

Agenda
Village of Glen Ellyn
Village Board Workshop
Monday, April 25, 2011
7:00 P.M. – Galligan Board Room
Glen Ellyn Civic Center

1. Call to Order

2. Tree Preservation Ordinance Discussion – Planning and Development
Director Hulseberg

3. Other Items?

4. Adjournment

Memorandum

Village Board Workshop
April 25, 2011
Item No. 2

To: President Pfefferman and Village Board
From: Terry Burghard, Interim Village Manager
Date: April 13, 2011
For: April 18, 2011 Village Board Workshop
Re: Tree Preservation Ordinance Discussion



Please find attached my recommendation for amendments to the tree preservation ordinances in the Village Code. The history and details associated with this recommendation are provided below.

Background: In 1998, the Village Board adopted three separate ordinances to encourage the preservation of public and private trees during property development projects. These three ordinances are collectively referred to as the Tree Preservation Ordinance (TPO). These ordinances involved the protection of trees in the public right-of-way, the protection of trees on private property and the adoption of some national arboricultural standards. While the adopted ordinances were meant to encourage tree preservation, their prime purpose was to educate instead of regulate.

The three ordinances were last amended in 2001 to incorporate necessary revisions that were identified since the original adoption three years earlier. In 2006, former Village President Vicky Hase requested that the Environmental Commission (EC) undertake a review of the private property TPO to determine whether that TPO should be modified in order to improve its effectiveness in the preservation of trees. The EC completed a year-long review of the TPO in 2006 and in February 2007 recommended changes to the ordinance that included additional levels of tree restrictions on private property. The Village Board at that time expressed concern over certain aspects of the recommendation. The EC recommendation was discussed by a new Village Board in July 2008. The new Village Board also found some of the private property tree preservation measures troublesome and was inclined to favor private property owner control regarding private property trees.

In February 2010, the Village Board briefly discussed the status of the 2007 EC recommendation on the TPO. The Board decided to request that the Environmental Commission reconsider the ordinance and focus on provisions that should be removed or added, how it could be streamlined, and how education could be incorporated (see Village Board minutes as Attachment E). The EC began their review of the TPO in May 2010.

Environmental Commission Review and Recommendation: The Environmental Commission reviewed the TPO for nine months. Their primary focus was on the private TPO. Village staff assisted the EC in the preparation of amendments which are further explained below.

Private Tree Preservation Ordinance: When discussing potential revisions to the proposed private tree ordinance, the EC was interested in suggesting some regulations that went beyond the scope of review requested by the Village Board. Therefore, they decided that an ordinance containing amendments in accord with the Village Board's direction would be prepared as a 'base' recommendation. The EC would then suggest additional regulations 'above-and-beyond' the base recommendation. If the Village Board

was interested in proceeding with any of the above-and-beyond regulations, they could direct staff to draft additional amendments.

On February 15, 2011, the Environmental Commission recommended approval of both the base ordinance and the above-and-beyond suggestions for the private tree ordinance. Staff has since made some minor tweaks to the text for clarification purposes. The EC base recommendation is included as Attachment A and the EC above-and-beyond recommendation is included as Attachment B.

Public Tree Preservation Ordinance: There are a number of changes proposed to the Public Tree Preservation Ordinance for clarification purposes and ease of administration. The definitions in the Public TPO have been revised to match the new definitions in the Private TPO. Calculations for replacement trees have been made clearer. Language addressing the Emerald Ash Borer and Asian Longhorned Beetle has been added. The Environmental Commission only briefly reviewed the Public TPO. They did not have any concerns with the suggestions by the Public Works Department to amend this ordinance.

Arboricultural Manual: This is a supplemental manual that provides technical and detailed requirements of all aspects of tree maintenance, planting, removal policy and tree preservation requirements. It is prepared by the Village Forester and currently any changes must be approved by the Village Board. The Public Works Department is recommending that this manual be removed from the Village Code so that it can be amended as new technical advances and standards are developed. Since the Public Works recommendation is to remove this manual from the Village Code, the EC did not review this item.

Manager's Office Recommendation: Following the February 2011 recommendation by the EC regarding the private TPO, Public Works suggested further changes to the base ordinance for private trees. I have chosen not to incorporate a number of suggestions that were made by Public Works after the Environmental Commission voted on the proposed ordinance because many of the suggestions were overly complicated, vague, caused delays for the applicant, or created additional work for the Village staff with no appreciable benefit to the community. For example, Public Works wished to change the definition for measuring the size of a tree from "The diameter of the trunk of the Tree measured in inches at a point four and one-half (4.5) feet above ground line..." to:

The diameter of the trunk of the Tree measured along the trunk axis four and one-half feet (4.5') above ground. The diameter shall be calculated by use of the following methods: DBH determination for trees greater than 6" DBH shall be either (1) direct measurement using a calibrated diameter tape, or (2) circumference measured in inches at 4.5' divided by 3.14. DBH determination for trees smaller than 5" DBH shall use the caliper measurement at 6" above ground. DBH determination for a multi-trunk tree shall be calculated by measuring each stem at DBH, calculating individual cross sectional area of each stem and adding all the cross-sectional stem areas together; the DBH equals the result of the square root of the (total sum of the areas divided by .785).

Further, in reviewing the Environmental Commission's base recommendations for private tree regulation amendments, I became concerned with a couple of the proposed provisions. Therefore, you will find a separate private tree ordinance recommendation from my office included as Attachment C. The minor changes to the ordinance by my office expedite permit issuance, include the Village Manager in appeal issues, provide customers with a maximum plan review cost, and maintain property owner control over private trees. My recommendation also eliminates the proposed tree contractor registration process. Not only would this new registration process consume limited staff time in Public Works, delay permit issuance, and create a cost that would be passed on to our property owners, I do not see a clear public purpose for such registration. While I believe it is appropriate to register contractors for building code

safety issues such as plumbing, electrical, roofing, and the like, I do not see a similar necessity for registration of tree contractors.

We should be very careful in creating new controls and burdens on private property owners. This is not the time to be increasing regulations and government intervention for homeowners wishing to make improvements to their properties. I understand the Village Board perspective over the years has been to preserve as many trees as possible without limiting a private property owner's ability to make decisions about trees on their own private property. I agree with this perspective and it is sound public policy.

Village Manager Recommendation: It is the recommendation of my office that the Village Board move forward with the adoption of the proposed public tree ordinance (Attachment D), and the Manager's Office recommendation for the private tree ordinance (Attachment C).

These proposed amendments to the existing tree preservation ordinance offer the following enhancements:

- Simplification of various provisions
- Clarification of regulations and definitions
- Elimination of internal conflicts
- Requirement for review by certified arborist for new home projects
- Increase in enforcement abilities
- Clarification of conflicting regulations regarding trees on adjoining lots
- Notification to neighbors of construction projects involving a tree preservation plan
- Proposal of a new clear cutting prevention provision
- Inclusion of language addressing new insects that are damaging to trees in the Village

Village Board Action: It is requested that the Village Board review and discuss the attached documentation at a Village Board Workshop meeting and provide staff direction on which provisions should be prepared in ordinance format for formal consideration by the Village Board at a future regular meeting. Specifically, Board direction is requested regarding the following:

1. Should staff prepare any of the Environmental Commission's above-and-beyond recommendations for Village Board consideration?
2. Would the Village Board prefer to proceed with the private TPO prepared by the Manager's Office or the Environmental Commission?

The staff presentation on this topic will summarize the significant changes proposed to the TPO and will also explain in further detail the differences between the various versions of the Private TPO.

Attachments: Attachment A – EC Base Recommendation (Private TPO)
 Attachment B – EC Above-and-Beyond Recommendation (Private TPO)
 Attachment C – Manager's Office Recommendation (Private TPO)
 Attachment D – Proposed Public Tree Preservation Ordinance (Public TPO)
 Attachment E – February 8, 2010 Village Board Meeting Minutes

C: Stewart Diamond, Village Attorney
 Staci Hulseberg, Planning and Development Director
 Jeff Perrigo, Interim Public Works Director
 Kristen Schrader, Assistant to the VM - ADM
 Environmental Commission

ORDINANCE NO. _____ - VC

AN ORDINANCE AMENDING
TITLE 4, CHAPTER 8 (TREE PRESERVATION)
OF THE GLEN ELLYN VILLAGE CODE
REGARDING TREE PRESERVATION ON PRIVATE PROPERTY

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLEN ELLYN, DU PAGE COUNTY, ILLINOIS, in the exercise of its home rule powers, as follows:

SECTION ONE: Chapter 8 (TREE PRESERVATION) of Title 4 (BUILDING REGULATIONS) of the Village Code of the Village of Glen Ellyn, Illinois, is hereby deleted in its entirety and replaced with the following:

Chapter 8

TREE PRESERVATION

4-8-1: PURPOSE: The purpose of this Chapter of the Village Code is to enhance the private property portion of the Community Forest by assuring the preservation and protection of Protected Trees. Chapter 4 entitled "Forestry Management" of Title 8 "Public Ways and Property" of this Code is applicable to the public property portion of the Community Forest. These Chapters complement each other to enhance the total Community Forest in Glen Ellyn. It is the stated public policy of the Village to add to the Tree population within the Village, where possible, and to maintain, to the greatest extent possible, existing Trees within the Village. The planting of additional Trees, preservation of existing Trees, and proper maintenance of Trees in the Village will improve the quality of life in Glen Ellyn.

4-8-2: DEFINITIONS: As used within this Chapter and Chapter 4 of Title 8 of this Code, the following terms shall have the meaning set forth in this section:

ARBORICULTURAL SPECIFICATIONS MANUAL: A manual prepared and updated by the Village Forester and incorporated into an ordinance passed and amended from time-to-time by the Village Board, which more specifically carries out the enforcement provisions and intent of this Code and contains regulations and standards for the preservation, planting,

maintenance, and Removal of Trees, shrubs, and other plants upon Village property and regulated Trees on private property.

~~BORDER TREE: Any Tree, the trunk of which lies at least one-quarter on Village-owned property and three-quarters on private property, determined as the distance of the diameter measured at right angles to the public right of way, determined by the Village Forester.~~

COMMUNITY FOREST: The entire Tree population in the Village of Glen Ellyn, including Trees on private and public property.

COMPREHENSIVE FORESTRY MANAGEMENT PROGRAM: The five-year plan for the improvement of the Village of Glen Ellyn Community Forest and approved by the Village Board.

CRITICAL ROOT ZONE: The area inscribed by an imaginary line on the ground beneath a Tree having its center point at the center of the trunk of the Tree and having a radius equal to one (1) foot for every inch of D.B.H. but not less than six (6) feet from the trunk of the Tree. ~~The Village Forester, or his/her designee, may expand or partially retract the Critical Root Zone depending on the Tree species and site-specific situations so as to improve the chances that Trees will not be damaged during construction and to permit construction to take place, especially where Protected Trees exist on adjacent property and the Critical Root Zone may need to be retracted because of narrow side-yard dimensions.~~

CROWN: Parts of a Tree above the trunk including leaves, branches, and scaffolds.

~~DEVELOPMENT: Any proposed material change in the use of or character of land, including, but not limited to, the construction, addition, alteration, or the replacement of the primary structure or accessory structure on the lot, site improvements on land, the grading or re-grading of a lot, or installation of irrigation, driveway improvement, or utility upgrades. Development shall include all subdivisions or planned unit developments approved in Glen Ellyn. Development shall not include the following: an addition to a primary structure or the bulk area of the primary structure of less than three hundred (300) square feet; additional impervious surface area additions of less than three hundred (300) square feet; other accessory structures less than three hundred (300) square feet in area; fences, decks, and garages which are built in the same footprint plus no more than an additional 20 percent of the square footage of the existing garage; or grading on private property of less than 1,500 square feet. All new Planned Unit Developments and Subdivisions in the Village of Glen Ellyn. Any man-made change to improved or unimproved property including but not limited to the construction, addition, alteration, or replacement of buildings or structures, excavation, fill, grading, paving, underground irrigation or utility work that exceeds 300 square feet of disturbed site area except the following:~~

- ~~1. Replacement pavement in the same footprint as existing pavement,~~
- ~~2. Decks supported on individual spaced concrete piers,~~

3. Fences supported on spaced posts.
4. Replacement detached garages in the same footprint as the existing garage with no more than an additional 20% of garage area, or
5. Grading on private property that disturbs less than 1,500 square feet of site area.

DIAMETER BREAST HEIGHT (HEREINAFTER CALLED D.B.H.): The diameter of the trunk of the Tree measured in inches at a point four and one-half (4.5) feet above ground line. This point of measurement is used for established and mature Trees.

DRIP LINE: A line drawn on the ground surface directly beneath and perpendicular to the maximum radius of the Crown of an existing Tree but not less than six (6) feet from the trunk, whichever is greater.

LANDSCAPE: Any shrubs, flowers, grass, or ground covers.

LOT: A zoning lot as defined in the Glen Ellyn Zoning and Subdivision Code.

NON-OWNER OCCUPIED PROPERTY – Any property within the Village where the property owner does not reside on the premises at least 6 consecutive months each calendar year.

~~PRIVATE TREE: Any Tree on privately owned property within the Village.~~

~~PROTECTED TREE: Any Tree in the Village shown on a Tree Preservation Plan as being retained after Development with a ten (10) inch D.B.H. or greater, or a multi-branch Tree which has an aggregate diameter of sixteen (16) inches D.B.H. or greater, or any Significant Tree with a five (5) inch or greater D.B.H.~~

PUBLIC NUISANCE: Any Tree, shrub, or other plant, or breeding place which harbors infectious insects or diseases which reasonably may be expected to injure or harm other Trees or which could cause a safety hazard affecting the general public.

~~PUBLIC TREE: Any Tree or Border Tree within a public right-of-way in the Village.~~

PUBLIC TREE REMOVAL OR WORK PERMIT: The permit required by this Code issued in order to remove or do any work on any Public Tree within the corporate limits of the Village or a Village parkway.

REGISTERED TREE CONTRACTOR: Any person, firm, or corporation which is employed to prune, plant, treat, or Remove any Public Tree, Protected Tree, or Significant Tree in the Village of Glen Ellyn and is required to obtain a Tree Contractor Registration from the Public Works Department.

REGULATED PUBLIC UTILITY: Any utility ~~certificated~~certified by the Illinois Commerce Commission to provide service to any customer within the corporate limits of the Village of Glen Ellyn or any other entity with a franchise issued by the Village or any other entity which has the right to extend pipes, wires, cables or lines on public property within the Village. The effect of this Chapter with regard to any public utility is intended to be the maximum regulation permitted by law or under the terms of a franchise or similar agreement.

REMOVE OR REMOVAL: The causing or accomplishing of the actual physical Removal of a Tree or the effective Removal through damaging, poisoning, or other direct or indirect action resulting in, or likely to result in, the death of a Tree.

~~**REPLACEMENT TREE:** A nursery grown certified Tree, properly balled and burlapped and satisfying the standards established for nursery stock and installation thereof set forth by the American Association of Nurserymen.~~

SCAFFOLDS: Primary structural branches of the Crown.

~~**SIGNIFICANT TREE:** All hickory, oak, or walnut species in the Village shown on a Tree Preservation Plan as being retained after Development when they reach five (5) inches D.B.H.~~

TREE: Any self-supporting, woody plant with its root system, growing upon the earth usually with one trunk or a multi-stemmed trunk system supporting a definitely-formed Crown, achieving a minimum of at least eight (8) feet in height.

TREE, ADJACENT PROPERTY: Any tree with a four (4) inch D.B.H. or greater on an adjoining private property and located within fifteen (15) feet of the lot line. These trees are automatically Protected Trees unless the owner amends the tree preservation plan to designate the tree as non-protected.

TREE, BORDER: Any Tree, the trunk of which lies at least one-quarter on Village-owned property and three-quarters on private property, determined as the distance of the diameter measured at right angles to the public right of way, determined by the Village Forester. These trees are automatically protected trees unless the Village Forester designates them as non-protected.

TREE, IMPACTED: Any Tree shown on a Tree Preservation Plan that will be impacted by construction. This tree is not a Removed Tree or a Protected Tree.

TREE, PRIVATE: Any Tree on privately-owned property within the Village.

TREE, PROTECTED: Any Tree in the Village shown on a Tree Preservation Plan as being retained after Development with a ten (10) inch D.B.H. or greater, or a multi-branch Tree

which has an aggregate diameter of sixteen (16) inches D.B.H. or greater, or any Significant Tree with a five (5) inch or greater D.B.H.

TREE, PUBLIC: Any Tree or Border Tree on public property or within a public right-of-way in the Village. These trees are automatically Protected Trees unless the owner of a tree removes them from Protected status.

TREE, REMOVED: Any tree shown on a Tree Preservation Plan as being removed after development.

TREE, REPLACEMENT: A nursery-grown certified Tree properly balled and burlapped and satisfying the standards established for nursery stock and installation thereof set forth by the American Association of Nurserymen.

TREE, SIGNIFICANT: All hickory, oak, or walnut species in the Village measuring five (5) inches D.B.H. or greater. These trees are automatically Protected Trees unless the owner of a tree amends the tree preservation plan to designate the tree as non-protected.

TREE PRESERVATION PLAN: A written plan having text and/or graphic illustrations indicating the methods which are to be used to preserve a Public Tree, Significant Tree, Adjacent Property Tree, Impacted Tree, or Protected Tree during construction and shall include a Tree Survey, application, plan submittal checklist, and action plan. The document shall be coordinated with and, if possible, made a part of a site grading plan or drainage plan, or Development plan.

TREES, SHRUBS, AND OTHER PLANTS: All vegetation, woody or otherwise, except lawn and flowers less than twenty-four (24) inches high.

~~TREE SURVEY: A graphic display of all Protected, Border, Public Significant Trees and Unprotected Significant, Impacted, Removed, and Adjacent Property Trees including their location, condition, species and size. All existing trees must be identified by number, which are located on the lot at the time a building permit is sought, with a designation of those Protected and Significant Trees which the Owner has chosen to remain on the lot after the Development and all Public Trees on adjacent public property which will be affected by any Development. The Survey shall show the location of protective fencing and other protective measures to be placed on the lot. The survey shall also contain this information for any Tree which would qualify by size and type as being a Protected or Significant Tree and which is located on an adjacent lot within fifteen (15) feet of the lot line. The sSurvey shall also show the location of any Tree which was Removed in the prior one-year period.~~

~~UNPROTECTED TREE: Any Tree in the Village which would otherwise be a Protected Tree but which the owner has chosen to Remove from the regulations of this Chapter but only after initial actions have been taken to protect the Tree, such as the establishment of~~

protective fencing. The designation as an Unprotected Tree allows the applicant to provide initial protection for Trees near, for example, critical construction zones so that an effort can be made to save the Tree during Development. This designation and initial efforts will not subject the applicant to penalties for subsequent failure to protect or circumstances beyond the applicant's control which resulted in damage to the Unprotected Tree.

4-8-3: GENERAL REGULATIONS - PRIVATE PROPERTY INVOLVING DEVELOPMENT:

(A) ~~TREE PRESERVATION PLANS REQUIRED FOR ALL DEVELOPMENT ON PRIVATE PROPERTY; DETAILS:~~ Development on private property shall require the filing of a Tree Preservation Plan along with other permit application materials required by this Section at or prior to filing a request upon application for a building permit. ~~The Tree Preservation Plan will show every Tree on the property which is a Protected and Unprotected Tree. All Trees shown on the Tree Preservation Plan shall initially be protected in accordance with the provisions of this Chapter.~~

Trees which the owner designates on the plan as being susceptible to potential damage due to their location or condition ~~shall~~ may be designated as ~~Unprotected~~ Impacted Trees which after the initial ~~protection~~ tree protection fencing or other protective methods ~~have~~ has been put in place shall not be subject to additional regulation provided the required tree fencing or other protective methods are maintained. ~~This requirement shall prevail where Protected Trees are located on the lot or when Trees which would otherwise be Protected Trees are on an adjacent lot and located within fifteen (15) feet of the property line.~~

The Tree Preservation Plan ~~shall indicate the methods that will be used during Development to preserve Protected Trees on the lot. The~~ shall be required to also indicate the specific methods which will be used to preserve Adjacent Property Trees ~~all Trees which would otherwise be Protected Trees on adjacent property. The protective methods for the Adjacent Property Trees on adjacent properties shall be specifically approved by the Village Forester, or his/her designee, who shall, however, consider, among other factors, the right of the applicant to build if compliance is maintained with required setbacks in compliance with the provisions of the Zoning Code.~~

All work to preserve the Protected, Adjacent, Significant, and Impacted Trees shall be according to the Arboricultural Specifications Manual. ~~As an attachment to the application, three (3) copies of a Tree Survey~~ The Tree Survey shall be drawn to a scale not less than 1" to 20' so that the location of each Protected Tree and each Unprotected Tree can be identified, ~~shall be included unless a grading plan is required; in that case, nine copies of a Tree Survey shall be included.~~ The Tree Preservation Plan shall specify include the following:

1. ~~A Tree Survey as defined above, showing the location, condition, species and trunk diameter of every Protected and Unprotected Tree on the property and every Protected Tree within fifteen (15) feet of the lot line. The Survey or the Plan shall show the location of protective measures to be placed on the lot. In addition, the Survey shall show, using a different code, the location of any Tree which was Removed in the prior one-year period. The Village Forester, or his/her designee, may exclude the Tree Survey requirement on those portions of the site which he/she determines will not be affected by the Development activity. The Survey may be prepared by a registered land surveyor and/or certified arborist or it may be prepared by or under the direction of the owner if it accurately reflects the location of all Trees all required tree information. The Village Forester shall, if requested, assist without charge in the identification and size of tree species on those properties that do not require an ISA Certified Arborist review and approval.~~
2. The name and contact information of the parties responsible for the construction, erection, and maintenance of temporary fencing or other physical barrier around Protected Trees.
3. ~~Location~~ The location, shape, and spatial arrangement of all existing and proposed buildings, walls, improvements, and structures and the excavation limits required to construct proposed improvements.
4. ~~Location~~ The location, shape and spatial arrangement of all permanent driveways and parking areas and temporary material storage sites and access ways.
5. ~~Any~~ All existing or new Utility services including water, sanitary sewer, storm sewer, gas, electric, telephone, and cable TV and any existing Utility services which will remain the same be removed or modified.
6. The Village Forester, or his/her designee, may expand or partially retract the Critical Root Zone depending on the Tree species and site-specific situations so as to improve the chances that Trees will not be damaged during construction and to permit construction to take place. In such cases, the Village Forester, or his/her designee, may request additional precautions in order to preserve the health of trees.

~~NOTE: The Critical Root Zones of Protected Trees shall be carefully reviewed and taken into account during the preparation of the Tree Preservation Plan. Every effort should be made during architectural layout and design of the proposed Development to preserve Trees which would~~

~~otherwise qualify as Protected Trees on adjacent lots through sensitivity to the Critical Root Zones of said Protected Trees.~~

76. Existing and proposed grading of the Development area showing elevations with contour lines at one (1) foot intervals if a grading plan is required by some other provision of the Village Code.

8. A Tree Preservation Plan for a new home shall be reviewed and approved by a Certified Arborist for the purpose of evaluating the protective measures proposed on the plan.

(B) ~~NO BUILDING PERMIT APPROVAL UNTIL TREE PRESERVATION PLAN IS APPROVED~~BUILDING PERMIT REQUIRED: No building permit shall be issued for Development until the Tree Preservation Plan has been approved by the Village Forester, or his/her designee, ~~and the Village Forester has determined that the required steps have been taken in the field to implement the Tree Preservation Plan and the Tree Preservation Plan has been properly posted on the site.~~ In reviewing the Tree Preservation Plan, the Village Forester, or his/her designee, can recommend and suggest modifications which will better protect existing Trees, but the Tree Preservation Plan shall be approved if it otherwise is in conformity with Village ordinances. The Village shall process the Tree Preservation Plan in no more time than shall be needed to process a building permit unless the application does not fulfill the requirements of this Chapter. Appeals regarding the Tree Preservation Plan or a decision of the Village Forester shall be submitted to the Public Works Director. ~~carried out in the same manner as appeals relating to building permits. After issuance of the building permit by the Planning and Development Department,~~ The following steps must shall be followed to assure conformance to the approved Tree Preservation Plan and the Tree protection requirements in the Arboricultural Specifications Manual prior to the issuance of a building permit.

1. Tree preservation fencing must be installed and inspected for all protected, significant, impacted, border, public, and adjacent property trees prior to the issuance of a building permit. Tree preservation measures ~~for Protected Trees must be installed per the approved Tree Preservation Plan and remain in place during the entire construction period. Fencing shall not be removed or relocated unless authorized in writing.~~

2. For a new principal structure ~~new house construction or any other construction that is determined by the Village Forester, or his/her designee,~~ an approved Tree Preservation Plan shall be posted on the building site before work commences a building permit is issued and shall remain in place throughout the entirety of the ~~and always during~~ construction of the project. This sign must be posted as shown in the Arboricultural Specifications

Manual. The ~~general contractor~~ permit applicant shall be responsible for notifying all other contractors ~~involved with a given project~~ working on the property of the Tree Preservation Plan.

3. The applicant shall notify any and all adjacent property owners of the proposed construction project and that a Tree Preservation Plan has been prepared and is available for review at the Planning and Development Department of the Village of Glen Ellyn. A copy of such notification along with a list of addresses it was delivered to must be submitted to the Planning and Development Department prior to the issuance of a building permit.

(C) PRECAUTIONS DURING CONSTRUCTION: During construction, all reasonable steps necessary to prevent the destruction or damaging of Protected Trees shall be taken, including, but not limited to, the following:

1. No construction activity, movement, and/or placement of equipment or material or spoils storage shall be permitted within the Critical Root Zone of any Protected Tree on the Tree Preservation Plan unless shown on the approved Tree Preservation Plan. No excess soil, additional fill, liquids, or construction debris shall be placed within the Critical Root Zone of any Protected Tree.
2. Per the Arboricultural Specifications Manual, appropriate protective fencing shall be ~~temporarily~~ installed and maintained for the protection of Protected, Adjacent Property, and Impacted ~~Unprotected~~ Trees.
3. No attachments, fences, or wires, other than those approved for bracing, guying, or wrapping, shall be attached to Protected Trees during the construction period.
4. ~~Construction, Branch pruning, root feeding, and root pruning of Protected Trees and Adjacent Property Trees directly affected by construction must be approved by the~~ conducted by the property owner if recommended by the Village Forester, or his/her designee, and must be completed following the Arboricultural Specifications Manual. On-site inspections must be scheduled with the Village Forester or his/her designee to insure this requirement is met.
5. Unless otherwise shown on the approved Tree Preservation Plan, no soil is to be added to or removed from within the Critical Root Zone of any Protected or Adjacent Property Tree that is to remain, unless shown on the approved Tree Preservation Plan. ~~Trees on adjacent lots within 15 feet of the lot line must be protected.~~

6. Regulated public utilities, to the extent permitted by law, shall be responsible for adhering to said Tree Preservation Plan during installation of necessary Utility service lines. A property owner or contractor shall not be responsible for damages caused by the action of a public Utility unless that person directed the location and manner of work of the Utility.

7. Monitoring of the tree protection measures will be conducted by the Village Forester or his/her designee and violations of this ordinance shall be subject to the fees and fines identified in this Chapter.

(D) FEE SCHEDULE FOR TREE PRESERVATION PERMIT PLAN REVIEW:- The basic fee for the issuance of a Tree Preservation Permit shall be as follows:

Permit fee for Tree Preservation:

1. Fee for Plan Review and Planned Field Inspections for lots -Single Lots with single-family residences:

Unit Cost for Each:

Garage / Pool / Other Addition	\$110 each
Demolition / New House	\$150 each
New House	\$150 each

2. Plan Review and Planned Field Inspections for Subdivisions, Special Use Projects, and Planned Unit Developments or lots with any use other than single-family residences:

Cost to review Documents submitted in compliance with Tree Preservation Ordinance: \$50 / hour by consultant

3. Fees for Additional Field Inspections and Violations

<u>Field Inspection Responding to Complaint (verified violation)</u>	<u>\$50</u>
<u>Tree fence violation</u>	<u>\$50</u>

4. Fee for Tree Contractor Registration \$100

(E) WORK MUST BE ACCORDING TO APPROVED TREE PRESERVATION PLAN: It shall be unlawful for any person, firm, or a corporation to fail to abide by the terms of any Tree Preservation Plan pursuant to which a building permit has been issued, including all regulated public utilities.

- (F) **STOP WORK ORDER AUTHORIZED FOR NON-COMPLIANCE WITH TREE PRESERVATION PLAN:** If the Village Forester, or his/her designee, or a Building Inspector observes the precautions specified in the Tree Preservation Plan were not undertaken before construction commenced or not maintained during construction, a stop work order may be issued. The stop work order shall remain in place until the permittee complies with the approved Tree Preservation Plan and/or corrects the issues stated in the stop work order.
- (G) **AMENDMENT TO TREE PRESERVATION PLAN AND REMOVAL OF PROTECTED TREES:** An application can be made to the Village Forester to amend a Tree Preservation Plan. No amendment shall be permitted to delete a Protected Tree which has been damaged or where the provisions of the approved Plan have not been followed. An application shall be approved where changed facts and circumstances not within the control of the applicant create an undue hardship in complying with the Plan. Where a Protected Tree has been damaged such that its Removal is required, the Forester shall ~~issue a special permit for~~ approve its Removal after adequately documenting any violations of this Chapter which have caused or contributed to the Removal of a Protected Tree.
- (H) **TREE REMOVAL, CONTRACTOR REGISTRATION REQUIRED:** Any person, firm, or corporation which is employed to prune, remove, maintain or treat public or private property trees in the Village shall be required to register with the Public Works Department. In order to obtain registration, the following application documents must be submitted:
1. Application form including all required information and applicant signature.
 2. Applicable registration fee.
 3. Registration forms will be filed on or before January 1st of each year.
 4. A surety bond issued by a company approved and authorized to issue bonds by the State of Illinois. The surety bond shall assure that the contractor's work will be completed in accordance with the requirements of this code. The surety bond shall be in the minimum amount of twenty thousand dollars (\$20,000.00) and shall list the Village of Glen Ellyn and third party beneficiaries as the obliges.
 5. A certificate of insurance issued by a company approved and authorized to issue insurance by the State of Illinois. The certificate of insurance shall list the Village of Glen Ellyn as an additional insured and shall be in the amount of one million dollars (\$1,000,000.00)

6. A Registered Contractor shall report to the Village any Tree Removed within seven (7) days after the Removal. This report shall contain the address of the lot from which the tree was Removed, the reason for Removal, the species, and D.B.H.

7. shall be required to register with the Public Works Department. There shall be no charge for registration; but the registration form shall include information regarding at least the name, address and telephone number of the contractor; and the number of years the contractor has been in business. Registration forms will be filed on or before May 1st of each year and shall be annually updated if listed information should change. A Registered Contractor shall report to the Village any Tree Removed within seven (7) days after the Removal. This report shall contain the address of the lot from which the tree was Removed, the reason for Removal, the species, and D.B.H.

4-8-4: INTERFERENCE WITH THE VILLAGE FORESTER: It shall be a violation of this Chapter for any person to unreasonably hinder, prevent, delay, or interfere with the Village Forester, Building and Zoning Official, or their agents while engaged in the execution or enforcement of this Chapter.

4-8-5: VIOLATION AND PENALTY: Any person who violates any provision of this Chapter or who fails to comply with any notice issued pursuant to the provisions of this Chapter, upon being found guilty of violation, shall be subject to ~~a minimum fine of two hundred fifty dollars (\$250)~~ and a maximum fine of not to exceed seven hundred and fifty dollars (\$750), depending on severity of violation, for each separate offense. Each day during which any violation of the provisions of this Chapter shall occur or continue shall be a separate offense.

In addition to the issuance of a fine, the Village may also request the court, upon a determination that any provision of this Chapter has been violated, to enjoin the person, through an affirmative or mandatory injunction, to cease a violation of this Chapter or to require the actions mandated within this Chapter to be performed.

4-8-6: MULTIPLE TREE REMOVAL ON NON-OWNER OCCUPIED PROPERTY (CLEAR CUTTING PROVISION):

(A) Any property owner who does not reside on the property as their primary residence (defined as at least six consecutive months during the last year), may not remove any tree with a ten (10) inch D.B.H. or greater or any multi-branch tree which has an aggregate diameter of sixteen (16) inches D.B.H. or greater, or any Significant Tree with a five (5) inch or greater D.B.H. without the approval of a Tree Preservation Plan.

(B) The property owner may request permission from the Village Forester, or his/her designee, to remove trees considered to be in decline, dead, diseased, invasive, or

otherwise compromised. Tree Preservation Plans for Planned Unit Development, Subdivision, and Special Use development projects shall be approved by the Village Board.

(C) Any person that removes a tree under the provisions of Section 4-8-6 shall compensate the Village for the removal of the tree. The amount paid shall be \$150 per inch of tree removed measured at the remaining stump. If the stump has been removed and clear evidence of a removed tree exists, the person shall pay a fine of \$2,000 for the removed tree, regardless of the original size. These collected funds shall be deposited into the Village's Tree Restoration Fund.

(A)(D) Appeals regarding this provision shall be submitted to the Public Works Director.

SECTION TWO: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form, as provided by law.

PASSED by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this

_____ day of _____, 2011.

AYES:

NAYS:

ABSENT:

APPROVED by the Village President of the Village of Glen Ellyn, Illinois this _____ day

of _____, 2011.

Village President of the
Village of Glen Ellyn, Illinois

ATTEST:

Village Clerk of the
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the _____ day of _____, 2011.)

**ENVIRONMENTAL COMMISSION
PRIVATE PROPERTY TREE PRESERVATION ORDINANCE
RECOMMENDATION FOR CONSIDERATION**

The Environmental Commission agrees on the need to replant and replenish the community forest on an on-going basis and is concerned that the Village lacks funds to promote this goal. The Environmental Commission finds that trees significantly enhance the value of private property; significantly increase the marketability of private property; significantly decrease energy consumption and energy costs by providing shading, cooling and a wind break; reduce flooding by providing stormwater detention; reduce the run-off of pesticides, herbicides and other pollutants to our rivers and streams; provide a sound barrier; enhance the character of the Village; and provide other economic, social and intangible benefits to our community.

The Environmental Commission believes that the Village tree canopy has declined due to disease development and other activities. The Commission is concerned is that the Village forest is aging and that the Village has not taken adequate steps to replace and replenish trees on both public and private land. The Commission makes the following proposal in order to create a fund to be exclusively dedicated to replanting and protecting the Village forest. The Environmental Commission proposes that the Village's private tree ordinance be amended to provide as follows:

1. Consideration of a permit and payment of a fee to remove a healthy, non-invasive tree (to be described on a list developed by the Village Forester) with a Diameter at Breast Height (DBH) of 4 inches or greater subject to the exceptions listed in paragraph 2.
2. Consideration of a permit requirement, but no fee requirement, to remove a dead, diseased or invasive tree (to be identified per paragraph 1 above) with a DBH of 4 inches or greater, or one that poses a threat to life or structures or is detrimental to adjacent non-invasive trees as is determined by the Village.
3. Consideration of the establishment of fines for violations of the ordinance described above.
4. Consideration that all fees collected for tree removal permits and fines shall be deposited in a separate fund to be exclusively used for protection of public and private trees, planting of trees on public and private property, and to otherwise enhance the Village tree canopy.

The following two items are additional amendments to the private tree preservation ordinance that the Environmental Commission would appreciate the Village Board considering:

5. Consideration of a seven-day wait period between the posting and delivery of a tree preservation plan and the issuance of a building permit to help ensure tree protection on neighboring property.
6. Consideration of the requirement of a tree preservation plan for the replacement of garages, driveways and other structures within the same or greater footprint if construction could affect neighboring property trees within 15 feet of the lot line.

ORDINANCE NO. _____ - VC

AN ORDINANCE AMENDING
TITLE 4, CHAPTER 8 (TREE PRESERVATION)
OF THE GLEN ELLYN VILLAGE CODE
REGARDING TREE PRESERVATION ON PRIVATE PROPERTY

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLEN ELLYN, DU PAGE COUNTY, ILLINOIS, in the exercise of its home rule powers, as follows:

SECTION ONE: Chapter 8 (TREE PRESERVATION) of Title 4 (BUILDING REGULATIONS) of the Village Code of the Village of Glen Ellyn, Illinois, is hereby deleted in its entirety and replaced with the following:

Chapter 8

TREE PRESERVATION

4-8-1: PURPOSE: The purpose of this Chapter of the Village Code is to enhance the private property portion of the Community Forest by assuring the preservation and protection of Protected Trees. Chapter 4 entitled "Forestry Management" of Title 8 "Public Ways and Property" of this Code is applicable to the public property portion of the Community Forest. These Chapters complement each other to enhance the total Community Forest in Glen Ellyn. It is the stated public policy of the Village to add to the Tree population within the Village, where possible, and to maintain, to the greatest extent possible, existing Trees within the Village. The planting of additional Trees, preservation of existing Trees, and proper maintenance of Trees in the Village will improve the quality of life in Glen Ellyn.

4-8-2: DEFINITIONS: As used within this Chapter and Chapter 4 of Title 8 of this Code, the following terms shall have the meaning set forth in this section:

ARBORICULTURAL SPECIFICATIONS MANUAL: A manual prepared and updated by the Village Forester and incorporated into an ordinance passed and amended from time-to-time by the Village Board, which more specifically carries out the enforcement provisions and intent of this Code and contains regulations and standards for the preservation, planting,

maintenance, and Removal of Trees, shrubs, and other plants upon Village property and regulated Trees on private property.

~~BORDER TREE: Any Tree, the trunk of which lies at least one quarter on Village owned property and three quarters on private property, determined as the distance of the diameter measured at right angles to the public right of way, determined by the Village Forester.~~

COMMUNITY FOREST: The entire Tree population in the Village of Glen Ellyn, including Trees on private and public property.

COMPREHENSIVE FORESTRY MANAGEMENT PROGRAM: The five-year plan for the improvement of the Village of Glen Ellyn Community Forest and approved by the Village Board.

CRITICAL ROOT ZONE: The area inscribed by an imaginary line on the ground beneath a Tree having its center point at the center of the trunk of the Tree and having a radius equal to one (1) foot for every inch of D.B.H. but not less than six (6) feet from the trunk of the Tree. ~~The Village Forester, or his/her designee, may expand or partially retract the Critical Root Zone depending on the Tree species and site specific situations so as to improve the chances that Trees will not be damaged during construction and to permit construction to take place, especially where Protected Trees exist on adjacent property and the Critical Root Zone may need to be retracted because of narrow side yard dimensions.~~

CROWN: Parts of a Tree above the trunk including leaves, branches, and scaffolds.

~~DEVELOPMENT: Any proposed material change in the use of or character of land, including, but not limited to, the construction, addition, alteration, or the replacement of the primary structure or accessory structure on the lot, site improvements on land, the grading or re-grading of a lot, or installation of irrigation, driveway improvement, or utility upgrades. Development shall include all subdivisions or planned unit developments approved in Glen Ellyn. Development shall not include the following: an addition to a primary structure or the bulk area of the primary structure of less than three hundred (300) square feet; additional impervious surface area additions of less than three hundred (300) square feet; other accessory structures less than three hundred (300) square feet in area: fences, decks, and garages which are built in the same footprint plus no more than an additional 20 percent of the square footage of the existing garage; or grading on private property of less than 1,500 square feet.~~ All new Planned Unit Developments and Subdivisions in the Village of Glen Ellyn. Any man-made change to improved or unimproved property including but not limited to the construction, addition, alteration, or replacement of buildings or structures, excavation, fill, grading, paving, underground irrigation or utility work that exceeds 300 square feet of disturbed site area except the following:

1. Replacement pavement in the same footprint as existing pavement,
2. Decks supported on individual spaced concrete piers,

3. Fences supported on spaced posts,
4. Replacement detached garages in the same footprint as the existing garage with no more than an additional 20% of garage area, or
5. Grading on private property that disturbs less than 1,500 square feet of site area.

DIAMETER BREAST HEIGHT (HEREINAFTER CALLED D.B.H.): The diameter of the trunk of the Tree measured in inches at a point four and one-half (4.5) feet above ground line. This point of measurement is used for established and mature Trees.

DRIP LINE: A line drawn on the ground surface directly beneath and perpendicular to the maximum radius of the Crown of an existing Tree but not less than six (6) feet from the trunk, whichever is greater.

LANDSCAPE: Any shrubs, flowers, grass, or ground covers.

LOT: A zoning lot as defined in the Glen Ellyn Zoning and Subdivision Code.

NON-OWNER OCCUPIED PROPERTY – Any property within the Village where the property owner does not reside on the premises at least 6 consecutive months each calendar year.

~~PRIVATE TREE: Any Tree on privately owned property within the Village.~~

~~PROTECTED TREE: Any Tree in the Village shown on a Tree Preservation Plan as being retained after Development with a ten (10) inch D.B.H. or greater, or a multi-branch Tree which has an aggregate diameter of sixteen (16) inches D.B.H. or greater, or any Significant Tree with a five (5) inch or greater D.B.H.~~

PUBLIC NUISANCE: Any Tree, shrub, or other plant, or breeding place which harbors infectious insects or diseases which reasonably may be expected to injure or harm other Trees or which could cause a safety hazard affecting the general public.

~~PUBLIC TREE: Any Tree or Border Tree within a public right of way in the Village.~~

PUBLIC TREE REMOVAL OR WORK PERMIT: The permit required by this Code issued in order to remove or do any work on any Public Tree within the corporate limits of the Village or a Village parkway.

~~REGISTERED TREE CONTRACTOR: Any person, firm, or corporation which is employed to prune, plant, treat, or Remove any Public Tree, Protected Tree, or Significant Tree in the Village of Glen Ellyn and is required to obtain a Tree Contractor Registration from the Public Works Department.~~

REGULATED PUBLIC UTILITY: Any utility ~~certificated~~ certified by the Illinois Commerce Commission to provide service to any customer within the corporate limits of the Village of Glen Ellyn or any other entity with a franchise issued by the Village or any other entity which has the right to extend pipes, wires, cables or lines on public property within the Village. The effect of this Chapter with regard to any public utility is intended to be the maximum regulation permitted by law or under the terms of a franchise or similar agreement.

REMOVE OR REMOVAL: The causing or accomplishing of the actual physical Removal of a Tree or the effective Removal through damaging, poisoning, or other direct or indirect action resulting in, or likely to result in, the death of a Tree.

~~REPLACEMENT TREE: A nursery grown certified Tree, properly balled and burlapped and satisfying the standards established for nursery stock and installation thereof set forth by the American Association of Nurserymen.~~

SCAFFOLDS: Primary structural branches of the Crown.

~~SIGNIFICANT TREE: All hickory, oak, or walnut species in the Village shown on a Tree Preservation Plan as being retained after Development when they reach five (5) inches D.B.H.~~

TREE: Any self-supporting, woody plant with its root system, growing upon the earth usually with one trunk or a multi-stemmed trunk system supporting a definitely-formed Crown, achieving a minimum of at least eight (8) feet in height.

TREE, ADJACENT PROPERTY: Any tree with a four (4) inch D.B.H. or greater on an adjoining private property and located within fifteen (15) feet of the lot line. These trees are Protected Trees unless the owner of the tree amends the tree preservation plan to designate the tree as non-protected.

TREE, BORDER: Any Tree, the trunk of which lies at least one-quarter on Village-owned property and three-quarters on private property, determined as the distance of the diameter measured at right angles to the public right of way, determined by the Village Forester. These trees are protected trees unless the Village Forester designates them as non-protected.

TREE, IMPACTED: Any Tree shown on a Tree Preservation Plan that will be adversely affected by construction. This tree is not a Removed Tree or a Protected Tree.

TREE, PRIVATE: Any Tree on privately-owned property within the Village.

TREE, PROTECTED: Any Tree in the Village shown on a Tree Preservation Plan as being retained after Development with a ten (10) inch D.B.H. or greater, or a multi-branch Tree

which has an aggregate diameter of sixteen (16) inches D.B.H. or greater, or any Significant Tree with a five (5) inch or greater D.B.H.

TREE, PUBLIC: Any Tree or Border Tree on public property or within a public right-of-way in the Village. These trees are Protected Trees unless the owner of the tree removes them from Protected status.

TREE, REMOVED: Any tree shown on a Tree Preservation Plan as being removed after development.

TREE, REPLACEMENT: A nursery-grown certified Tree properly balled and burlapped and satisfying the standards established for nursery stock and installation thereof set forth by the American Association of Nurserymen.

TREE, SIGNIFICANT: All hickory, oak, or walnut species in the Village measuring five (5) inches D.B.H. or greater. These trees are Protected Trees unless the owner of the tree amends the tree preservation plan to designate the tree as non-protected.

TREE PRESERVATION PLAN: A written plan having text and/or graphic illustrations indicating the methods which are to be used to preserve a Public Tree, Significant Tree, Adjacent Property Tree, Impacted Tree, or Protected Tree during construction and shall include a Tree Survey, application, plan submittal checklist, and action plan. The document shall be coordinated with and, if possible, made a part of a site grading plan or drainage plan or Development plan.

TREES, SHRUBS, AND OTHER PLANTS: All vegetation, woody or otherwise, except lawn and flowers less than twenty-four (24) inches high.

~~TREE SURVEY: A graphic display of all Protected, Border, Public Significant Trees and Unprotected Significant, Impacted, Removed, and Adjacent Property Trees including their location, condition, species and size. All existing trees must be identified by number, which are located on the lot at the time a building permit is sought, with a designation of those Protected and Significant Trees which the Owner has chosen to remain on the lot after the Development and all Public Trees on adjacent public property which will be affected by any Development. The Survey shall show the location of protective fencing and other protective measures to be placed on the lot. The survey shall also contain this information for any Tree which would qualify by size and type as being a Protected or Significant Tree and which is located on an adjacent lot within fifteen (15) feet of the lot line. The sSurvey shall also show the location of any Tree which was Removed in the prior one-year period.~~

~~UNPROTECTED TREE: Any Tree in the Village which would otherwise be a Protected Tree but which the owner has chosen to Remove from the regulations of this Chapter but only after initial actions have been taken to protect the Tree, such as the establishment of~~

~~protective fencing. The designation as an Unprotected Tree allows the applicant to provide initial protection for Trees near, for example, critical construction zones so that an effort can be made to save the Tree during Development. This designation and initial efforts will not subject the applicant to penalties for subsequent failure to protect or circumstances beyond the applicant's control which resulted in damage to the Unprotected Tree.~~

4-8-3: GENERAL REGULATIONS - PRIVATE PROPERTY INVOLVING DEVELOPMENT:

~~(A) TREE PRESERVATION PLANS REQUIRED FOR ALL DEVELOPMENT ON PRIVATE PROPERTY; DETAILS: Development on private property shall require the filing of a Tree Preservation Plan along with other permit application materials required by this Section at or prior to filing a request upon application for a building permit. ~~The Tree Preservation Plan will show every Tree on the property which is a Protected and Unprotected Tree. All Trees shown on the Tree Preservation Plan shall initially be protected in accordance with the provisions of this Chapter.~~~~

~~Trees which the owner designates on the plan as being susceptible to potential damage due to their location or condition shall may be designated as Unprotected Impacted Trees which after the initial ~~protection tree protection fencing~~ or other protective methods have ~~has~~ been put in place shall not be subject to additional regulation provided the required tree fencing or other protective methods are maintained. This requirement shall ~~prevail where Protected Trees are located on the lot or when Trees which would otherwise be Protected Trees are on an adjacent lot and located within fifteen (15) feet of the property line.~~~~

~~The Tree Preservation Plan shall indicate the methods that will be used during Development to preserve Protected Trees on the lot. The shall be required to also indicate the specific methods which will be used to preserve Adjacent Property Trees all Trees which would otherwise be Protected Trees on adjacent property. The protective methods for the Adjacent Property Trees on adjacent properties shall be specifically approved by the Village Forester, or his/her designee, who shall, however, consider, among other factors, the right of the applicant to build if compliance is maintained with required setbacks in compliance with the provisions of the Zoning Code.~~

~~All work to preserve the Protected, Adjacent, Significant, and Impacted Trees shall be according to the Arboricultural Specifications Manual. As an attachment to the application, three (3) copies of a Tree Survey The Tree Survey shall be drawn to a scale not less than 1" to 20' scale so that the location of each Protected Tree and each Unprotected Tree can be identified, shall be included unless a grading plan is required; in that case, nine copies of a Tree Survey shall be included. The Tree Preservation Plan shall ~~specify~~ include the following:~~

1. ~~A Tree Survey as defined above, showing the location, condition, species and trunk diameter of every Protected and Unprotected Tree on the property and every Protected Tree within fifteen (15) feet of the lot line. The Survey or the Plan shall show the location of protective measures to be placed on the lot. In addition, the Survey shall show, using a different code, the location of any Tree which was Removed in the prior one-year period. The Village Forester, or his/her designee, may exclude the Tree Survey requirement on those portions of the site which he/she determines will not be affected by the Development activity. The Survey may be prepared by a registered land surveyor and/or certified arborist or it may be prepared by or under the direction of the owner if it accurately reflects the location of all Trees all required tree information. The Village Forester shall, if requested, assist without charge in the identification and size of Tree species on those properties that do not require an ISA Certified Arborist review and approval.~~
2. The name and contact information of the parties responsible for the construction, erection, and maintenance of temporary fencing or other physical barrier around Protected Trees.
3. ~~Location~~The location, shape, and spatial arrangement of all existing and proposed buildings, walls, improvements, and structures and the excavation limits required to construct proposed improvements.
4. ~~Location~~The location, shape and spatial arrangement of all permanent driveways and parking areas and temporary material storage sites and access ways.
5. ~~Any~~All existing or new Utility services including water, sanitary sewer, storm sewer, gas, electric, telephone, and cable TV ~~and any existing Utility services which will remain the same be removed or modified.~~
6. The Village Forester, or his/her designee, may expand or partially retract the Critical Root Zone depending on the Tree species and site-specific situations so as to improve the chances that Trees will not be damaged during construction and to permit construction to take place. In such cases, the Village Forester, or his/her designee, may request additional precautions in order to preserve the health of trees.

~~NOTE: The Critical Root Zones of Protected Trees shall be carefully reviewed and taken into account during the preparation of the Tree Preservation Plan. Every effort should be made during architectural layout and design of the proposed Development to preserve Trees which would~~

~~otherwise qualify as Protected Trees on adjacent lots through sensitivity to the Critical Root Zones of said Protected Trees.~~

76. Existing and proposed grading of the Development area showing elevations with contour lines at one (1) foot intervals if a grading plan is required by some other provision of the Village Code.

8. A Tree Preservation Plan for a new home shall be reviewed and approved by a Certified Arborist for the purpose of evaluating the protective measures proposed on the plan.

(B) ~~NO BUILDING PERMIT APPROVAL UNTIL TREE PRESERVATION PLAN IS APPROVED~~BUILDING PERMIT REQUIRED: No building permit shall be issued for Development until the Tree Preservation Plan has been approved by the Village Board, the Village Forester, or his/her designee, ~~and the Village Forester has determined that the required steps have been taken in the field to implement the Tree Preservation Plan and the Tree Preservation Plan has been properly posted on the site.~~ In reviewing the Tree Preservation Plan, the Village Forester, or his/her designee, can **recommend offer advice** and suggest modifications which will better protect existing Trees, but the Tree Preservation Plan shall be approved if it otherwise is in conformity with Village ordinances. The Village shall process the Tree Preservation Plan in no more time than shall be needed to process a building permit unless the application does not fulfill the requirements of this Chapter. Appeals regarding the Tree Preservation Plan or a decision of the Village Forester shall be submitted to the Public Works Director or Village Manager. ~~carried out in the same manner as appeals relating to building permits. After issuance of the building permit by the Planning and Development Department, t~~The following steps must shall be followed to assure conformance to the approved Tree Preservation Plan and the Tree protection requirements in the Arboricultural Specifications Manual **prior to the issuance of a building permit prior to the start of construction.**

1. Tree preservation fencing must be installed and inspected for all protected, significant, impacted, border, public, and adjacent property trees prior to the issuance of a building permit. start of construction. Tree preservation measures ~~for Protected Trees~~ must be installed per the approved Tree Preservation Plan and remain in place during the entire construction period. Fencing shall not be removed or relocated unless authorized in writing.

2. For a new principal structure new house construction or any other construction that is determined by the Village Forester, or his/her designee, an approved Tree Preservation Plan shall be posted on the building site before work commences a building permit is issued and shall remain in place throughout the entirety of the ~~and always during~~ construction of the project.

This sign must be posted as shown in the Arboricultural Specifications Manual. The ~~general contractor~~permit applicant shall be responsible for notifying all other contractors ~~involved with a given project~~working on the property of the Tree Preservation Plan.

3. The applicant shall notify all adjacent property owners of the proposed construction project and that a Tree Preservation Plan has been prepared and is available for review at the Planning and Development Department of the Village of Glen Ellyn. A copy of such notification along with a list of addresses it was delivered to must be submitted to the Planning and Development Department prior to the issuance of a building permit.

(C) PRECAUTIONS DURING CONSTRUCTION: During construction, all reasonable steps necessary to prevent the destruction or damaging of Protected Trees shall be taken, including, but not limited to, the following:

1. No construction activity, movement, and/or placement of equipment or material or spoils storage shall be permitted within the Critical Root Zone of any Protected Tree on the Tree Preservation Plan unless shown on the approved Tree Preservation Plan. No excess soil, additional fill, liquids, or construction debris shall be placed within the Critical Root Zone of any Protected Tree.
2. Per the Arboricultural Specifications Manual, appropriate protective fencing shall be ~~temporarily~~installed and maintained for the protection of Protected, Adjacent Property, and Impacted ~~Unprotected~~ Trees.
3. No attachments, fences, or wires, other than those approved for bracing, guying, or wrapping, shall be attached to Protected Trees during the construction period.
4. ~~Construction, Branch pruning, root feeding, and root pruning of Protected Trees and Adjacent Property Trees directly affected by construction~~ must~~should~~ be approved by the property owner if ~~recommended~~suggested by the Village Forester, or his/her designee, and must be completed following the Arboricultural Specifications Manual. ~~On-site inspections must be scheduled with the Village Forester or his/her designee to insure this requirement is met.~~
5. Unless otherwise shown on the approved Tree Preservation Plan, no soil is to be added to or removed from within the Critical Root Zone of any Protected or Adjacent Property Tree that is to remain, unless shown on the approved

Tree Preservation Plan. Trees on adjacent lots within 15 feet of the lot line must be protected.

6. Regulated public utilities, to the extent permitted by law, shall be responsible for adhering to said Tree Preservation Plan during installation of necessary Utility service lines. A property owner or contractor shall not be responsible for damages caused by the action of a public Utility unless that person directed the location and manner of work of the Utility.

7. Monitoring of the tree protection measures will be conducted by the Village Forester or his/her designee and violations of this ordinance shall be subject to the fees and fines identified in this Chapter.

(D) FEE SCHEDULE FOR TREE PRESERVATION PERMIT PLAN REVIEW: ~~The basic fee for the issuance of a Tree Preservation Permit shall be as follows:~~
~~Permit fee for Tree Preservation:~~

1. ~~Plan Review Fee and Planned Field Inspections for lots~~ Single Lots for single-family lots:

Unit Cost for Each:

Garage / Pool / Other	\$110 each
Addition	\$110 each
Demolition / New House	\$150 each
New House	\$150 each

2. ~~Plan Review Fee and Planned Field Inspections for Subdivisions, Special Use Projects, and Planned Unit Developments~~ or lots with any use other than single-family residences:

Cost to review Documents submitted in compliance with Tree Preservation Ordinance: \$50 / hour by consultant
(not to exceed \$250)

3. Fees for Additional Field Inspections and Violations

<u>Field Inspection Responding to Complaint (verified violation)</u>	<u>\$50</u>
<u>Tree fence violation</u>	<u>\$50</u>

~~4. Fee for Tree Contractor Registration \$100~~

(E) WORK MUST BE ACCORDING TO APPROVED TREE PRESERVATION PLAN: It shall be unlawful for any person, firm, or a corporation to fail to abide by

the terms of any Tree Preservation Plan pursuant to which a building permit has been issued, including all regulated public utilities.

(F) STOP WORK ORDER AUTHORIZED FOR NON-COMPLIANCE WITH TREE PRESERVATION PLAN: If the Village Forester, or his/her designee, or a Building Inspector observes the precautions specified in the Tree Preservation Plan were not undertaken before construction commenced or not maintained during construction, a stop work order may be issued. The stop work order shall remain in place until the permittee complies with the approved Tree Preservation Plan and/or corrects the issues stated in the stop work order.

(G) AMENDMENT TO TREE PRESERVATION PLAN AND REMOVAL OF PROTECTED TREES:- An application can be made to the Village Forester to amend a Tree Preservation Plan. No amendment shall be permitted to delete a Protected Tree which has been damaged or where the provisions of the approved Plan have not been followed. An application shall be approved where changed facts and circumstances not within the control of the applicant create an undue hardship in complying with the Plan. Where a Protected Tree has been damaged such that its Removal is required, the Forester shall issue a special permit for approve its Removal after adequately documenting any violations of this Chapter which have caused or contributed to the Removal of a Protected Tree.

~~(H) TREE REMOVAL, CONTRACTOR REGISTRATION REQUIRED: Any person, firm, or corporation which is employed to prune, remove, maintain or treat public or private property trees in the Village shall be required to register with the Public Works Department. In order to obtain registration, the following application documents must be submitted:~~

- ~~1. Application form including all required information and applicant signature.~~
- ~~2. Applicable registration fee.~~
- ~~3. Registration forms will be filed on or before January 1st of each year.~~
- ~~4. A surety bond issued by a company approved and authorized to issue bonds by the State of Illinois. The surety bond shall assure that the contractor's work will be completed in accordance with the requirements of this code. The surety bond shall be in the minimum amount of twenty thousand dollars (\$20,000.00) and shall list the Village of Glen Ellyn and third party beneficiaries as the obligees.~~
- ~~5. A certificate of insurance issued by a company approved and authorized to issue insurance by the State of Illinois. The certificate of insurance shall list~~

~~the Village of Glen Ellyn as an additional insured and shall be in the amount of one million dollars (\$1,000,000.00)~~

~~6. A Registered Contractor shall report to the Village any Tree Removed within seven (7) days after the Removal. This report shall contain the address of the lot from which the tree was Removed, the reason for Removal, the species, and D.B.H.~~

~~7.~~

4-8-4: INTERFERENCE WITH THE VILLAGE FORESTER: It shall be a violation of this Chapter for any person to unreasonably hinder, prevent, delay, or interfere with the Village Forester, Building and Zoning Official, or their agents while engaged in the execution or enforcement of this Chapter.

4-8-5: VIOLATION AND PENALTY: Any person who violates any provision of this Chapter or who fails to comply with any notice issued pursuant to the provisions of this Chapter, upon being found guilty of violation, shall be subject to ~~a minimum fine of two hundred fifty dollars (\$250)~~ and a maximum fine of not to exceed seven hundred and fifty dollars (\$750), depending on severity of violation, for each separate offense. Each day during which any violation of the provisions of this Chapter shall occur or continue shall be a separate offense.

In addition to the issuance of a fine, the Village may also request the court, upon a determination that any provision of this Chapter has been violated, to enjoin the person, through an affirmative or mandatory injunction, to cease a violation of this Chapter or to require the actions mandated within this Chapter to be performed.

4-8-6: MULTIPLE TREE REMOVAL ON NON-OWNER OCCUPIED PROPERTY (CLEAR CUTTING PROVISION):

(A) Any property owner who does not reside on the property as their primary residence (defined as at least six consecutive months during the last year), may not remove any tree with a ten (10) inch D.B.H. or greater or any multi-branch tree which has an aggregate diameter of sixteen (16) inches D.B.H. or greater, or any Significant Tree with a five (5) inch or greater D.B.H. without the approval of a Tree Preservation Plan.

(B) The property owner may request permission from the Village Forester, or his/her designee, to remove trees considered to be in decline, dead, diseased, invasive, or otherwise compromised. Tree Preservation Plans for Planned Unit Development, Subdivision, and Special Use development projects shall be approved by the Village Board.

(C) Any person that removes a tree under the provisions of Section 4-8-6 shall compensate the Village for the removal of the tree. The amount paid shall be \$150 per inch of tree removed measured at the remaining stump. If the stump has been removed and clear evidence of a removed tree exists, the person shall pay a fine of \$2,000 for the removed tree, regardless of the original size. These collected funds shall be deposited into the Village's Tree Restoration Fund.

~~(A)~~(D) Appeals regarding this provision shall be submitted to the Public Works Director or Village Manager.

SECTION TWO: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form, as provided by law.

PASSED by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this

_____ day of _____, 2011.

AYES:

NAYS:

ABSENT:

APPROVED by the Village President of the Village of Glen Ellyn, Illinois this _____ day of _____, 2011.

Village President of the
Village of Glen Ellyn, Illinois

ATTEST:

Village Clerk of the
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the ____ day of _____, 2011.)

ORDINANCE NO. _____ - VC

AN ORDINANCE TO AMEND
TITLE 8, CHAPTER 4 (FORESTRY MANAGEMENT)
OF THE GLEN ELLYN VILLAGE CODE
REGARDING TREE PRESERVATION ON PUBLIC PROPERTY

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLEN ELLYN, DUPAGE COUNTY, ILLINOIS, in the exercise of its home rule powers, as follows:

SECTION ONE: Chapter 4 (FORESTRY MANAGEMENT) of Title 8 (PUBLIC WAYS AND PROPERTY) of the Village Code of the Village of Glen Ellyn, Illinois, is hereby deleted in its entirety and replaced with the following:

Chapter 4

FORESTRY MANAGEMENT

8-4-1: PURPOSE:

The purpose of this Chapter of the Village Code is to enhance the public property portion of the Community Forest by assuring the preservation, protection, planting, and proper maintenance of parkway Trees. Chapter 8 entitled "Tree Preservation" of Title 4 "Building Regulations" of this Code is applicable to the private property portion of the Community Forest. These chapters complement each other to enhance the total Community Forest in Glen Ellyn.

8-4-2: DEFINITIONS:

As used within this Chapter and Chapter 8 of Title 4 of this Code, the following terms shall have the meaning set forth in this section:

ARBORICULTURAL SPECIFICATIONS MANUAL: A manual prepared and updated by the Village Forester and incorporated into an ordinance passed and amended from time-to-time by the Village Board, which more specifically carries out the enforcement provisions and intent of this Code and contains regulations and standards for the preservation, planting,

maintenance, and Removal of Trees, shrubs, and other plants upon Village property and regulated Trees on- private property.

~~BORDER TREE: Any Tree, the trunk of which lies at least one quarter on Village-owned property and three quarters on private property, determined as the distance of the diameter measured at right angles to the public right of way, determined by the Village Forester.~~

CERTIFIED ARBORIST

COMMUNITY FOREST: The entire Tree population in the Village of Glen Ellyn, including Trees on private and public property.

COMPREHENSIVE FORESTRY MANAGEMENT PROGRAM: The five-year plan for the improvement of the Village of Glen Ellyn Community Forest and approved by the Village Board.

CRITICAL ROOT ZONE: The area inscribed by an imaginary line on the ground beneath a Tree having its center point at the center of the trunk of the Tree and having a radius equal to one (1) foot for every inch of D.B.H. but not less than six (6) feet from the trunk of the Tree. ~~The Village Forester, or his/her designee, may expand or partially retract the Critical Root Zone depending on the Tree species and site-specific situations so as to improve the chances that Trees will not be damaged during construction and to permit construction to take place, especially where Protected Trees exist on adjacent property and the Critical Root Zone may need to be retracted because of narrow side-yard dimensions.~~

CROWN: Parts of a Tree above the trunk including leaves, branches, and scaffolds.

~~DEVELOPMENT: Any proposed material change in the use of or character of land, including, but not limited to, the construction, addition, alteration, or the replacement of the primary structure or accessory structure on the lot, site improvements on land, the grading or re-grading of a lot, or installation of irrigation, driveway improvement, or utility upgrades. Development shall include all subdivisions or planned unit developments approved in Glen Ellyn. Development shall not include the following: an addition to a primary structure or the bulk area of the primary structure of less than three hundred (300) square feet; additional impervious surface area additions of less than three hundred (300) square feet; other accessory structures less than three hundred (300) square feet in area: fences, decks, and garages which are built in the same footprint plus no more than an additional 20 percent of the square footage of the existing garage; or grading on private property of less than 1,500 square feet.~~ All new Planned Unit Developments and Subdivisions in the Village of Glen Ellyn. Any man-made change to improved or unimproved property including but not limited to the construction, addition, alteration, or replacement of buildings or structures, excavation, fill, grading, paving, underground irrigation or utility work that exceeds 300 square feet of disturbed site area except the following:

1. Replacement pavement in the same footprint as existing pavement.

2. Decks supported on individual spaced concrete piers,
3. Fences supported on spaced posts,
4. Replacement detached garages in the same footprint as the existing garage with no more than an additional 20% of garage area, or
5. Grading on private property that disturbs less than 1,500 square feet of site area.

DIAMETER BREAST HEIGHT (HEREINAFTER CALLED D.B.H.): The diameter of the trunk of the Tree measured in inches at a point four and one-half (4.5) feet above ground line. This point of measurement is used for established and mature Trees.

DRIP LINE: A line drawn on the ground surface directly beneath and perpendicular to the maximum radius of the Crown of an existing Tree but not less than six (6) feet from the trunk, whichever is greater.

LANDSCAPE: Any shrubs, flowers, grass, or ground covers.

LOT: A zoning lot as defined in the Glen Ellyn Zoning and Subdivision Code.

NON-OWNER OCCUPIED PROPERTY – Any property within the Village where the property owner does not reside on the premises at least 6 consecutive months each calendar year.

~~PRIVATE TREE: Any Tree on privately owned property within the Village.~~

~~PROTECTED TREE: Any Tree in the Village shown on a Tree Preservation Plan as being retained after Development with a ten (10) inch D.B.H. or greater, or a multi-branch Tree which has an aggregate diameter of sixteen (16) inches D.B.H. or greater, or any Significant Tree with a five (5) inch or greater D.B.H.~~

PUBLIC NUISANCE: Any Tree, shrub, or other plant, or breeding place which harbors infectious insects or diseases which reasonably may be expected to injure or harm other Trees or which could cause a safety hazard affecting the general public.

~~PUBLIC TREE: Any Tree or Border Tree within a public right of way in the Village.~~

PUBLIC TREE REMOVAL OR WORK PERMIT: The permit required by this Code issued in order to remove or do any work on any Public Tree within the corporate limits of the Village or a Village parkway.

REGISTERED TREE CONTRACTOR: Any person, firm, or corporation which is employed to prune, plant, treat or Remove and Public Tree, Protected Tree, or Significant Tree in the Village of Glen Ellyn and is required to obtain a Tree contractor Registration from the Public Works Department.

REGULATED PUBLIC UTILITY: Any Utility certificated certified by the Illinois Commerce Commission to provide service to any customer within the corporate limits of the Village of Glen Ellyn or any other entity with a franchise issued by the Village or any other entity which has the right to extend pipes, wires, cables or lines on public property within the Village. The effect of this Chapter with regard to any public Utility is intended to be the maximum regulation permitted by law or under the terms of a franchise or similar agreement.

REMOVE OR REMOVAL: The causing or accomplishing of the actual physical Removal of a Tree or the effective Removal through damaging, poisoning, or other direct or indirect action resulting in, or likely to result in, the death of a Tree.

SCAFFOLDS: Primary structural branches of the Crown.

TREE MITIGATION:— A Forestry escrow account. This money would be used for parkway tree replacement- or maintenance of parkway trees.

TREE: Any self-supporting, woody plant with its root system, growing upon the earth usually with one trunk or a multi-stemmed trunk system supporting a definitely-formed Crown, achieving a minimum of at least eight (8) feet in height.

TREE, ADJACENT PROPERTY: Any tree with a four (4) inch D.B.H. or greater on an adjoining private property and located within fifteen (15) feet of the lot line. These trees are Protected Trees unless the owner **of the tree** amends the tree preservation plan to designate the tree as non-protected.

TREE, BORDER: Any Tree, the trunk of which lies at least one-quarter on Village-owned property and three-quarters on private property, determined as the distance of the diameter measured at right angles to the public right of way, determined by the Village Forester. These trees are protected trees unless the Village Forester designates them as non-protected.

TREE, IMPACTED: Any Tree shown on a Tree Preservation Plan that will be adversely affected by construction. This tree is not a Removed Tree or a Protected Tree.

TREE, PRIVATE: Any Tree on privately-owned property within the Village.

TREE, PROTECTED: Any Tree in the Village shown on a Tree Preservation Plan as being retained after Development with a ten (10) inch D.B.H. or greater, or a multi-branch Tree which has an aggregate diameter of sixteen (16) inches D.B.H. or greater, or any Significant Tree with a five (5) inch or greater D.B.H.

TREE, PUBLIC: Any Tree or Border Tree on public property or within a public right-of-way in the Village. These trees are Protected Trees unless the owner of a tree removes them from Protected status.

TREE, REMOVED: Any tree shown on a Tree Preservation Plan as being removed after development.

TREE, REPLACEMENT: A nursery-grown certified Tree properly balled and burlapped and satisfying the standards established for nursery stock and installation thereof set forth by the American Association of Nurserymen.

TREE, SIGNIFICANT: All hickory, oak, or walnut species in the Village measuring five (5) inches D.B.H. or greater. These trees are Protected Trees unless the owner of a tree amends the tree preservation plan to designate the tree as non-protected.

TREE PRESERVATION PLAN: A written plan having text and/or graphic illustrations indicating the methods which are to be used to preserve a Public Tree, Significant Tree, Adjacent Property Tree, Impacted Tree, or Protected Tree during construction and shall include a Tree Survey, application, plan submittal checklist, and action plan. The document shall be coordinated with and, if possible, made a part of a site grading plan or drainage plan..

TREES, SHRUBS, AND OTHER PLANTS: All vegetation, woody or otherwise, except lawn and flowers less than twenty-four (24) inches high.

TREE SURVEY: A graphic display of all Protected, Border, Public Significant, Impacted, Removed, and Adjacent Property Trees including their location, condition, species and size. All existing trees must be identified by number. . The Survey shall show the location of protective fencing and other protective measures to be placed on the lot. The Survey shall also show the location of any Tree which was Removed in the prior one-year period.

WORK IN PARKWAY PERMIT: The permit required by this Code issued in order to Remove or do any work as specified in the ordinance on any Public Tree within the corporate limits of the Village or a Village parkway.

8-4-3: VILLAGE FORESTER: The Village Forester shall be appointed by the Village Manager. The Village Forester shall be responsible for the enforcement of the AForestry Management@ and ATree Preservation@ Chapters of the Village Code.

8-4-4: REGISTERED TREE CONTRACTOR: Any person, firm, or corporation which is employed to prune or Remove any Public Tree, Protected Tree, or Significant Tree shall be required to register with the Public Works Department. There shall be no charge for the

registration; but the registration form shall include information regarding at least the name, address and telephone number of the contractor; the name, address, and telephone number of the owner or owners of the contractor; and the number of years the contractor has been in business. Registration forms will be filed on or before May 1st of each year and shall be annually updated if listed information should change.

A Registered Contractor shall report to the Village any Tree Removed within seven (7) days after the Removal. This report shall contain the address of the lot from which the Tree was Removed, the reason for Removal, the species, and D.B.H.

It shall be a violation of the ordinances of the Village for any person, firm, or corporation to perform the aforesaid work within the Village without having filed a registration form either initially or on an annual basis or having failed to disclose full and accurate information required on that registration form. In addition to instituting an action to seek fines for the failure to register or providing inaccurate information in the registration forms, the Village President may suspend or revoke the registration if a Tree Contractor fails to comply with the requirements of the Village ordinances.

A suspension or revocation shall only take place after the Village President has held a hearing upon not less than five days' written notice. The Tree Contractor shall be provided with a written statement of the provisions of the Village ordinances which the Tree Contractor is alleged to have violated. At such hearing, the Tree Contractor shall be entitled to be represented by counsel who shall be permitted to present witnesses and cross-examine any other witnesses that appear at the hearing. A suspension may be for a period of up to six (6) months; a revocation shall be for a period of two (2) years. It shall be a violation of this Chapter for any Registered Tree Contractor to employ within the Village a person who was employed by a Tree Contractor whose permit was suspended or revoked during the period of the suspension or revocation.

8-4-5: GENERAL REGULATIONS - PUBLIC PROPERTY:

- (A) **WORK ON PUBLIC TREES:** Work on Public Trees may only be carried on by a ~~Registered~~ Registered Tree Contractor with a valid current registration selected or approved by the Village Forester, or his/her designee, and issued a permit to carry out such work. This provision shall not be construed to prohibit owners of property adjacent to Village-owned property from watering or fertilizing ~~without a permit~~ any Tree, shrub, or other plant on Village-owned property.
- (B) **DAMAGE TO TREES, SHRUBS, OR OTHER PLANTS PROHIBITED:** It shall be unlawful for any person to injure, prune, Remove, destroy, attach any rope, wire, nail, or other contrivance; place any compacted stone, cement, or other impervious matter

or substance as may obstruct the free access of air and water to the roots; this includes improper mulching techniques (volcano mulch); or Remove any device set for the protection of any Tree, shrub, or other plants on Village-owned property without approval from the Village Forester or his/her designee.

- (C) CARE OF PUBLIC PROPERTY WHEN WORKING ON PRIVATE PROPERTY: It shall be unlawful for the person working on private or public property to leave any Public Tree that may be affected by building, structure, or other work without proper Tree preservation methods as stated by the Village Forester or his/her designee per the Arboricultural Specifications Manual.
- (D) WORK STANDARDS ON PUBLIC TREES MUST BE FOLLOWED: Work done on Public Trees shall follow the standards outlined in the Arboricultural Specifications Manual. A copy of the Arboricultural Specifications Manual is on file and may be reviewed at the office of the Village Forester, viewed on the Village website or may be purchased at the Civic Center.
- (E) DAMAGE TO PUBLIC TREES CAUSING REMOVAL (PAYMENT OR REPLACEMENT): Any person that damages a Public Tree so severely that the Public Tree dies or requires Removal shall compensate the Village for the loss of the Public Tree. The amount paid shall be based on the following schedule:
1. If the damaged Public Tree is less than eight (8) inches in diameter (measured at twelve [12] inches above ground level), the amount paid shall be determined by using the Replacement Cost Method of evaluating Trees found in the latest edition of the Council of Tree and Landscape Appraisers Guide (CTLA) for Plant Appraisal, which guide is adopted by reference by the Village as if it were a part of this Chapter.
 2. For Public Trees larger than an eight (8) inch trunk diameter, the amount paid shall be determined by using the Trunk Formula Method of evaluating Trees found in the latest edition of CTLA Guide.
 3. Added to the costs established under Sections (E)-1 and (E)-2 shall be the cost of the Removal and stump grinding of the Public Tree.
 4. In addition to the prosecution for a business offense, in accordance with Section (F) herein, the Village may seek to recover the cost of the damaged Public Tree, in the amount computed under Sections (E)-1, 2 and 3, through a civil action. ~~In lieu of a cash payment awarded as a civil judgment, a comparable size Replacement Tree or smaller diameter Replacement Trees equaling the number of inches Removed may be planted. A recommendation as to whether to accept cash or Replacement Trees and the determination of~~

~~the type, size, number and location of Replacement Trees shall be made by the Village Forester, or his/her designee, who shall recommend to the Village the nature of the recovery which will be sought.~~

5. ~~Any Replacement Trees shall be planted following the Arboricultural Specifications Manual.~~

(F) DAMAGE TO PUBLIC TREES CAUSING REMOVAL (CIVIL FINE): Any person that damages a Public Tree so severely that the Public Tree dies or requires Removal shall be guilty of a business offense and, upon a conviction thereof, shall pay a fine which shall not be less than \$1,000.00 nor more than that established under the formula set out in Sections (E)-1 and (E)-2, ~~but not more than \$10,000.00~~, and in addition to the cost of the Removal of the Tree.

(G) INJURY TO PUBLIC TREES NOT REQUIRING REMOVAL (PAYMENT): Any person that causes injury to a Public Tree that requires treatment may avoid a civil fine by paying the actual cost to treat the Tree.

(H) INJURY TO PUBLIC TREES NOT REQUIRING REMOVAL (CIVIL FINE): Any person that causes injury to a Public Tree so that the Tree requires treatment shall be guilty of a business offense. The fine upon conviction shall be equal to the actual cost incurred by the Village in treating the Tree for the injury.

(I) TIME FOR BRINGING AN ACTION AND DAMAGE OR INJURY: The Village shall not prosecute any person for causing damage or injury to Public Trees when the action of such person was limited to lawn mowing using a non-riding lawn mower or a "weed whacker" unless the person was notified of the problem and continued to cause damage to the tree. Nor shall a person be liable for fines or reimbursement when damage is done by a Regulated Public Utility unless that person has specifically directed the location and manner of work performed by the Utility which caused the damage, however the person that has specifically caused damaged will be liable. Any action by the Village seeking fines or reimbursements for costs relating to damage or injury to Public Trees must be commenced within ~~three~~ ~~(3)~~ three (3) years of the date of the refund of deposit. ~~when the damage or injury occurred.~~

8-4-6: ACCESS TO A PUBLIC RIGHT-OF-WAY OVER A PUBLIC PARKWAY WHICH CANNOT REASONABLY BE ACCOMPLISHED EXCEPT THROUGH THE REMOVAL OF A PUBLIC TREE: In determining whether reasonable access can be gained to the public right-of-way, the Village Forester may require the applicant seeking access to choose alternate methods of access to the public right-of-way which shall not require damage or removal to a Public Tree. The Village shall determine the point of access which will provide an opening to the public right-of-way. Where, however, public access can only be reasonably granted through the Removal of a Public Tree, the permit, if otherwise proper, shall be

granted; and the property owner shall not be required to reimburse the Village for the value of the Tree but only for the cost of Removal and Replacement of a 4" DBH tree.

8-4-7: PERMITS REQUIRED:

(A) PERMITS REQUIRED TO DO WORK ON PUBLIC TREES: Except for work performed by an employee or independent contractor of the Village, none of the following acts relating to Public Trees may be carried out except by a ~~Registered~~ Registered Tree Contractor ~~or a subcontractor to the Registered Tree Contractor~~ who has first secured a written permit from the Village Forester, or his/her designee. The Village shall determine those ~~Registered~~ Tree Contractors who shall be allowed to perform work on Public Trees. No person except the Village Forester, an agent of the Village Forester, or a contractor hired by the Village under the supervision of the Village Forester may do any of the following acts related to Public Trees without first securing a written permit from the Village Forester, or his/her designee:

1. Plant, transplant, treat, prune, or Remove any Public Tree (excludes watering and fertilization).
2. Place in a public right-of-way, either above or below ground level, a container for Trees, shrubs, or other plants.

(B) PERMITS REQUIRED TO DO TUNNELING OR EXCAVATION NEAR PUBLIC TREES: Except for work performed by an employee or an independent contractor of the Village, none of the following acts relating to Public Trees may be carried out except by a person, including a Regulated Public Utility, who has first secured a written permit from the Village Forester: dig a tunnel, trench, or other excavation; install a driveway approach; plant within the Critical Root Zone for flower boxes, etc.; or roto-till or dig within the Critical Root Zone of any Public Tree.

(C) PERMIT: Applications for permits must be made at the office of the Building and Zoning Official not less than five ten (\$10) working days before the time the work is to be done. Notice of completion of the work authorized by the permit shall be given within five (5) days to the Village Forester for inspection. The issue of the permit and the inspection shall be accomplished within a reasonable period of time provided, however, that the work may not be performed without the issuance of a permit.

The Village ~~may also~~ may also require a permit in situations where Development will take place in such a manner as to cause stress to Public Trees even if no Removal is contemplated.

This permit shall not be construed to exempt any person from the requirements of obtaining additional permits required by law.

_____ If the request includes Removal of a Public Tree where the Village consents to the Removal where another access to the public right-of-way could have been reasonably provided, a fee reflecting the value of the Tree, plus the cost of Removal of the tree and stump, shall be paid to the Village before the issuance of any permit. The fee shall be calculated according to Section 8-4-5 (E) of this Chapter. If the request includes Removal of a Public Tree where no other access to the property was available, a fee reflecting only the cost of Removal of the tree and stump and all costs associated with the purchase and planting of a 4" tree, and a one year guarantee of the Tree shall be paid to the Village before the issuance of any permit. Tree Removal shall be performed by a contractor hired by the Village of Glen Ellyn.

8-4-8: ENHANCEMENT OF TREE POPULATION; PRIVATE PROPERTY OWNERS REQUIRED TO PLANT NEW PUBLIC TREES: Any contractor, owner, or agent obtaining a building permit for residential construction greater than one thousand five hundred (1,500) square feet, or business, industrial, or other non-residential construction or additions to such structures increasing the bulk thereof by greater than one thousand five hundred (1,500) square feet shall be required, as part of the permit, to assure that a Public Tree(s), following the Arboricultural Specifications Manual, is planted at a location on an adjacent public parkway as selected by the Village Forester. If the public parkway adjacent to the lot has Public Trees that meet the standards found in the Arboricultural Specifications Manual, as determined by the Village Forester, no new Trees need be planted. The contractor, owners, or agents shall pay to the Village a fee to pay for the total cost of purchasing and planting the required Trees. The fee shall be based on the current average cost the Village pays for the planting of parkway Trees two (2) inches in diameter, which shall include all costs associated with the cost of purchase the Tree, and planting of a 2" tree, and a one year guarantee.

8-4-9: RESTORATION DEPOSITS: Restoration deposits shall be required for: (1) development on private property which requires access to the private property from the public right-of-way on which any Public Tree exists or (2) work in the public right-of-way requiring a work permit. The deposit provides financial assurance that any public tree damaged during the Development, or under a work permit, will be restored by the permit holder. The deposit will be available for any cost the Village incurs to correct damage to Public Trees caused by the work.

(A) NEW CONSTRUCTION, ADDITIONS, OR ALTERATIONS: Any contractor, owner, or agent obtaining a permit for Development on private property or a work permit on public property shall deposit with ~~the Management Services Department~~ the Finance Department the Landscape value of all Public Trees that may be affected or two thousand dollars (\$2,000), whichever is less. This deposit shall be

returned by ~~the Management Services Director~~ the Finance Director^(p.2), without interest, upon written notice from the Village Forester that the work has been completed and that the existing Public Trees have not been damaged or have been satisfactorily repaired.

- (B) DEPOSIT USES BY VILLAGE TO REPLACE DAMAGED PUBLIC TREES: If, at the time of final inspection for a Development, or public work under work permit, for which a deposit has been required, it is determined that Public Trees within the parkway have been damaged, the Village Forester or designee shall mail a written notice to the contractor, owner, or agent advising them of such defects along with a demand that the defects must be remedied. The defects ~~which exist in Trees, shrubs or other plants~~ shall be remedied ~~by or under the supervision of a certified arborist approved by a contractor hired by the Village Forester or designee at the appropriate time of year within thirty (30) days from the date of that notice. If the defects are not remedied within thirty (30) days or the time specified by the Village Forester, or his/her designee,~~ The Building and Zoning Official shall give written notice to the Finance Director ~~the Management Services Director~~^(p.2) to forfeit said deposit and transfer the same to Tree Mitigation a Forestry escrow account as determined by the Village Forester, or her designee. If the damage is of such magnitude that the cost of correction exceeds the amount of the deposit, the applicant shall deposit sufficient additional funds to pay for the required work or the Village shall be permitted to act pursuant to Section 8-4-5 of this Chapter.

8-4-10: PUBLIC NUISANCES:

- (A) THE FOLLOWING ARE HEREBY DECLARED PUBLIC NUISANCES UNDER THIS SECTION OF THE CODE:
1. Any -Tree, shrub, or other plant, breeding places, or portion thereof, whether on Village-owned property or on private property, which harbors insects or diseases which reasonably may be expected to injure or harm any Tree, shrub, or other plant; i.e., Dutch Elm Disease, Oak Wilt, Emerald Ash Borer, Asian Longhorned Beetle and any other insect/disease deemed a Public Nuisance by the Village Forester, or his/her designee.
 2. The pruning of elms or oaks on public and private property from May April through August August is prohibited unless a hazardous situation arises. If elms or oaks are pruned between April and November, the wounds must be painted with non-toxic tree wound dressing.
 3. Any Tree, shrub, or other plant or portion thereof, whether on Village-owned property or on private property, which overhangs or because of its

deteriorated condition may fall onto the Village right-of-way and constitutes an imminent danger to the health, safety, or welfare of the public.

4. Any Tree, shrub, or other plant or portion thereof, whether on Village-owned property or on private property, which obstructs or interferes with the free and safe passage of pedestrian or vehicular traffic.
5. The cost of abatement will be shared equally between the two parties for any Border Tree identified as a nuisance. The Removal of said nuisance shall be by the Village or contractor hired by the Village.

(B) **UNLAWFUL TO MAINTAIN PUBLIC NUISANCES:** It shall be unlawful for the owner of any lot or parcel of land or a tenant upon the land in the Village of Glen Ellyn to permit or maintain on any such lot or parcel of land a Public Nuisance as set out in Section 8-4-10 (A) of this Chapter. It shall be the duty of such owners to promptly Remove any such nuisance.

(C) **INSPECTION OF PUBLIC NUISANCE:** To carry out the purpose of this Ordinance and to implement the enforcement thereof, the Village Forester, or his/her designee, is hereby authorized and empowered to request permission from the property owner or person in apparent possession to enter upon any land in the Village at all reasonable hours to inspect any Public Nuisance. The Village Forester, or his/her designee, is hereby empowered to seek from any court of competent jurisdiction an order permitting a search of private property in the event that the Village has a reasonable basis to believe that a Public Nuisance exists on the property or that the ordinances of the Village are being otherwise violated. Either with permission or pursuant to a court order, the Village Forester or a duly-authorized representative may Remove specimens from any Trees, shrubs, or other plants for the purpose of laboratory analysis or for evidentiary purposes. It shall be unlawful for any person, firm or corporation to hinder the Village Forester or a representative in the performance of any duties performed under the provisions of this Chapter.

(D) **ABATEMENT OF PUBLIC NUISANCE:** When the Public Nuisance represents an imminent threat to the health or safety of persons or property, the Village may, through its officers, employees, or independent contractors, enter upon the private property and abate the nuisance. The Village may also seek a court order to enter the property, abate the nuisance, and collect such cost of abatement and other fines as the court may grant.

8-4-11: **VIOLATION AND PENALTY:** Any person who violates any provision of this Chapter, upon being found guilty of violation, shall, except as to violations for which a different fine is established, be subject to ~~a minimum fine of two hundred fifty dollars (\$250) and a~~ maximum fine of not to exceed seven hundred and fifty dollars (\$750), depending on severity

of violation, for each separate offense. Each day during which any violation of the provisions of this Chapter shall occur or continue shall be a separate offense.

In addition to the issuance of a fine, the Village may also request the court, upon a determination that any provision of this Chapter has been violated, to enjoin the person through an affirmative or mandatory injunction, to cease a violation of this Chapter, or to require the actions mandated within this Chapter to be performed.

SECTION TWO: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form, as provided by law.

PASSED by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this ____ day _____, 2011.

AYES:

NAYS:

ABSENT:

APPROVED by the Village President of the Village of Glen Ellyn, Illinois this ____ day of _____, 2011.

Village President of the
Village of Glen Ellyn, Illinois

ATTEST:

Village Clerk of the
Village of Glen Ellyn, Illinois

Published in pamphlet form and posted on the ____ day of _____, 2011.

Minutes
Regular Village Board Workshop
Glen Ellyn Village Board of Trustees
February 8, 2010

Time of Meeting: 7:00 P.M.

Present: President Pfefferman; Trustees Comerford, Hartweg, Ladesic, Thorsell Henninger; Village Clerk Connors; Attorney Diamond. Trustee Cooper was excused.
Staff present: Village Manager Jones, Schrader, Batek, Caracci, Hulseberg, Norton.

1. Call to Order

President Pfefferman called the Board Workshop to order at 7:00 P.M. with a roll call Trustees Comerford, Hartweg, Ladesic, Thorsell, and Henninger responding "Here." Trustee Cooper was excused.

2. Public Comments?

Patrick Reilly, 70 W. Huron, Chicago, IL, a student at DePaul University addressed the Village Board concerning the Glen Ellyn downtown strategic plan. He was in the process of preparing a term paper regarding community issues and asked questions about the plan including when it was adopted, who was on the committee, and names of various groups involved in the planning. President Pfefferman referred him to Staci Hulseberg who could assist him after the meeting.

3. Tree Preservation Ordinance

President Pfefferman gave some background on the ordinance and if the Village Board thinks opinions regarding tree preservation should be sought on future community surveys as was recommended in July 2008. Or if no community survey is to be done, how would the Board wish to proceed. The idea is not to take action at this Workshop meeting, but to bring the topic up for discussion. Administrative Analyst Kristen Schrader reported that tree preservation ordinances were adopted in 1998. The Environmental Commission was asked to review the ordinance relating to trees on private property. There has not been a discussion on this topic by the Village Board for a number of years. Administrative Analyst Schrader presented the pros and cons as well as the assessment of developmental impact and survey results of neighboring communities. It was noted that since the original ordinance was passed, various Village Boards have asked for information, but no action to amend the ordinance has been taken. Although a community survey was recommended in 2008, none was taken due to budget issues. As a Home Rule community, Glen Ellyn has the ability to enforce a more stringent tree ordinance such as requiring a permit to remove a tree on private property. The Environmental Commission has asked for an up-to-date response as to how well the current ordinance is working. It is understood that previous Village Board's conclusion was that they were not going to require additional restrictions to the original ordinance

because valuable trees on private property increase the value of property and so would not be removed. The current ordinance is voluntary. Existing plan calls for builders/remodelers who apply for a permit had to submit plans to the Village showing the location of trees on the property and have to have Village consideration for tree removal both prior to building and after building. The object of the plan was to have the builders work with Village staff to save as many trees on private property as possible and review whether or not the voluntary ordinance was working. Trustee Thorsell mentioned that 3½ years ago there were 290 trees identified that could have been saved under the proposed ordinance instead only the 100 actually were saved. She also expressed an opinion that the Environmental Commission deserves a response from the Village Board one way or the other as to whether the ordinance is going to be changed or left as is. The proposed amendment to the current ordinance would allow the Village to control more of the set back portion on private property. President Pfefferman read the goal of ordinance. Administrative Analyst Schrader explained staff responsibilities associated with the passage of the proposed ordinance. Public Works Director Caracci responded to a question that under the proposed ordinance, a property owner could remove a tree over 8” DBH in the set back, but would have to notify the Village, obtain a permit, and provide cash value to the tree fund. Under the current ordinance, the tree company who removes a tree must report it to the Village, but no fee is required. Eleanor Saliamonas, 626 Newton; Past President Joe Wark, 626 Roger Road; and Marilyn Wiedemann, 373 Oak St.; all spoke in favor of the new ordinance. Village Board suggested the Environmental Commission review the complete ordinance and make strong recommendations as to how the ordinance should be revised and modified – what should be removed or what should be added; how it be streamlined to save time and money; how education can be included. The Administrative Analyst will set up an outline for the Village Board to review for consideration for the Environmental Commission.

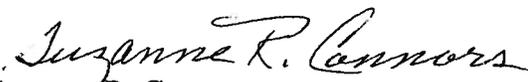
4. Other Items?

None

5. Adjournment

At 8:12 p.m. the meeting was adjourned to the Regular Village Board Meeting in the Galligan Board Room.

Submitted by:


Suzanne R. Connors,

Village Clerk