

CHAPTER 1

TREE PRESERVATION

SECTION:

13-1-1:	Statement of Purpose
13-1-2:	Definitions
13-1-3:	Rules for Tree Removal and Replacement in the Village
13-1-4:	Application Procedure
13-1-5:	Permit Issuance
13-1-6:	Tree Protection
13-1-7:	Compliance
13-1-8:	Replacement of Trees Not Listed on Tree Removal Permit
13-1-9:	Special Rules for Conservancy Area Restoration
13-1-10:	Final Inspection
13-1-11:	Exceptions
13-1-12:	Appeals
13-1-13:	Penalty
13-1-14:	Civil Remedies
13-1-15:	Dutch Elm Disease
13-1-16:	Emerald Ash Borer
13-1-17:	Tree Planting Credit
13-1-18:	Enforcement

13-1-1: STATEMENT OF PURPOSE: The purpose of this Chapter is to preserve, protect, replace and properly maintain trees within the Village and protect the public from trees which pose a threat or danger because:

- A. Trees are an important public resource.
- B. Trees preserve and enhance the Village's physical and aesthetic environment, especially its natural and unique atmosphere;
- C. Trees enhance the air quality by absorbing carbon dioxide, filter out air pollutants and providing oxygen;
- D. Trees reduce topsoil erosion by the holding effect of their roots;
- E. Trees reduce stormwater runoff and replenish ground water supplies;
- F. Trees provide a buffer and screen against noise pollution;

- G. Trees reduce energy consumption by acting as a wind break and producing shade;
- H. Trees preserve and enhance nesting areas for birds and other wildlife which, in turn, assist in the control of insects;
- I. Trees protect and enhance property values;
- J. Trees protect and enhance the quality of life and the general welfare of the Village.

13-1-2: DEFINITIONS:

6" GROUPING OF TREES Any grouping of two or more Appendix A trees that have a combined DBH of 6" or greater. Every six inches of such a grouping shall be the equivalent of a 6" tree. For removal purposes, this grouping definition shall apply if two or more trees are removed within twelve months of each other.

APPENDIX A TREE Any tree which is listed on Appendix A to this Chapter 1.

ARBORIST An individual trained and experienced in the profession of forestry or other similarly degreed and/or licensed tree professional.

BUCKTHORN An exotic invasive ornamental shrub introduced to North America. This species inhabits woodlands and savanna where it dominates the landscape prohibiting the development of native trees and plants. There are six species of buckthorn listed in the Illinois Exotic Weed Act, which prohibits the sale, distribution or planting of this species, *Rhamnus cathartica*, *davurica*, *frangula*, *arguta*, *utilis*, and *japonica*.

CONSERVANCY AREA Any area designated by the Village, state agency, or by Village approved subdivision or restriction, to be kept in a particular natural state or for special environmental preservation or control.

DECIDUOUS TREE A deciduous tree is one that loses most or all of its leaves for part of the year. Deciduous trees are also considered to be broad-leaf or hardwood trees.

DEVELOPMENT	Any proposed change in the use or character of land, including, but not limited to, the replacement of any structure or site improvements. When appropriate to the context, development may refer to the receipt or necessity of any building, or site work permit.
DIAMETER BREAST HEIGHT	The diameter of the trunk of the tree measured in inches at a point 4.5 feet above ground line. This point of measurement is used for established and mature trees and is referred to as DBH. All references to diameter size shall be to the DBH.
EVERGREEN TREE	A tree that retains most of its leaves for most of the year.
FORESTER	An individual trained and experienced in the profession of forestry who is degreed and/or licensed as a tree professional.
HAZARD	A diseased or declining tree which has a target such as a structure or people.
LANDSCAPING PROFESSIONAL	A registered landscape architect, horticulturalist or other similarly degreed and/or licensed plant professional
NATURAL AMENITY EXCEPTION	A landscape and preservation plan intended as a substitute for the replacement requirements of this Chapter.
NATURAL ENVIRONMENT PROFESSIONAL	A degreed environmental scientist, biologist, botanist, forester, other similarly degreed and/or licensed plant professional with at least five years experience in planting and maintaining native plants and their associated ecosystems.
PARCEL	A single parcel shall mean any lot of record, zoning lot or any grouping of adjacent lots under single ownership, serving a principal structure or use.
REAR YARD	Rear yard as used in this Chapter 1 shall have that meaning ascribed to it in the Lincolnshire Zoning Code. (Title 6)
SITE	That parcel of land for which a permit for landscaping or tree removal is sought.

TRANSPLANTING	The removal of any tree for replanting elsewhere.
TREE	Any self-supporting woody plant, together with its root system, growing upon the earth usually with one trunk, or a multi-stemmed trunk system, supporting a definitely formed crown. For regulatory purposes of this Chapter 1, the plant commonly referred to as “buckthorn” shall not be considered as a tree.
TREE REMOVAL	The cutting down, destruction, removal or relocation of any tree as set forth in Subsection 13-1-3A.
TREE SURVEY	A document which identifies, by common name and/or scientific name, certain species of trees of a specified DBH within a particular area. The survey shall list, as required by the Village, all existing and proposed trees and shall specifically state whether each tree is proposed to be destroyed, relocated, replaced, preserved at its present location, or introduced into the development from an off-site source. The Village may provide that the tree survey exclude those portions of the site which it determines will not be affected by the development activity. Any tree survey required by this Chapter 1 must be dated within thirty-six months of the tree removal permit application.
UNATTACHED AMENITY	Any swimming pool, gazebo, garage, patio, play apparatus, basketball court, tennis court or similar structure or installation which is not attached to the principal building on the lot.
VIABLE	A tree, which in the judgment of the Village, is capable of sustaining its own life processes, unaided by man, for a reasonable period of time.
YARD AREA	An open space on the same lot or parcel with a building, that, with the exception of trees and other vegetation, is to be unoccupied and unobstructed from the ground upward.

13-1-3: REQUIREMENTS FOR TREE REMOVAL AND REPLACEMENT IN THE VILLAGE:

A. AUTHORIZATION REQUIRED FOR REMOVAL OF DEAD OR DYING TREES.

No dead or dying tree of six (6") inches or greater may be removed without the authorization of the Village.

B. PERMIT REQUIRED FOR REMOVAL OF HEALTHY TREES.

No tree of 6" or more or, no 6" grouping of trees, as defined in this Chapter 1, may be removed without a tree removal permit.

C. REMOVAL FOR TRANSPLANTING:

Any tree removed from a parcel for transplanting elsewhere must be replaced according to regulations outlined in this Chapter 1.

D. TREE REPLACEMENT:

1. Any "Appendix A" tree that is removed, and requires replacement by this Chapter shall be replaced with trees from Appendix A.
2. Any "Non-Appendix A" tree that is removed must be replaced with:
 - a. Appendix A trees the total DBH of which is equal to thirty percent (30%) of the total DBH inches removed, or
 - b. Non Appendix A trees the total DBH of which is equal to 100% of the total DBH inches removed.
 - c. If a deciduous tree is removed, at least 75% of the DBH inches to be replaced must be with deciduous trees.
3. When a tree removal is required:
 - a. as a result of a project which requires a Certificate of Occupancy, tree replacement shall occur within 30 days (residential)/60 (commercial) of issuance of the tree removal permit or issuance of a Temporary Conditional Occupancy.
 - b. for a site improvement or activity that requires a permit, tree replacement shall occur within 30 days (residential)/60 days (commercial) of substantial completion.

- c. that does not require a building permit or a Certificate of Occupancy, tree replacement shall occur within sixty (60) days(residential)/sixty (60) days (commercial) of the tree removal.
4. In the event of weather conditions, which prohibit proper replacement of trees, the Village may issue an extension of up to 180 days upon written request by the Applicant. If an extension is awarded to the Applicant, the Applicant shall notify the Village when replacement is complete. If, after the 30 day (residential)/60 day (commercial) or, if awarded, 180 day extension, the trees are not replaced or the Applicant has not notified the Village that installation is complete, all bonds shall be forfeited and the bond money shall be placed in the Tree Bank.

E. SIZE OF REPLACEMENT TREES:

1. Unless otherwise stated in these regulations, the removal of any 6" tree or 6" grouping of trees appearing on Appendix A, must be replaced on a caliper inch per caliper inch basis.
2. Any 6" non-Appendix A tree must be replaced with:
 - a. Appendix A trees the total DBH of which is equal to thirty percent (30%) of the total DBH inches removed, or
 - b. Non Appendix A trees the total DBH of which is equal to 100% of the total DBH inches removed.
 - c. No replacement tree may be less than two and one half (2-1/2") inches DBH.

F. TREE REMOVAL WHEN NO BUILDING PERMIT OR SUBDIVISION PLAT IS SOUGHT:

A tree may be removed when no development is contemplated or building permit or subdivision plat is being sought only under the following circumstances:

1. When removal is necessary to observe good forestry practice, such as optimizing the number of healthy trees a given parcel of land will support or when such removal is in accordance with a Village approved landscape management plan, no replacement is required under these circumstances.
2. When the tree, due to natural circumstances, is dead or irreversibly declining:
 - a. is in danger of falling,

- b. is too close to existing structures so as to endanger such structures,
- c. interferes with utility services,
- d. creates unsafe vision clearance, or constitutes a health hazard,

such trees may be removed only after the Village, in its sole and absolute discretion, has verified that such a condition exists. In instances where no additional services or inspections are required by the Village, the fee for a tree removal permit will be waived and no tree survey will be required. No replacement is required under these circumstances.

- 3. Neither this nor any other regulation of this Chapter 1 shall be deemed to prohibit any owner of improved residential property in the Village of Lincolnshire from creating a single, regularly shaped rear yard lawn area, subject to the following conditions:
 - a. No tree may be removed in violation of any regulation of this Chapter in order to effect the creation of any rear yard lawn area that would exceed ten (10%) percent of the entire rear yard area.
 - b. The location and shape of the lawn area and the choice of which trees are to be removed shall be determined with the advice and reasonable consent of the Village.
 - c. A tree survey must be provided. The tree survey shall not be more than two years old and shall accurately depict existing conditions.
 - d. Trees must be replaced in accordance with this Chapter. For purposes of this subparagraph 3 only, "lawn area" shall not necessarily imply the removal of all trees within the specified lawn area, but only those as may be required to permit reasonable growth of lawn grasses and to allow for the safe movement of persons enjoying the lawn area.
 - e. If a tree is removed on a parcel to create a lawn area, then for a period of 60 months, no additional permit may be issued for tree removal on that parcel or for an unattached amenity.
- 4. When the Village concludes that benefits provided by trees will be increased by replacing a tree that is of poor quality or not suited to its location. Such trees must be replaced on the subject property, on an inch per inch basis. Prior to issuance of the tree removal permit the property owner will be required to pay a permit fee and submit the appropriate cash bond to insure tree replacement.

The Village may require a tree survey prior to any removals as outlined above. The tree survey shall not be more than two years old and shall accurately depict existing conditions.

G. TREES TO BE REMOVED FOR A NON-RESIDENTIAL DEVELOPMENT, OR A RESIDENTIAL DEVELOPMENT THAT INVOLVES TWO OR MORE LOTS OR ANY MULTIFAMILY CONSTRUCTION.

1. A tree survey indicating all trees of 6" or greater must be provided for the entire development area.
2. The tree survey shall not be more than two years old and shall accurately depict existing conditions.
3. All tree removal shall be accomplished according to this Chapter. Additionally, all Appendix A trees of 6" or greater to be removed shall be replaced on a DBH inch per DBH inch basis with Appendix A trees. All non-Appendix A trees of 6" DBH or greater may be replaced with non-Appendix A trees the total DBH of which is equal to one hundred (100) percent of the total DBH inches removed or Appendix A trees, which is equal to thirty percent (30%) of the total DBH inches removed. The Corporate Authorities may approve exceptions to this regulation pursuant to a Planned Unit Development, Special Use, Conditional Use or a Natural Amenity Exception Plan prepared by Natural Environment Professional or Landscape Professional. Any such exception must include a specific finding that the alternative will provide those benefits set forth in this Chapter's Statement of Purpose.

H. TREES TO BE REMOVED ON VACANT IN-FILL RESIDENTIAL LOTS:

Trees to be removed for the purposes of new construction on a vacant lot in an existing subdivision must be replaced as follows:

1. For the area falling within the footprint of the principal structure including the garage and driveway, tree removal shall be accomplished on the same basis as in G. above.
2. Trees to be removed for a proposed attached deck, patio, or porch must be replaced in accordance with B, C, D and E.
3. If any construction is proposed for a swimming pool, tennis court, basketball court, play apparatus, gazebo or other unattached amenity, or for expansion or relocation of a front or side yard driveway or sidewalk, then:
 - a. a tree survey identifying all trees of six (6") inches or more located on the property and all trees of two and one half (2-1/2") inches or more located in the footprint

of the amenity or driveway or sidewalk must be provided.

- b. If the area of the proposed amenity or driveway or sidewalk contains a tree from Appendix A which is twelve (12") inches or more, then the amenity may not be constructed.
- c. No more than fifteen (15%) percent of the total DBH inches of all trees in either the front or rear yard may be removed for such unattached amenity purposes. If the construction of the proposed amenity or driveway or sidewalk will require the removal of more than fifteen (15%) percent of the total DBH inches of the trees in either the front or rear yard, then the amenity or driveway or sidewalk may not be constructed. All tree replacement must be in accordance with this Chapter.
- d. If trees are removed on a parcel, then for a period of 60 months, no additional permits may be issued for tree removal on that parcel or for an unattached amenity or driveway or sidewalk. (Amd. Ord. 98-1595-57, eff. 9/14/98)

For purposes of this Chapter, vacant shall mean any lot of record without a principal structure.

I. TREES TO BE REMOVED FOR ADDITIONS AND AMENITIES ON RESIDENTIAL LOTS ALREADY IMPROVED WITH A PRINCIPAL STRUCTURE.

1. Any tree removal required for a proposed attached addition or attached patios, deck, porch or garage must be accomplished according to B, C, D AND E. Tree removal for an unattached amenity or for relocation or expansion of a front or side yard driveway or sidewalk must be done according to subparagraph B, C, D and E. If trees are removed on a parcel for an unattached amenity or front or side yard driveway or sidewalk pursuant to this regulation, then for a period of 60 months, no additional permit may be issued for tree removal on that parcel. (Amd. Ord. 98-1595-57, eff. 9/14/98)
2. Any tree removal required as the result of damage to an existing structure or amenity will not generate a tree removal bond, if in the opinion of the Public Works Environmental Services Division there has been or is potential for damage to the structure.
3. Any tree removal required as the result of a repair or replacement of an existing structure or amenity will not generate a tree removal bond if in the opinion of the Public Works Environmental Services Division, the construction of the structure or amenity is recreated in its existing footprint, including depth of excavation.

J. AREA LIMITATION FOR UNATTACHED AMENITY REQUIRING TREE REMOVAL.

No tree may be removed for the purpose of installing or erecting an unattached amenity if the total area covered by the proposed and existing unattached amenities in the rear yard is greater than 10% of the total rear yard area.

K. OFF SITE REPLACEMENT.

If the applicant for the tree removal permit believes that the parcel from which the removal has been made cannot accommodate replacement trees, then the applicant shall be required to pay to the Village a dollar amount that is equal to the cost that would have been incurred, as determined by the Village, in order to purchase and install the replacement trees on the lot. The Village shall then use such funds to purchase and plant trees on public and/or private property elsewhere in the Village.

L. OTHER VILLAGE LANDSCAPING REQUIREMENTS.

To the extent that this Chapter 1 imposes greater tree planting requirements than any other regulations of the Village, this Chapter 1 shall control, provided that any tree planting requirements of such other regulations shall be a credit against the requirements of this Chapter 1.

M. CASH BONDS.

1. If tree replacement is required by this Chapter, then as a condition of the tree removal permit, the applicant shall submit a cash bond equal to the cost to purchase and plant the necessary replacement trees, as determined by the Village. The bond shall be held for the purpose of assuring that the replacement trees are purchased and planted.
2. If it is determined that practices which violate any portion of the Village Code have resulted in tree damage, then the Village may require that a cash bond, equal to 50% of the total replacement value of the damaged tree(s), as determined in accordance with Section 13-1-3-D, be submitted at the time the violation occurs. The bond shall be held for the purpose of assuring that all remedial actions required by the Village to minimize tree damage are taken, and/or for the purpose of assuring tree replacement should any damaged trees die or show noticeable signs of decline as determined by a certified arborist, within a designated period of evaluation. For purposes of this Section, the Village shall make a determination of residual damage within 60 months (5 years) of when the damage is observed by the Village. If at any time during the 60 month period, the Village should determine the damaged tree will not return to a healthy condition, the Applicant shall replace the damaged tree. Tree replacement

must occur within 12 months (1 year) of notification from the Village as specified in this Chapter.

If it is determined anytime during the 60 month (5 years) period, that the tree is in irreversible decline or death, the remaining 50% of the total tree replacement value of the damaged or dead tree(s) shall be posted within thirty (30) days of notification provided to the property owner. If during the 60 month (5 year) period, the property shall be sold, the property owner posting the 50% bond shall be required to post the remaining 50% of the bond prior to the sale of the property. This regulation shall be in effect beginning June 1, 2011. (Ord. Amd. 11-3216-38, eff. 9/26/11)

13-1-4: APPLICATION PROCEDURE:

A. Application Submission:

An applicant seeking a tree removal permit shall submit three (3) copies of a legible (“Tree Preservation Plan”), drawn to scale of one inch equals twenty feet (1" = 20'), and indicating the following information for the entire site:

1. Property address
2. Scale: 1 inch equals 20 feet or 1 inch equals 30 feet depending on the lot size.
3. Plan Title: Tree Preservation Plan or Tree Preservation and Grading Plan
4. Property line boundaries and easements
5. Front, side and rear yard setbacks
6. Existing and proposed driveways, walkways, patios and other impervious surfaces/structures
7. Existing and proposed building footprint
8. Existing and proposed grades and drainage ways
9. If required, a Tree Inventory as outlined previously in this chapter
10. Location, size, species of all trees within fifteen (15) feet of “construction activity envelope” on abutting properties and/or rights-of-way

11. All trees to be removed, marked with an “X” or other denotation
12. Tree Inventory Data Sheet: ID #; species, size, and save/remove information for every tree located on the plan
13. Location of chain link tree preservation fencing. Fencing shall be placed a minimum of fifteen (15) feet from the trunk of any tree to be preserved.
14. Location of silt fencing (required to run parallel to the tree preservation fencing on the “construction activity envelope” side)
15. Location of all new utility lines (gas, electric, water, cable, phone, etc.)
16. Location of all utility-related excavation pits
17. Location of any additional Tree Preservation requirements (root pruning, plywood access routes, mulching, etc.)
18. Location of equipment/supply storage and staging
19. Required plan notes listed
20. Identification of uses on adjacent properties
21. Existing and proposed elevations with contour lines at one foot (1') intervals

B. Application Review:

The Village shall review the application. This review may include an inspection of the site and referral of the application for recommendation to other appropriate administrative departments or agencies. The Village shall render a decision on the application within ten (10) working days of its receipt of a properly completed application.

13-1-5: PERMIT ISSUANCE:

A. Issuance:

The Village shall issue a permit upon approval of an application and payment of the required fee and bond.

B. Time Limitations:

1. A permit shall expire and become null and void if work authorized is not commenced within one (1) year from the date of the permit or if such work when commenced is suspended or abandoned at any time for a period of one (1) year.
2. If work has commenced and the permit becomes null and void or expires because of lack of progress or abandonment, a new permit for the proposed tree removal activity shall be obtained before proceeding with further work.

13-1-6: TREE PROTECTION.

A. Unless otherwise authorized by this Code, it shall be unlawful for any person to remove, injure, or undertake any procedure which will cause death or substantial damage to any tree protected by this Code without first obtaining a Tree Removal Permit from the Village.

B. In instances where construction or other site work may affect trees on a given parcel, all appropriate tree protection measures must be taken. General guidelines for tree protection during construction are contained in the Wooded Lot Guidelines and as it may, from time to time, be amended. The applicant must consider, and the Village may require, the following specific protective measures for all development, or work requiring a permit, on properties with trees subject to Regulation:

1. Protective fencing is required for protection of any tree to be preserved in place. Fencing shall be a minimum of fifteen (15') feet from the trunk of any tree adjacent to any construction or construction material or construction equipment storage and is to be shown on the Tree Preservation Plan. All required protective fencing must be in place and approved by the Village before a building permit will be issued. All fencing must remain in place during the entire construction period. All fencing shall be chain-link unless otherwise specified by the Village. All fencing must be secured to metal posts driven into the ground and spaced no further than ten feet (10') apart. Fencing shall not be removed or relocated unless authorized in writing by the Village. The approved Tree Preservation Plan shall be available on the building site before work commences and always during construction of the project. The general contractor shall be responsible for giving written notice of the Tree Preservation Plan and Tree Removal Permit to all contractors or subcontractors prior to their entering the Site.(Amd. Ord. 98-1595-57, eff. 9/14/98)
2. Pumping of concrete for the foundation or other protective measures such as crown pruning and root pruning may be required for preservation of the existing trees. These measures must be indicated on the Tree Preservation Plan.

3. During construction all reasonable steps necessary to prevent the destruction or damaging of trees to be preserved in place shall be taken.
4. During construction, unless otherwise authorized by the Tree Preservation Plan, no excess soil, additional fill, equipment, liquids, or construction debris, shall be placed within the root zone of any tree that is required to be preserved in its present location.
5. No attachments, fences or wires, other than approved materials for bracing, guying or wrapping, shall be attached to any vegetation during the construction period.
6. All measures shall be taken to maintain the health of trees which are transported to the site.

13-1-7: COMPLIANCE: The Village shall retain jurisdiction to ensure compliance with this Chapter 1 and shall have the right to issue a stop work order for non-compliance. No stop work order issued pursuant to this Section shall be removed by the Village unless the applicant has paid a reinspection fee in accordance with the Village of Lincolnshire fee schedule.

13-1-8: REPLACEMENT OF TREES NOT LISTED ON TREE REMOVAL PERMIT: If a tree is not listed on the tree removal permit, but is destroyed or receives major damage, it must be replaced as set forth under regulations D and E in Section 13-1-3 before issuance of a Certificate of Occupancy or other final Village approval.

13-1-9: SPECIAL RULES FOR CONSERVANCY AREA RESTORATION: If a Conservancy Area may be affected by any construction, as determined by the Village, the following shall apply:

- A. Deposit: A cash bond (in addition to the Tree Removal Permit Bond) is required for every one thousand (1000) square feet of Conservancy Area, as defined in the Comprehensive Fee Schedule Chapter 15 Title 1 of the Village Code.
- B. Purpose of Deposit:

The purpose of the deposit is to pay for:

1. The restoration of Conservancy Areas damaged directly or indirectly as a result of the construction process, in accordance with the Conservancy Area Restoration Guide contained in Appendix III of this Title.

2. Any maintenance made necessary as a result of construction or restoration, including but not limited to the removal of dead trees or preventative measures such as root pruning or crown reduction of existing trees.
 3. Any expenses incurred by the Village, as a result of the construction or restoration, in administering or enforcing the provisions of this Code.
- C. Refunding of Deposit: Any remaining amount in the cash bond will be refunded one year after the Certificate of Occupancy is issued or one year after the public improvements are accepted by the Village Board in cases where a Certificate of Occupancy is not to be issued as outlined in Section 13-1-3-D.

13-1-10: FINAL INSPECTION: No Certificate of Occupancy or other final approval shall be issued until the relocation or replacement of trees, as required by the tree removal or building permit, has been completed and the final tree inspection approval has been given by the Village. Should the Village determine that the season is inappropriate for planting when the Certificate of Occupancy or other approval is requested and that the relocation or replacement of trees should be deferred until a more suitable time, a conditional Certificate of Occupancy or other approval may be issued subject to the following conditions:

- A. The Temporary Conditional Certificate of Occupancy may be requested to provide up to 180 days for the installation of trees upon written request by the Applicant to ensure that trees are installed during the next available planting season.
- B. Any cash bond remains in effect until the replanting is completed. Should damage occur to any trees, including their root systems, a cash bond for said damage will be held for a period of 60 months (5 years) of when the damage is observed by the Village. If at any time during the 60 month period, the Village should determine the damaged trees will not return to a healthy condition, the Applicant shall replace the damaged trees as outlined in this Chapter 1. The tree replacement must occur within 12 months (1 year) of notification from the Village as specified in this Chapter 1.

13-1-11: EXCEPTIONS:

- A. If because of emergency weather or other casualty conditions a tree is endangering health, safety or property and requires immediate removal, verbal authorization may be given by the Village and the tree removed without obtaining a written permit. Such verbal authorization shall later be confirmed in writing by the Village.

- B. All State approved and governmental plant or tree nurseries and botanical gardens shall be exempt from the terms and provisions of this Chapter, but only for those trees which are planted and growing for some public purpose or for the sale or intended sale to the general public in the ordinary course of business.

13-1-12: APPEALS FROM DECISION OF THE VILLAGE: Any person aggrieved by any decision of the Village in the enforcement of any terms or provisions of this Chapter may, within ten (10) days after the date of the decision, appeal to the Mayor and Board of Trustees by filing a written notice of appeal with the Village Clerk. The notice shall set forth concisely the decision and the reasons or grounds for the appeal. Reasonable notice of the hearing shall be provided by the Village Clerk to all affected parties. The Board may affirm, modify, or reverse the decision. The decision of the Board shall be final, and no petition for rehearing or reconsideration shall be available.

13-1-13: PENALTY: Any person found guilty of violating any provision of this Chapter shall be assessed at a cost as prescribed in the Comprehensive Fine Schedule set forth in Chapter 17 of Title 1 of this Code. Each tree cut down, destroyed, damaged, removed or moved shall constitute a separate offense. In addition to these penalties, if a tree is removed in violation of this Chapter 1, all replacement requirements of this Chapter shall be applied.

In lieu of, or in addition to, the payment of fines, the Village may require that violators of this Chapter take actions such as, but not limited to, soil aeration, vertical mulching, pruning, fertilizing, grade alteration, and/or tree replacement, to reduce and/or minimize tree damage.

13-1-14: CIVIL REMEDIES: In addition to any other remedies provided by this Chapter the Village shall have the following judicial remedies available for violations of this Chapter or any permit condition promulgated under this Chapter:

- A. The Village may institute a civil action in a court of competent jurisdiction to establish liability and to recover damages for any injury caused by the removal of trees in contravention of the terms of this Chapter.
- B. The Village may institute a civil action in a court of competent jurisdiction to seek injunctive relief to enforce compliance with this Chapter to enjoin any violation, and to seek injunctive relief to prevent irreparable injury to the trees or properties encompassed by the terms of this Chapter.

13-1-15: DUTCH ELM DISEASE:

A. Infected Trees a Nuisance.

All species and varieties of elm trees (trees of the genus *Ulmus*) infected with the fungus known as the “Dutch Elm Disease” (*Certostormella Ulmi*) are declared to be a public nuisance.

B. Breeding Places of Elm Bark Beetles Declared to be a Nuisance.

All species and varieties of elm trees that are dead or substantially dead, and all dead elmwood to which the bark is still attached, are declared to be a public nuisance.

C. Unlawful to Maintain a Hazard; Duty of Owner to Remove and Dispose of Trees.

It shall be unlawful for any owner or occupant of any lot or land in the Village to permit or maintain on any such lot or land, any tree which is dead or declining to the state where it , may create a potential hazard for structures or people. It shall be the duty of any such owner to promptly cause the removal of any such tree.

13-1-16 EMERALD ASH BORER

A. Infected Trees a Nuisance

All species and varieties of ash trees (trees of the genus *Fraxinus*) infected with Emerald Ash Borer (*Agilus panipennis* Fairmaire) are declared to be a public nuisance.

B. Breeding places of Emerald Ash Borer are declared to be a nuisance.

All species and varieties of ash trees that are dead or show signs of Emerald Ash Borer infestation are declared to be a public nuisance.

C. It is unlawful to maintain a nuisance and it shall be the duty of the property owner to remove and dispose of ash trees and wood according to the specifications provided by the United States Department of Agriculture as outlined in this Section.

D. The Village of Lincolnshire shall enforce State and Federal regulations governing the Emerald Ash Borer (EAB), quarantine zone boundaries, and “regulated articles”. For purposes of this Chapter, “Regulated Articles” are hereby defined as the following:

1. Regulated Articles:

- a. The Emerald Ash Borer (*Agrilus panipennis* Fairmaire) in any living stage of development;
 - b. Ash trees (*Fraxinus* spp.) of any size;
 - c. Ash limbs and branches;
 - d. Any cut non-coniferous, hardwood firewood;
 - e. Bark from ash trees and wood chips larger than one inch in two dimensions from ash trees;
 - f. Ash logs and lumber with either the bark or the outer one-half inch of sapwood or both, attached;
 - g. Any item made from or containing the wood of the ash tree which is capable of spreading the Emerald Ash Borer;
 - h. Any other article, product, or means of conveyance when it is determined by the Department of Agriculture that it presents the risk of spread of the Emerald Ash Borer in any stage of development.
2. All contractors working within and near EAB quarantine zone(s) are required to comply with the following regulations and supply records that may be required for inspection to the Village of Lincolnshire upon request.
 3. Regulated articles shall not be moved out of established quarantine zone(s) as determined by the United States Department of Agriculture at any time unless:
 - a. the regulated articles have been chipped/processed to a size measuring less than 1.0 inches in two dimensions;
 - b. the bark and outer ½ inch of sapwood of regulated articles have been completely removed; or the regulated articles, including firewood, have been treated to meet USDA-APHIS-PPQ standards for Kiln Sterilization (T404-b-4), Heat Treatment (T314-a), or Fumigation Treatment (T404-b-1-1);
 4. From May 1 to September 1, all regulated articles originating from within the EAB quarantine zone and leaving the Village or township of their origin shall only be transported within the EAB quarantine zone in an enclosed vehicle or vehicle completely enclosed by a covering, such as canvas, plastic or tightly woven cloth, adequate to prevent the passage of the Emerald Ash Borer to the environment.;
 5. Any and all persons or entities transferring possession of regulated articles within the EAB quarantine zone to another person or entity shall inform the person or entity taking possession of the regulated article, either verbally or in writing, that the said regulated articles are subject to State and Federal quarantine regulations;

6. Contractors shall inform their employees about the EAB quarantine regulations, including EAB quarantine zone boundaries, instruct employees how to identify the EAB and its signs, and require a copy of this compliance to be carried by employees working in the State of Illinois; and
7. The Illinois Department of Agriculture shall be informed of any suspected EAB infestation(s).

13-1-17 REQUIREMENTS FOR TREE PLANTING CREDITS

- A. The Village will award tree credits to property owners who proactively plant trees on their property. This tree credit may be used to off-set future tree replacements when trees are removed on the same property. Trees planted for credit will only be credited for future replacements and only those trees appropriately recorded by the Village may be used for credit.

Following is the tree credit criteria:

1. Trees selected from the Appendix A tree list shall have a replacement value three times that of non Appendix A trees. Non Appendix A tree species have a replacement value of 33% of Appendix A tree species. For example: One 9” Appendix A tree has the replacement value of three 9” non Appendix A trees or one 27” non Appendix A tree.
2. Trees to be planted on the property must be a minimum of 2.5” in DBH or if clump or evergreen variety shall be a minimum planting height of 8 feet at the time of planting.
3. Tree species must be selected for appropriate locations to support their growth and development.
4. Trees planted for credit shall be verified by the Village.
5. Credit will only be given for tree planting if:
 - a. The tree is tagged and verified on the property within the year it was planted.
 - b. The tree is the minimum required size at time of verification.
 - c. The tree species is appropriate for its location.
 - d. The tree is of good form and health at the time of replacement credit.
6. Village staff shall tag the credit tree and record the date, tree planting location and tree number on the property survey. A property tree credit record shall be maintained

in the property file for future reference.

7. When a tree replacement is required, the property owner shall request that the Village verify credit plantings from the property file and on the property.
8. Trees, planted for credit, must be in good form and health at the time of replacement credit. Trees in poor condition or form will not be credited.
9. The Village shall field verify for growth and the size. The DBH at time of replacement shall be the credit applied.
10. A tree credit will only be given once for each individual tree planted regardless of its size. For example: Two Appendix A credit trees are planted at 3" DBH. Within a year's time the trees are 5" in DBH each. That same year the property owner wishes to remove another Appendix A tree that is 8" in DBH. The two credit trees are valued at 10" and the tree to be removed is valued at 8". The two credit trees will be used as replacement for the 8" removal. No further credit will be given for the two credit trees.

13-1-18 ENFORCEMENT

A. Enforcement: Right of Entry of Village Officers.

To carry out the purposes of this Chapter and to implement its enforcement, the Village is authorized and empowered to enter upon any lot or parcel of land in the Village at all reasonable hours to inspect any tree or wood and to remove specimens from any such tree to determine their condition. It shall be unlawful for any person to interfere with a Village Officer carrying out the duties authorized in this Section.

B. Duty of Owner to Abate Nuisance or Hazard

If it is determined that there exists a public nuisance or hazard as declared in this Chapter, the Village shall serve or cause to be served upon the owner or occupant of the lot or parcel of land on which such nuisance or hazard is located, a written notice identifying the nuisance or hazard and requiring the owner or occupant to comply with the provisions of this Section. If the person upon whom such notice is served, fails, neglects or refuses to remove and dispose of the tree or dead wood within thirty (30) days after service of such notice, the Village may proceed to remove and dispose of such tree or dead wood and the cost shall be paid by the owner or occupant to the Village.

C. Service of Notice to Owner or Occupant

Service of notice provided for in this Chapter, shall be effected by personal service or by certified mail addressed to the occupant or to the person to whom, and at the address, to which the tax bill was sent for the general taxes for the last preceding year on the lot or parcel on which the nuisance is located.

D Village Abatement and Assessment of Costs.

Any costs incurred by the Village in the abatement of a public nuisance or hazard as declared in this Chapter shall be assessed against the record owner of the land involved and the Village shall place a lien upon such property for those costs in the manner provided by law.

APPENDIX A
SIGNIFICANT TREES OF LINCOLNSHIRE

<u>Common Name</u>	<u>Scientific Name</u>
Black Maple	<i>Acer nigrum</i>
Red Maple	<i>Acer rubrum</i>
Sugar Maple	<i>Acer saccharum</i>
Ohio Buckeye	<i>Aesculus glabra</i>
Common Horsechestnut	<i>Aesculus hippocastanum</i>
Red Buckeye	<i>Aesculus pavia</i>
River Birch	<i>Betula nigra</i>
American Hornbeam	<i>Carpinus caroliniana</i>
Bitternut Hickory	<i>Carya cordiformis</i>
Shagbark Hickory	<i>Carya ovata</i>
Hackberry	<i>Celtis occidentalis</i>
Yellowwood	<i>Cladrastis kentukea</i>
American Beech	<i>Fagus grandifolia</i>
Thornless Honeylocust	<i>Gleditsia triacanthos</i>
Kentucky Coffeetree	<i>Gymnocladus dioica</i>
Butternut	<i>Juglans cenera</i>
Black Walnut	<i>Juglans nigra</i>
Sweetgum	<i>Liquidambar styraciflua</i>
Tulip Tree	<i>Liriodendron tulipifera</i>
Black Tupelo	<i>Nyssa sylvatica</i>
American Hophornbeam	<i>Ostrya virginiana</i>
White Oak	<i>Quercus alba</i>
Swamp White Oak	<i>Quercus bicolor</i>
Scarlet Oak	<i>Quercus coccinea</i>
Hill's Oak	<i>Quercus ellipsoidalis</i>
Shingle Oak	<i>Quercus imbricaria</i>
Bur Oak	<i>Quercus macrocarpa</i>
Chinkapin Oak	<i>Quercus muehlenbergii</i>
Chestnut Oak	<i>Quercus prinus</i>
Red Oak	<i>Quercus rubra</i>
Schumard Oak	<i>Quercus shumardii</i>
Black Oak	<i>Quercus velutina</i>
Linden	<i>Tilia americana</i>

Other species that the Village deems acceptable for this area consistent with appropriate Arborist standards.(Amd. Ord. 95-1595-57, eff. 9/14/98)(Amd. Ord. 02-1803-13,eff.5/13/02)(Amd. Ord. 11-3194-16, eff. 3/14/11)