

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.

**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.

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

**DEVELOPMENT:** 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 on the property 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.

**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 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.

**REGULATED PUBLIC UTILITY:** Any utility 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:** 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 designates them 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 would otherwise be a protected tree, 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.

**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 Village Forester or his/her designee designates them as non-protected.

**TREE, REMOVED:** Any tree shown on a Tree Preservation Plan that would otherwise be a protected tree, 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 designates them 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 that are required to be shown on the tree survey 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 would otherwise be a protected tree, which was Removed in the prior one-year period.

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

(A) **TREE PRESERVATION PLAN REQUIRED:** Development on private property shall require the filing of a Tree Preservation Plan along with other permit application materials required by this Section upon application for a building permit.

Trees which the owner designates on the plan as being susceptible to potential damage due to their location or condition may be designated as Impacted Trees. After the initial tree protection fencing or other protective methods have been put in place these Impacted Trees not be subject to additional regulation provided the required tree fencing or other protective methods are maintained. The Village Forester, or his/her designee, may suggest that trees on the property not shown as Impacted or Protected Trees should be shown as being in those categories, but the final decision shall rest with the applicant.

All work to preserve Protected, Adjacent, Significant, and Impacted Trees shall be according to the Arboricultural Specifications Manual. The Tree Survey shall be drawn to a scale not less than 1" to 20' scale so that the location of each Tree required to be shown on the plan can be identified. The Tree Preservation Plan shall include the following:

1. A Tree Survey as defined above. 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 or certified arborist or may be prepared by or under the direction of the owner if it accurately reflects all required tree information. The Village Forester or his/her designee 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. 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. The location, shape and spatial arrangement of all permanent driveways and parking areas and temporary material storage sites and access ways.
  5. All existing or new Utility services including water, sanitary sewer, storm sewer, gas, electric, telephone, and cable TV.
  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.
  7. 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) **BUILDING PERMIT REQUIRED:** No building permit shall be issued for Development until the Tree Preservation Plan has been approved by the Village Board (for Planned Unit Developments or Subdivisions) or the Village Forester or his/her designee. In reviewing the Tree Preservation Plan, the Village Forester, or his/her designee, can 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 first submitted to the Public Works Director. A subsequent appeal shall be submitted to the Village Manager. The following steps 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 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 an approved Tree Preservation Plan shall be posted on the building site within five (5) feet of the front property line before a building permit is issued and shall remain in place throughout the entirety of the construction of the project. This sign must be posted as shown in the Arboricultural Specifications Manual. The permit applicant shall be responsible for notifying all other contractors 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 or Significant 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 or Significant Tree.
2. Per the Arboricultural Specifications Manual, appropriate protective fencing shall be installed and maintained for the protection of Protected, Adjacent Property, Significant, and Impacted Trees.

3. No attachments, fences, or wires, other than those approved for bracing, guying, or wrapping, shall be attached to Protected Trees or Significant Trees during the construction period.
4. Branch pruning, root feeding, and root pruning of Protected Trees, Significant Trees, and Adjacent Property Trees directly affected by construction shall be conducted by the property owner if 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, Significant, or Adjacent Property Tree that is to remain, unless shown on the approved Tree Preservation Plan.
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.

(D) FEE SCHEDULE FOR TREE PRESERVATION PLAN REVIEW:

1. Plan Review Fee for single-family lots:

Unit Cost for Each:

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

2. Plan Review Fee 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

Field Inspection Responding to Complaint (verified violation)	\$50
Tree fence violation	\$50

- (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 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 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 CONTRACTOR REGISTRATION:** 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 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 1 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.

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.)