. "Class Two" includes all other trees.

USE CHANGE. "Use Change" shall mean:

- (a) any subdivision of property as defined by the Bannockburn Subdivision Regulations Ordinance, as amended;
- (b) the commencement of any activity pursuant to a variation, amendment, special use, or special use-planned unit development granted in accordance with the provisions of the Bannockburn Zoning Ordinance;
- (c) the commencement of any activity requiring the issuance of any grading, building, sewerage, water, plumbing, or other permit (but not a license or certificate) required pursuant to any Village ordinance;
- (d) any activity involving construction, earth moving, demolition, or vehicular traffic, or any similar activity, occurring within a root zone; or
- (e) any activity involving the damage or destruction of a tree.

However, a Use Change shall not include activity deemed by the Building Commissioner or the Village Forester to be pruning conducted in accordance with the Standards for Pruning of Shade Trees, revised 1979, promulgated by the National Arborist Association, which are hereby adopted by the Village. Three copies of such standards have been on file for thirty days prior to the adoption of this Ordinance, and shall continue to be kept on file at all times, in the Office of the Village Clerk.

VILLAGE. The word "Village" shall refer to the Village of Bannockburn.

VILLAGE FORESTER. The term "Village Forester" shall mean an individual trained and experienced in the profession of forestry and appointed by the President and Board of Trustees to provide professional and technical forestry advice to the Village and to assist in the administration of this Ordinance.

Section 6. TREE AND SHRUB PROTECTION.

6.1 General. The care and protection of trees and shrubs in the Village shall be within the jurisdiction of the Building Commissioner. It shall be the responsibility of the Building Commissioner, with such advice and assistance of the Village Forester as the Commissioner shall deem appropriate, to review plans and permit applications, to make inspections, to make recommendations, and to provide generally for the care and management of trees and shrubs in the Village.

6.2 Conservancy Areas. No alteration of any Conservancy Area shall be permitted without the written approval of the Village President and the Board of Trustees nor, in any case, in violation of any valid covenant or other agreement to conserve or protect the natural features, trees, shrubs and other wildlife enforceable with respect to any area within the Village.

6.2.5 Bufferyards. No Bufferyard Tree or Bufferyard Shrub shall be removed from a Bufferyard unless a valid tree permit has been issued authorizing such removal. The application for such tree permit shall include a Reforestation Plan providing for the replacement and replanting of plant units in the affected Bufferyard in sufficient number and appropriate species to achieve the opacity value required under the "Table of Required Opacity Value" set forth in Section 9-107D1 of the Bannockburn Zoning Code; provided, however, that if the affected Bufferyard meets or exceeds the required opacity value as set forth in Section 9-107 of the Zoning Code notwithstanding the removal of the Bufferyard Trees or Bufferyard Shrubs, as the case may be, the applicant shall only be required to comply with the replacement and replanting obligations of this Ordinance for the removed Trees.

6.3 Tree Permit Requirements.

- (a) Permit Required. No person shall cause a Use Change without there first having been issued a valid tree permit for all Use Changes to be performed or to be caused on the Subject Property. No person shall be entitled to any permit for any activity constituting a Use Change, unless a valid tree permit for such activity shall have first been issued in accordance with this Ordinance. No person shall be entitled to any tree permit unless the Subject Property, upon the issuance of the tree permit, is in strict compliance with the terms and provisions of this Ordinance and the terms and provisions of all other applicable laws, ordinances, rules and regulations of the Village and of all other governments and agencies having jurisdiction.
- (b) Preliminary Application. Any person desiring a tree permit shall submit a written Preliminary Application to the Village Clerk on a form provided by the Village Clerk setting forth the following information:
 - (i) Name and address of applicant.
 - (ii) Legal relationship of the applicant to the Subject Property.
 - (iii) Written authorization of the owner of the Subject Property, if applicant is not the owner.

- (iv) Location of the Subject Property, including street address or legal description.
- (v) Size of the Subject Property.
- (vi) Any recorded plat, deed, or covenant that indicates that all or part of the Subject Property is located within a Conservancy Area.
- (vii) Number, size, species and condition of trees which will be removed or destroyed in the course of the proposed Use Change.
- (viii) Number, size, species and condition of trees which might be damaged or destroyed by the proposed Use Change or any activity taken in connection there-with, and steps to be taken to prevent such damage or destruction and any necessary remedial action.
- (ix) Location, dimensions and current and proposed use of existing and proposed buildings, structures, paved areas, utility lines and utility and access easements on and adjacent to the Subject Property.
- (x) Rough slope of the Subject Property and whether there have ever been any drainage or storm water run-off problems in connection with the Subject Property.
- (xi) A Reforestation Plan to which the applicant shall agree in writing to implement and complete as a condition of the issuance of the tree permit. The Reforestation Plan shall provide for the replacement and replanting of trees of sufficient number and appropriate species such that the sum of the DBH of all trees in each class that will be destroyed in effecting the proposed Use Change and of all trees that were destroyed by any prior Use Change for which a tree permit was required but not issued, will be equivalent to the sum of the caliper of the trees in such class that are to be planted. The Reforestation Plan shall also provide for the care and feeding of the newly planted trees for a period of 2 years and shall in all respects conform to the current standards generally observed by professionals in the forestry, landscaping and landscape architecture professions.
- (xii) Such other data or information as the Building Commissioner shall deem necessary to permit full and fair consideration of the application.

The data required by subparagraph (b) (vii) through (b) (xi) may, for purposes of a preliminary application, be submitted in such form, detail and degree of accuracy as may be reasonably feasible without undertaking professional studies and surveys. Every Preliminary Application shall be accompanied by the Plan

Review Fee and the Reforestation Security required by Section 7 of this Ordinance.

- (c) Site Plan. If the Building Commissioner, based on the recommendation of the Village Forester, determines that the Preliminary Application does not provide sufficient information to enable the Building Commissioner to fulfill his duties under this Ordinance, he may require the submission of a Site Plan of the Subject Property or of any portion thereof, prepared by qualified professionals, on a topographic map, which shall graphically and accurately show:
- (i) All data and information required by subparagraphs (b)(v) through (b)(xi) above.
 - (ii) Existing and proposed contours.
 - (iii) Critical spot elevations.
 - (iv) Building elevations.
 - (v) Existing and proposed shrubs and landscaping other than trees.
 - (vi) A legend identifying, by number, all existing trees that are on the Subject Property and all proposed trees to be planted on the Subject Property pursuant to the Reforestation Plan. The identifying number shall reference the individual tree's DBH or caliper , species, general condition and proposed disposition.
 - (vii) Detailed specifications for protection of trees during development of the property.
 - (viii) Such other data or information as the Building Commissioner shall deem necessary to permit full and fair consideration of the application.
- (d) Preliminary Consultation. Prior to submission of a Preliminary Application, an applicant for a tree permit may consult with the Building Commissioner and/or the Village Forester to determine whether the Preliminary Application as proposed would comply with this Ordinance and with the current standards generally observed by professionals in the forestry, landscaping and landscape architecture professions. However, in no case shall the results of such consultation be deemed either an approval of any prospective Preliminary Application or a binding determination that no tree permit is required. Such results shall in no case entitle any applicant to the issuance of a tree permit. The applicant shall be responsible for payment of any costs incurred in providing such consultation services, and no tree permit shall be issued until such costs are paid in full.
- (e) Action on Application. Upon receipt of either the Preliminary Application or the Site Plan, the Building Commissioner shall direct the Village Forester to visit and

inspect the Subject Property as well as contiguous and adjoining lands and to make recommendations concerning the application. If the Building Commissioner shall, based on the recommendation of the Village Forester, determine that:

- (i) the proposed Use Change will destroy or endanger no more trees than are reasonably necessary to achieve the applicant's objectives,
- (ii) the Preliminary Application including the Reforestation Plan, the Site Plan, the Plan Review Fee and the Reforestation Security each satisfy the requirements of this Ordinance, and
- (iii) that the Use Change will result in no undue adverse effect upon the public welfare as expressed in Section 3 of this Ordinance,

then the application shall be approved and the tree permit shall be issued; otherwise the application shall be denied or, alternately, it may be approved subject to such conditions as the Building Commissioner shall determine to be necessary to protect the public welfare, achieve the purposes of this Ordinance, and prevent the undue destruction of trees.

- (f) Waiver of Reforestation Plan through Payment of a Fee-In-Lieu. The Building Commissioner may waive or modify any portion of the Reforestation Plan requirements if the Building Commissioner determines that replacing trees at the full replacement rate would:

- (i) result in the unreasonable crowding of trees upon the Subject Property; or
- (ii) adversely impact the viability of existing trees on the Subject Property; or
- (iii) not otherwise be consistent with the current standards generally observed by professionals in the forestry, landscaping, and landscape architecture professions.

Upon a determination by the Building Commissioner that an applicant has demonstrated one or more of the above, in lieu of providing replacement trees at the required replacement rate, the Reforestation Plan may be modified to require the applicant to (a) replace the trees at the highest practical replacement rate under the circumstances and (b) pay a tree replacement mitigation fee assessed at the amount of \$150.00 (which amount shall be adjusted based on changes to the CPI as forth in the Property Tax Extension Limitation Law, 35 ILCS 200/18-185 et. seq., beginning January 1, 2004) for each one inch caliper of replacement trees that are not being planted on the Subject Property at the full replacement rate that would otherwise be applicable. All tree mitigation fees collected by the Village shall be used to promote the purposes of planting trees in the Village.

- (g) Waiver or Modification through Zoning or Subdivision Approval. Where a zoning or subdivision approval is so conditioned as to fully accomplish the goals

and purposes of this Ordinance, the Board of Trustees may waive or modify the requirements of this Subsection 6.3. Such waiver or modification may be revoked at any time and shall be revoked in the event that any condition imposed pursuant to such approval is violated and such violation persists after reasonable notice to the owner of the property of such violation.

6.4 Construction Activity; Protection and Fencing. Any Construction Activity shall be planned and performed in such a manner, to such a degree, and with such equipment and personnel, so as to involve the least amount of damage or removal of trees and to comply with the purposes and intent of this Ordinance. Unless the Building Commissioner or Village Forester provides otherwise, protective measures shall be undertaken, including without limitation installation of protective fencing on the site generally at a point not to exceed 20 feet beyond the foundation walls of all buildings and five feet from the edge of hardscape surfaces. Once erected on the site, the fence shall remain in place, in a full, upright position, until all Construction Activity is completed. The protective fencing shall be wood, plastic, or chain link fencing, as determined by the Building Commissioner or Village Forester. The fence shall be four feet in height with steel supporting posts 8' to 10' on center. The posts shall be driven into the ground to hold the fence in an upright position throughout construction on the site.

Section 7. FEE AND SECURITY.

- (a) Plan Review Fee. Every Preliminary Application submitted pursuant to Subsection 6.3(b) of this Ordinance shall be accompanied by a non-refundable Plan Review Fee of fifty dollars (\$50.00) for ordinary review of the application. Notwithstanding the requirements of subsection 6.3(e), where the Building Commissioner determines that the Use Change is of such a limited and minor nature that does not warrant referral to the Village Forester, any Plan Review Fee submitted with the Preliminary Application shall be refunded. In addition, where the nature of the application requires additional professional review by the Village Forester, the Village Engineer, the Village Attorney, or another consultant, an additional non-refundable Plan Review Fee equal to the actual cost to the Village of securing such review shall be charged to and paid by the applicant.
- (b) Reforestation Security.
 - (i) Authorized Security. In addition to the aforesaid Plan Review Fee, every Preliminary Application submitted pursuant to Subsection 6.3(b) of this Ordinance shall be accompanied by a Reforestation Security. The Reforestation Security shall consist of either a cash deposit to be held in escrow by the Village Treasurer, an irrevocable letter of credit issued by a lender authorized to issue such letter by any state or by the United States, a bond with good and sufficient surety, or such other form of security approved by the Building Commissioner, who may consult with the and full implementation of the Reforestation Plan, as determined by the Building Commissioner.

- (ii) Amount. The amount of the Reforestation Security shall be determined by the Building Commissioner, who may consult with the Village Engineer or the Village Forester, and shall be equal to the total actual cost of strictly complying with and fully implementing the Reforestation Plan, with an allowance for inflation and/or interest if any is applicable.
- (iii) Administration. If at any time the Building Commissioner shall determine that the applicant has neglected or refused to comply with or implement the Reforestation Plan, the Building Commissioner is authorized to perform or to cause to be performed such work as he or she shall deem necessary to insure strict compliance with and full implementation of the Reforestation Plan and to deduct, liquidate, or apply an amount equivalent to the actual costs of such work from the Reforestation Security. Upon completion of the Reforestation Plan, the Reforestation Security, or any remainder thereof, shall be returned or released to the applicant.

Section 8. GENERAL PLANTING REGULATIONS.

Any tree or shrub required to be planted under a Reforestation Plan or as a condition of approval pursuant to this Ordinance shall conform to the American Standard For Nursery Stock as approved by the American Standards Institute, Inc. and issued as ANSI 260.1-1986 which is hereby adopted by the Village. Three copies of such standard have been on file for thirty days prior to the adoption of this Ordinance, and shall continue to be kept on file at all times, in the Office of the Village Clerk.

Section 9. DANGEROUS AND DISEASED TREES.

9.1 General Maintenance. Every property owner shall maintain the trees and shrubs on his property and on the parkways abutting his property in a safe and healthy manner; shall keep trees and shrubs properly watered, trimmed, pruned, sprayed, treated and preserved so as to avoid disease, insect infestation, or other conditions detrimental to such trees and to avoid hazards to persons, property, and other vegetation; and shall remove trees and shrubs on his property that are so unsafe, unhealthy, diseased or insect-infested as to constitute a hazard to persons, property or other vegetation.

9.2 Obstructions and Other Dangerous Conditions.

- (a) Every owner or occupant of any house, building, lot, or premises in the Village shall keep trees, shrubs, vines, and other vegetation located on his property trimmed and maintained so as to prevent or remove the following conditions:
 - (i) Any tree which is dead, dangerous, or likely to fall or that is so unsafe, unhealthy, diseased, or insect infected as to constitute a hazard to persons, property or other vegetation;

- (ii) The obstruction of any street, pedestrian path, or designated Village bridle path to any extent which interferes with free passage and clear view along such streets and paths and at any street or driveway intersection;
- (iii) The obstruction of any sewer, drainage way, or septic field;
- (iv) The dangerous proximity of any tree or other vegetation to public utility lines; and
- (v) The interference with any existing or proposed public improvement.

Said conditions are hereby declared to be public nuisances and any tree or other vegetation located on private property which is allowed to grow in violation of the foregoing paragraphs shall be deemed to be a weed subject to abatement by the Village as provided by state statute.

- (b) Whenever any person whose duty it is to keep any tree or other vegetation trimmed or cut as provided in the preceding subparagraph shall fail to do so, the Building Commissioner shall cause written notice to be served upon such person requiring such person to perform the work within 30 days following mailing or personal delivery of such notice. Such notice shall also notify the owner that, unless the required work is done within such 30 day period, the Village will proceed with the work, assess the cost thereof against the owner, and impose a lien for such cost on the affected property.
- (c) The notice referred to in subparagraph (b) above shall be personally served or sent by registered mail to the person to whom was sent the last preceding general tax bill for the property upon which the tree or trees affected is or are located, and a copy of said notice shall be mailed to the occupant of such property.
- (d) Within 30 days following delivery or mailing of the notice described in the preceding subparagraph, the owner of the property shall cause the nuisance to be removed or remedied. If the owner or occupant shall neglect or refuse to trim or maintain the trees or other vegetation as required by the notice, the Village shall promptly cause the removal or remedy of the nuisance by Village employees or contractors. If the Village shall so cause the removal or remedy of any such nuisance, all direct and indirect expenses incurred in connection therewith, including the costs of collection, shall be assessed against the property owner. In the event such expenses are not paid upon billing, the Village Clerk, not later than 60 days after performance of the work, shall file a notice of lien against such property for the amount of such expenses in the manner provided by statute.

9.3 Dutch Elm Disease.

- (a) Trees of all species and varieties of elm, zelkova and planera infected with the fungus *Ceratostomella ulmi*, as determined by laboratory analysis, are hereby declared to be public nuisances. Trees or parts thereof of elm, zelkova or planers

in a dead or dying condition that may serve as breeding places for the European elm bark beetle, *scolytus multistriatus*, are hereby declared to be public nuisances. It shall be unlawful for any person to keep, maintain, or possess on any property in the Village any tree of the type described in this subparagraph.

- (b) Whenever a public nuisance described in the preceding subparagraph is found to exist, the Building Commissioner shall cause notice of such nuisance to be served upon the owner of the property where the nuisance is found requiring such person to remove or remedy the same within 30 days following mailing or personal delivery of such notice. Such notice shall also notify the owner that, unless such nuisance is removed or remedied within such 30 day period, the Village will proceed with the removal or remedy of such nuisance, assess the cost thereof against such property owner, and impose a lien for such cost on the affected property. The notice shall also include a copy of this section and of Chapter 24, Illinois Revised Statutes, paragraph 11-20-12 and shall identify the property, by common description, and the tree or trees affected.
- (c) The notice referred to in subparagraph (b) above shall be personally served or sent by registered mail to the person to whom was sent the last preceding general tax bill for the property upon which the tree or trees affected is or are located, and a copy of said notice shall be mailed to the occupant of such property.
- (d) Within 30 days following delivery or mailing of the notice described in the preceding subparagraph, the owner of the property shall cause the nuisance to be removed or remedied. If the owner or occupant shall neglect or refuse to remove or remedy such nuisance as required by the notice, the Village shall promptly cause the removal or remedy by Village employees or contractors. If the Village shall so cause the removal or remedy of any such nuisance, all direct and indirect expenses incurred therewith, including the cost of collection, shall be assessed against the property owner. In the event such expenses are not paid upon billing, the Village Clerk, not later than 60 days after performance of the work, shall file a notice of lien against said property for the amount of such expenses in the manner provided by statute.

9.4 Inspections. The Building Commissioner shall, on a regular basis, and the Village Forester shall, at the direction of the Village Board, or the Building Commissioner, conduct such inspections and surveys as necessary to determine the existence, nature, and extent of violations of this section and shall report the results of such inspections and surveys to the Village Board.

9.5 Village Owned Trees. Trees on Village-owned property constituting nuisances under this section shall be removed at the expense of the Village.

Section 10. EMERGENCIES.

In case of emergencies involving, but not limited to, tornadoes, windstorms, floods, freezes, or other natural disasters, the requirements of this Ordinance may be waived by the Building Commissioner, the Village Engineer, the Village Forester or the Village President.

Section 11. APPEALS.

Appeals from any decision of or notice issued by the Building Commissioner pursuant to this Ordinance may be taken by the applicant or any other person adversely affected by such decision. Such appeals shall be taken to the Board of Trustees by filing a written notice of appeal with the Village Clerk within ten days following the decision of the Building Commissioner or the date of the notice. The Board of Trustees shall review the application and any other evidence or documents, and may hear and receive new evidence, and shall render a decision on such appeal. The filing of an appeal from a Section 9 notice shall stay enforcement thereof unless the Village Forester shall make a written finding that such stay would present an undue threat to persons or property in the Village.

Section 12. PENALTIES; PERMIT REVOCATION AND EXPIRATION.

Any person who neglects or refuses to comply with or assists in the violation of any of the provisions of this Ordinance, or any order, permit, or notice issued pursuant to it, shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00). Each day such violation continues shall constitute a separate offense.

Any permit issued under this Ordinance may be revoked or suspended if the permit holder violates the terms of the permit or any other provision of this Ordinance. Each tree permit shall expire automatically if the Use Change authorized by the permit is not commenced within 180 days after its issuance, or is not completed within one year after its issuance, except that the Building Commissioner may, upon application of the permit holder, grant reasonable extensions of time for commencement or completion of such Use Change.

Section 13. TREE COMMISSION.

The Village President may, with the approval of the Village Board, appoint a three-member Tree Commission. The duties of the Tree Commission shall be to:

- (a) Advise the Village Board on issues relevant to this Ordinance.
- (b) Annually evaluate performance under this Ordinance.
- (c) Provide leadership in the development of understanding of the objectives and methods of the tree program.
- (d) Assist the Building Commissioner in the development and maintenance of technical specifications and guidelines to aid in the administration and enforcement of this Ordinance.
- (e) Make recommendations from time to time for revising and updating this Ordinance.
- (f) Undertake such other duties or responsibilities as the Board of Trustees may find appropriate to advance the purposes for which this Ordinance is adopted.

Section 14. SEVERABILITY.

If any provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining provisions of this Ordinance.

Section 15. APPLICATION AND EFFECTIVE DATE.

This Ordinance shall apply to all tree permit applications which have been submitted after September 26, 1988. This Ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

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