

# **VILLAGE OF LIBERTYVILLE**

**Municipal Code Chapter 9  
Environmental Preservation**

# **TREE PRESERVATION CODE**

**Amended by Ord. 04-O-68  
Amended by Ord. 06-O-19  
Amended by Ord. 18-O-55**

**Effective Date 10/12/04  
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Effective Date 10/10/18**

**Chapter 9 – Environmental Preservation**  
**Article I. – In General**

Sec. 9-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Appearance review commission (ARC)* means a quorum of the commission members currently appointed to their positions by the village board.

*Building permit* means a permit issued by the village for the construction, erection or alteration of a structure or building.

*Certify or certification* means a written statement verifying that the specific inspections and tests where required have been performed, and that such tests comply with the applicable requirements of this chapter.

*Critical Root Zone: An area on the ground extending out from the trunk of the tree in all directions a distance of ten inches for every inch DBH.*

*Diameter at breast height (DBH)* means the measurement of a tree's diameter taken at a standard fifty-four (54) inches above the ground.

*Dripline* means a vertical line extended from the surface of the ground up to the outermost extent of the tree canopy.

*Excavation* means any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed, and shall include the conditions resulting therefrom.

*Existing grade* means the vertical location (elevation) of the existing ground surface prior to excavation or filling.

*Fill* means any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved to a new location and shall include the conditions resulting therefrom.

*Final grade* means the vertical location (elevation) of the ground or pavement surface after grading work is completed in accordance with the site development plan.

*Grading* means excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

*Grouping of trees* shall be defined as six (6) or more trees, each of which possesses a DBH of at least at least four (4) inches and which together form an interrelated canopy as determined by the village arborist.

*Parcel* means all contiguous land in one (1) ownership.

*Permittee* means any person to whom a site development permit or tree removal permit is issued.

*Person* means any individual, partnership, firm or corporation, public or private, the State of Illinois and its agencies or political subdivisions, and the United States of America, its agencies and instrumentalities, and any agent, servant, officer or employee of any of the foregoing.

*Protected Tree* means any tree that falls within one of the four (4) designated groups which require replacement when such tree is subjected to damage or removal.

*Site* means a parcel of land, or a contiguous combination of parcels, where grading or stripping or other work is performed.

*Site development* means grading or stripping or other substantial alteration of terrain in conjunction with development activity which may include demolition, construction or remodeling of structures.

*Site development permit* means a permit issued by the village public works department prior to any grading, stripping, excavating or filling performed within the Village of Libertyville.

*Stripping* means any activity which removes the vegetative surface cover, including tree destruction or removal, clearing, and storage or removal of topsoil.

*Tree* means a self-supporting, woody plant, together with its root system, having a well-defined stem or trunk or a multistemmed trunk system and a more or less well defined crown.

*Tree preservation plan* means the approved tree survey including a designation in plan form of the trees which are to be preserved and protected. The plan should include methods and procedures to be used for tree protection.

*Tree removal permit* means a permit issued by the village when tree removal only is being completed on land parcels as regulated in this chapter.

*Tree survey* means a site plan indicating the locations, sizes and botanical and common names of all trees located on the parcel with a caliper of six (6) inches or greater, using the diameter at breast height (DBH) measurement. The tree survey will also outline the proposed structures and impervious areas and identify those trees which are proposed for removal.

*Vacant* means land on which there are no structures or only structures which are secondary to the use or maintenance of the land itself.

*Village engineer* means the individual employed by the village in such capacity or, in his absence, a designated representative.

#### Sec. 9-2. - Findings.

The board of trustees finds that:

- (1) The preservation and protection of individual trees and wooded areas serves to maintain a valuable replenishing source of oxygen.
- (2) Established and mature trees help in the prevention of soil erosion and the absorption of water; which slows down the rate of rainfall runoff. This will assist in reducing the damages, both public and private, resulting from severe flooding events.
- (3) Trees serve to provide a buffering of the sometimes damaging or harmful effects of exposure to the sun, cold and wind.
- (4) Trees facilitate the filtering out of airborne pollutants, the most notable of those being carbon dioxide (CO<sup>2</sup>), which is often referred to as the single most significant agent responsible for global greenhouse effects.
- (5) The presence of trees in residential areas serves to provide visual buffers that enhance privacy, property values, and the general aesthetic appearance of the property. Such trees also serve as a buffer to noise pollution from neighboring properties.
- (6) The preservation and protection of individual trees and wooded areas provides valuable nesting areas for birds and habitat for other forms of wildlife.
- (7) Construction methods and practices should be adapted to increase the emphasis on the preservation of existing trees. The development, or redevelopment of property within the village should not be discouraged through the implementation of these revised practices. However, an increased emphasis should be paid to incorporate existing property resources into proposed development plans, preserving more of the original property characteristics.
- (8) The village desires to maintain, to the greatest extent possible, existing trees within the village. Trees contribute to the scenic beauty of the village and increase property values by adding to the aesthetic quality of land. Trees also tend to soften the rough edges of developments, and reduce the visual effects of urbanization by creating a natural setting. The streetscape effect of trees is especially to be preserved.

#### Sec. 9-3. - Purpose.

The board of trustees declares that the purpose of this chapter is to safeguard persons, protect property, and to promote the public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any property or development in a manner that prevents or minimizes the disturbance, disruption, or removal of trees and vegetative cover on land situated in the village.

#### Sec. 9-4. - Violations and penalties.

No person shall conduct or cause to be conducted any operations contrary to or in violation of any terms of this chapter. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and each day during which any violation of any of the provisions of this chapter is committed shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine of not more than five hundred dollars (\$500.00) for each such offense. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this chapter shall be required to restore the site to the condition existing prior to commission of the violation, or to bear the expense of such restoration, which such expense may become an additional charge against any security posted by the permittee.

In the case of unauthorized tree removal, done either without a tree removal permit or in violation of the terms of a tree removal permit or site development permit, tree replacement or remediation shall be required in accordance with the standards prescribed in Section 9-32 tree mitigation requirements by a multiple of two.

Sec. 9-5. - Compliance with other regulations.

Before commencing any of the work regulated by this chapter, an applicant shall comply with the requirements set forth in other applicable ordinances with respect to the submission and approval of preliminary and final subdivision plats, improvement plans, building and zoning permits, inspections, appeals and similar matters, along with those set forth in this chapter and as may be required by federal or state laws and the regulations of any department of the state. Where provisions of this chapter are more restrictive than other requirements, this chapter shall apply.

Sec. 9-6. - Conservation easements

Any property owner who desires to voluntarily protect a tree or stands of trees on their property may contact the village for assistance with the preparation of a conservation easement, in accordance with the terms of this chapter

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Sec. 9-7—9-25. - Reserved.

**Article II. Administration**

Chapter nine's enforcement is carried out through two different yet related permits, tree permits and site development permits. If any inconsistency exists, the provision resulting in the maximum protection and preservation of the highest quality trees will govern.

Sec. 9-26 – Enforcement

- A. Tree removals, when not conducted in connection with site development permits are administered at the direction of the Director of Community Development or his or her designee.
- B. Site Development reviews and all contents, including tree permits required under site development, will be conducted by the Village Engineer or his or her designee.

Sec. 9-27. - Appeals.

The applicant for a permit under this article may appeal the adverse decision of the applicable approving authority to the Village Administrator by filing a written request for an appeal within fifteen (15) days of the decision. The appeal request shall be filed with the Village Administrator. The Village Administrator shall hear the appeal and render a decision within thirty (30) days of receipt of the appeal.

**Article III. Trees**

Sec. 9-28 – Protected Trees

1. Trees within the Village are classified into five different groups. Those that are protected fall within the classification of Public Trees, A, B and C. Class D trees are those that are known nuisance and/or invasive trees and no restrictions shall apply to the removal of class D trees.
2. Protected Tree Groupings

Protected trees are those which fall into one of the following categories. Species within each category are identified in Appendix A:

Protected Trees	Minimum DBH
Public Trees	All

Group A	6 inches
Group B	8 inches
Group C	10 inches

- a. When a tree has a multi-stemmed trunk, the DBH will be considered the sum of each individual stem's DBH.
- b. Evergreens – All evergreen trees are protected at a height of 8 or more feet
- c. Understory Trees - Protected status shall begin at two (2) inches less than the species grouping in which they are included. Example - Group A understory is protected at four (4) inches
- d. Exclusions – Group D trees and any tree under the minimum DBH shown in the schedule above shall not be classified as protected trees.

Sec. 9-29 – Permit Required – Regulated Activities

The following activities are regulated tree activities which shall require the submittal of a tree permit application:

- (1) Any activity that anticipates or involves the actual or reasonably likely damage to, or removal of any protected tree located anywhere on the lot on which the activity does, or is to, take place.
- (2) Any activity that anticipates or involves the actual or reasonably likely damage to, or removal of, a protected tree or trees located on a lot that is immediately adjacent to the lot on which the activity is to take place.
- (3) Any application for approval of a subdivision or planned unit development of land as defined in the subdivision code.
- (4) Any application for a permit to construct or demolish any improvements, buildings or structures, including all activities that are proposed to result in a grade change.
- (5) Any application for a special use permit or site plan review for development under the zoning code that anticipates or involves the actual or reasonably likely damage or removal of any tree.

Sec. 9-30 - Tree permit—Application requirements.

- (a) A tree permit application shall be completed and turned in when any regulated activity is to take place on any parcel on land.
- (b) Where tree removal only is applied for on a parcel that is not the subject of a current site development permit, a plat of survey for the parcel is required to be submitted to the Director of Community development. The location, size and species of trees to be removed, shall be noted on the plat of survey or other Village approved drawing by the applicant as accurately as possible.
- (c) Where tree removal only is applied for on a parcel which is not the subject of a current site development permit, the property owner may be required to submit, in addition to a tree survey, a tree preservation plan of the property, performed by a certified arborist, if it is the opinion of the village arborist that trees exist on the property which may qualify for replacement in accordance with this Code.
- (d) The applicant for a tree removal permit shall provide a written statement to accompany the permit application form indicating the reason for removal of the trees.
- (e) The Director of Community Development may require that the applicant submit a report from a certified arborist if an application for removal related to disease or good forestry practice.
- (f) Where replacement of a protected tree is required, plans showing the species of trees and location shall to be submitted for review by the Village Arborist.

Fees

- A. *Tree removal/replacement permits.* A tree removal permit fee calculated in accordance with the village fee ordinance for building permits is required where tree removal/replacement only on a parcel is permitted with the requirement of tree replacement. No application fee or inspection fee is required where tree removal/replacement only on a parcel is permitted without tree replacement requirements.

Sec. 9-31 - Tree Preservation and Protection.

- (a) Measures taken to preserve and protect trees shall ensure that, through careful planning, existing trees shall be saved to the greatest extent possible without severely restricting the owner's ability to develop the property within allowed building setbacks.
- (b) The owner/developer must demonstrate through the tree survey, tree preservation plan and other related information required during the application process that the proposed regulated activity minimizes tree destruction and loss to the greatest extent feasible and practical. Proposed structures, utilities and impervious areas shall be designed so as to minimize tree removal in keeping with sound engineering and construction practices.
- (c) Tree replacement shall be required in accordance with the following provisions when: 1) any tree removal, severe trimming or severe damage occurs on any site that is not in accordance with a required village-approved tree removal permit or required site development permit; 2) the removal of any protected tree, as defined by this Code occurs.
- (d) The following tree protection techniques shall be employed during any work conducted on the site:
  - (1) All grading and the storage of construction related equipment shall be forbidden from encroaching within the dripline of a tree.
  - (2) Crushed limestone, hydrocarbons and other materials detrimental to trees shall not be dumped within the dripline of any tree, nor at any higher location where drainage toward the tree could conceivably affect the health of the tree.
  - (3) Appropriate protective fencing shall be installed at the periphery of the tree's dripline, to be maintained throughout the duration of site development and construction activities.
  - (4) In the event that fencing cannot be provided at the drip line of the preserved trees, root zone protection shall consist of a minimum six inch thickness of wood mulch and two layers of three quarter inch (3/4") plywood to make up the rest of the protected area.
  - (5) Other methods deemed necessary by the Village Arborist or his/her designee.
- (e) Methods to be used to protect trees designated for preservation by the tree preservation plan shall be clearly specified. If, in the opinion of the village engineer or his designee, the necessary precautions as specified in the tree preservation plan were not undertaken before or maintained during construction, the site development permit for the parcel shall not be issued or, if previously issued, shall be revoked or suspended until such time as these precautions have been satisfactorily implemented.

Sec. 9-32 – Tree Replacement

When tree replacement is required pursuant to this code such replacement shall follow the grouping schedule provided below:

- (1) The following table specifies the number of trees required for replacement according to the species of tree removed:

Species Removed	Replacement Rate
All Public Trees (All)	4 Trees
Group A (6 inches and up)	3 Trees
Group B (8 inches and up)	2 Trees
Group C (10 inches and up)	1 Tree

Please refer to appendix A for species grouping list

- Trees not listed on the species grouping list will be categorized by the Village Arborist.

*Exception to the replacement schedule:* Tree replacement schedule shall not be followed under the following circumstances:

- When a tree is determined to be a Group D tree according to the tree species list.
  - Where tree replacement would otherwise be required for an existing single family residential lot or existing two family residential lot which is not the subject of a building or development permit, such requirement shall be satisfied provided that the property on which it is located has a total of at least twelve (12) inches DBH of trees on the property for every one thousand (1000) square feet of pervious land area. Trees of 4 inches DBH and larger can be counted.
    - Plat or other approved drawing indicating total tree DBH shall be supplied, Village may require tree survey from a certified arborist.
    - Trees of 4 inches DBH and larger can be counted.
  - In connection with a public improvement that requires the removal of any tree.
  - When a person desires to remove a tree on a parcel, whether it is part of a site development or not, and one (1) or more of the following conditions is clearly demonstrated:
    - The condition or location of the tree represents a safety hazard to pedestrian or vehicle traffic or a threat to public safety.
    - The tree poses a safety hazard to structures or utilities on or adjacent to the property on which the tree is located.
    - The tree is infested, or incurably diseased, or has been severely weakened by age, storm, fire or other natural injury.
    - Good forestry practice requires removal. Such forestry practice includes such considerations as the number of healthy trees a given parcel of land will support.
  - Group A trees which are removed and are subject to the exception schedule set forth above shall be replaced on a one for one basis with another group A tree.
- (2) All replacement trees shall have a minimum diameter of one and one-half (1½) inches.
  - (3) A group A tree shall be replaced with a group A tree, group B and C trees shall be replaced with group A or B trees.
  - (4) If, in keeping with good forestry practices, sufficient space is not available to plant replacement trees within the lot from which the tree will be removed, the owner/developer shall be required to pay to the Village an amount of \$350.00 per tree that will not be planted in compliance with the replacement schedule, such amount to be utilized for tree planting, tree preservation programs or parks operated by the village.
  - (5) Where replacement is required, a plan shall be submitted to the original approving authority for approval and shall indicate the location, size and species of all replacement trees.
  - (6) When a tree permit application is submitted on a parcel which is subject to an approved landscape plan, any trees removed pursuant to such permit shall be replaced with a

similar tree species and at the approximate location of the removed tree as reflected in the approved landscape plan.

- (7) When no tree replacement is required, the Village strongly encourages the replanting of a new tree.

#### **Article IV. Site Development**

9-46. - Permits required, exceptions

(a) *Site development permit.* A site development permit is required for all site development activity except in the following cases:

- (1) Development of a single parcel in one- and two-family dwelling districts when not part of a new subdivision or PUD under current development.
- (2) Agricultural use of land, including the construction of agriculture structures.
- (3) Installation, renovation or replacement of a septic system to serve an existing dwelling or structure, provided that the person responsible for any such development shall implement necessary erosion and sedimentation control measures to satisfy the standards set forth in Section 9-32.

(b) *Tree Permit.* Any work under this article that disturbs and or removes a tree or multiple trees will be required to obtain a tree permit.

Sec. 9-47. - Application.

(a) Application for a site development permit shall be made by the owner of the site or his authorized agent to the village engineer on a form furnished for that purpose. Each application shall bear the name and address of the owner or agent of the site and of any consulting firm retained by the applicant.

(b) Any site development permit application which involves work that may affect trees, in any way, shall include a tree permit and the applicant shall be required to comply with the stipulations that pertain to the tree permit along with those requirements set forth in the site development stipulations.

(c) Each application shall include certification that any land clearing, construction or development involving the removal of trees shall be in accordance with plans approved upon issuance of the permit.

#### **Sec. 9-48 – Site Development – Tree Preservation Plan Requirements**

Tree replacement shall be required in accordance with the following provisions when: 1) any tree removal, severe trimming or severe damage occurs on any site that is not in accordance with a required village-approved tree removal permit or required site development permit; 2) the removal of any protected tree, as defined by this Code, occurs.

Each application for a site development permit shall satisfy all applicable requirements of chapter 20.5, and shall also provide a tree preservation plan which includes the following information. The tree preservation component of the site development permit application shall be submitted to the village engineer, or his designee, for approval:

- (1) A vicinity map in sufficient detail to enable easy location in the field of the site for which the permit is sought, and including the boundary line and approximate acreage of the site, existing zoning, a drawing legend and scale.
- (2) A survey of all existing trees located upon the development site, performed by a licensed surveyor in concert with a licensed arborist that provides the following information:
  - a. The location of all trees within the limits of the development site that equal or exceed six (6) inches at the diameter breast height (DBH).
  - b. The diameter of each tree, measured at the DBH whose diameter equals or exceeds six (6) inches.
  - c. The genus/species classification of each tree identified on the development site that exceeds six (6) inches DBH.

- d. A rating or written assessment of the quality of each tree on the development site that equals or exceeds six (6) inches DBH.
  - e. A condition rating or statement of general health of each tree on the development site that equals or exceeds six (6) inches DBH.
  - f. Proposed use of the site, including present development and planned utilization; areas of excavation, grading and filling; existing and proposed grading contours, finished grades and street profiles; provisions for storm drainage; kinds and locations of utilities; and areas and acreage proposed to be paved, covered, sodded or seeded, vegetatively stabilized or left undisturbed.
- (3) An exhibit identifying all trees proposed to be removed, all trees proposed to be transplanted, and all trees proposed to be preserved undisturbed within the limits of the development site. This exhibit shall be identified as the tree preservation plan, and shall further identify the following information:
- a. For those trees proposed to be transplanted, a proposed location for the relocation of each tree within the limits of the development site shall be identified
  - b. For those trees proposed to be preserved in an undisturbed condition within the limits of the development site, all tree protection measures shall be identified at each location on the tree preservation plan. Such protection measures shall include, but not be limited to the following:
    - 1. Protective fencing installed at the limits of those areas to be disturbed or otherwise affected by the proposed development activities. Protective fencing shall be maintained at the dripline of those trees to be preserved in their original location.
      - In the event that fencing cannot be provided at the drip line of the preserved trees, root zone protection shall consist of a minimum six inch thickness of wood mulch and two layers of three quarter inch (3/4") plywood to make up the rest of the protected area.
    - 2. Preventive root pruning shall be identified where proposed development activities encroach within the defined critical root zones of any tree that is to be preserved in its original location.
    - 3. Tree wells shall be specified where those trees to be preserved are located in areas of the development site that are subject to changes in final grade elevations in excess of eighteen (18) inches, measured from original ground elevations. The critical root zone of the tree shall be preserved within the undisturbed areas of the development site to be confined by the tree well.

Where trees are present on the site, a tree survey and tree preservation plan identifying trees proposed to be preserved and/or removed, tree diameters measured at DBH, tree species identification, general tree condition assessments, and all tree protection measures to be installed for protection of existing trees which are to be preserved.

- (4) Measures taken to preserve and protect trees shall ensure that, through careful planning, existing trees shall be saved to the greatest extent possible without severely restricting the owner's ability to develop the property within allowed building setbacks.

The owner/developer must demonstrate through the tree survey, tree preservation plan and other related information required during the application process that the proposed site development minimizes tree destruction and loss to the greatest extent feasible and practical. Proposed structures, utilities and impervious areas shall be designed so as to minimize tree removal in keeping with sound engineering and construction practices.

Sec. 9-49. - Same—Review and approval.

(a) *General procedures.*

- (1) The village engineer or his designee shall review and evaluate each site development permit application for compliance with the provisions of this chapter. The village engineer may refer the application to other agencies for review and comment.

- (2) Following review and evaluation, the village engineer or his designee shall forward the permit application to the director of public works with a recommendation of approval or denial. Recommendations of denial shall indicate reasons for the negative recommendation.
- (3) For any site development that has the potential to result in the removal or damaging g trees, a tree permit shall be obtained and requirements under the tree permit and site development permit shall be followed.

(b) *When part of a subdivision or planned unit development.*

- (1) Following review by the village engineer or his designee and director of public works, the application and supporting plans and documents shall be submitted through the plan commission to the village board for review and approval as part of the final plat or specific implementation plan submittal package.
- (2) Site development permits may be issued prior to final plat or specific implementation plan approval only upon the consent of the village board.

(c) *When not associated with a subdivision or planned unit development.*

- (1) The village engineer, with the approval of the director of public works, shall review and have permit approval authority.
- (2) Site development permit applications involving tree removal that requires tree replacements will receive credit for the approved tree planting approved in the landscape plan by appearance review commission (ARC).

Sec. 9-50 through 9-51. Intentionally Omitted.

Sec. 9-52. - Fees and performance guaranty.

(a) *Site development permits.*

- (1) A filing fee as established in the annual fee ordinance shall accompany each site development permit application.
- (2) An inspection fee, equal to a percentage of the estimated costs of the erosion/sedimentation control measures to be implemented, as established in the annual fee ordinance, shall be paid to the village prior to issuance of the site development permit.
- (3) The applicant shall file a performance guaranty in the form of a cash bond or other security deemed adequate by the village attorney, in such amount as is reasonably determined by the village engineer, sufficient to pay all costs of:
  - a. Soil erosion control, tree protection and landscaping installation and maintenance for such period as specified by the village engineer, which period shall be of a duration reasonably calculated to determine that harmful erosion and tree destruction are not occurring on the site; and
  - b. Village engineering, administration and inspection necessitated by failure or repair required of tree protection measures installed on the site and/or failure to comply with tree preservation and protection techniques established in owner-developer's tree preservation plan.

Sec. 9-53. - Appeals.

The applicant for a permit under this article may appeal the adverse decision of the applicable approving authority to the Village Administrator by filing a written request for an appeal within fifteen (15) days of the decision. The appeal request shall be filed with the village administrator. The village administrator shall hear the appeal and render a decision within thirty (30) days of receipt of the appeal.

Sec. 9-54. - Retention of plans.

Plans, specifications and reports for all site developments shall be retained in original form or in an electronic file form by the village engineer.

Sec. 9-55. - Amendment of plans.

Proposed amendments of the site development plan, erosion and sedimentation control plan and tree preservation plan shall be submitted to the village engineer and shall be processed and approved

or disapproved in the same manner as the original plans. Field modifications of a minor nature may be authorized by the village engineer by written directive to the permittee.

Sec. 9-56. - Inspection.

- (a) The village engineer or his designee shall make inspections as required in this section, and shall either approve that portion of the work completed or shall notify the permittee in writing of any specific instances where the work fails to comply with the site development, erosion and sedimentation control plan, or tree preservation plan or tree removal permit as approved.
- (b) Plans for grading, stripping, excavating and filling work bearing the stamp of approval of the village engineer or department of public works shall be maintained at the site during progress of the work.
- (c) In order to obtain inspections, the permittee shall notify the village engineer at least one working day before the completion of the following, as applicable:
  - (1) Implementation of tree protection measures and/or tree preservation plan.
  - (2) Stripping, clearing and/or tree removal.
  - (3) Rough grading.
  - (4) Final grading.
  - (5) Final landscaping.
- (d) If operations requiring tree protection measures are to be conducted in phases or areas, the permittee shall give notice and request inspection at the completion of each of the work stages listed in subsection (c) above, for each phase or area.

Sec. 9-57. - Stop work order; suspension and revocation of permit.

- (a) If any person holding a site development permit pursuant to this chapter violates the terms of the permit, or carries on site development in such a manner as to materially and adversely affect the health, welfare, or safety of persons residing or working in the vicinity of the development site or so as to be materially detrimental to the public welfare or injurious to property or improvements in the vicinity, the village engineer may suspend or revoke the site development permit.
- (b) Suspension of a permit shall be by a written stop work order issued by the village engineer and delivered to the permittee or his agent or the person performing the work. The stop work order shall be effective immediately, shall state the specific violations cited, and shall state the conditions under which work may be resumed. A stop work order shall remain in effect until the permittee has corrected the cited violations to the satisfaction of the village engineer or an appeal decision, per section 9-53, has been rendered.
- (c) When site development work is started without a site development permit, or when tree removal as regulated in this chapter is conducted without a tree removal permit, the village engineer shall issue a stop work order. All related activities shall cease until the required permits have been applied for, approved and issued under the terms of this chapter. Corrective action to mitigate drainage problems, soil erosion or tree damage may be required.

Sec. 9-58. - Expiration of permit.

Every site development permit and tree removal permit shall expire and become null and void if the work authorized by such permit has not been commenced within one hundred eighty (180) days from the date of issuance, or is not completed by a date which shall be specified in the permit; except that the village engineer may, if the permittee presents satisfactory evidence that unusual difficulties have prevented work being commenced or completed within the specified time limits, grant a reasonable extension of time if written application is made before the expiration date of the permit.

Sec. 9-59 – Tree Permit Requirements under Site Development

Protected Trees

1. Trees within the Village are classified into five different groups of trees. Those that are protected fall within the classification of Public Trees, A, B and C. Group D trees are those that are known nuisance and/or invasive trees and no restriction shall apply to the removal of group D trees.

2. Protected Tree Groupings

Protected trees are those which fall into one of the following categories. Species within each category are identified in Appendix A:

Protected Trees	Minimum DBH
Public Trees	All
Group A	6 inches
Group B	8 inches
Group C	10 inches

- e. When a tree has a multi-stemmed trunk, the DBH will be considered the sum of each individual stem's DBH.
- f. Evergreens – All evergreen trees are protected at a height of 8 or more feet
- g. Understory Trees - Protected status shall begin at two (2) inches less than the species grouping in which they are included. Example - Group A understory is protected at four (4) inches
- h. Exclusions – Group D trees and any tree under the minimum DBH shown in the schedule above shall not be classified as protected trees

3. Tree permit—Application requirements.

- Tree Permit Application
- Stipulations will be determined based on the required submissions of the site development permit

4. Tree Replacement

When tree removal is required to provide replacement trees, such replacement shall follow the grouping schedule provided below:

- (1) The following table specifies the number of trees required for replacement according to the species of tree removed:

Species Removed	Replacement Rate
All Public Trees (All)	4 Trees
Group A (6 inches and up)	3 Trees
Group B (8 inches and up)	2 Trees
Group C (10 inches and up)	1 Tree

Please refer to appendix A for species grouping list

- Trees not listed on the species grouping list will be categorized by the Village Arborist.

*Exception to the replacement schedule:* Tree replacement schedule shall not be followed under the following circumstances:

- When a tree is determined to be a Group D tree according to the tree species list.
- When a person desires to remove a tree on a parcel, whether it is part of a site development or not, and one (1) or more of the following conditions is clearly demonstrated:
  - The condition or location of the tree represents a safety hazard to pedestrian or vehicle traffic or a threat to public safety.
  - The tree poses a safety hazard to structures or utilities on or adjacent to the property on which the tree is located.
  - The tree is infested, or incurably diseased, or has been severely weakened by age, storm, fire or other natural injury.
  - Good forestry practice requires removal. Such forestry practice includes such considerations as the number of healthy trees a given parcel of land will support.
- Group A trees which are removed and are subject to the exception schedule set forth above shall be replaced on a one for one basis within another group A.

5 All replacement trees shall have a minimum diameter of one and one-half (1½) inches.

6 A group A tree shall be replaced with a group A tree, group B and C trees shall be replaced with group A or B trees.

7 If, in keeping with good forestry practices, sufficient space is not available to plant replacement trees within the lot from which the tree will be removed, the owner/developer shall be required to pay to the Village an amount of \$350.00 per tree that will not be planted in compliance with the replacement schedule, such amount to be utilized for tree planting, tree preservation programs or parks operated by the village.

## **ARTICLE V. - TREE PRESERVATION AND PLANTING ON VILLAGE-OWNED PROPERTY**

Sec. 9-101. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Arboricultural specifications manual* means the arboricultural specifications manual prepared by the parks superintendent, as amended from time to time, pursuant to section 9-102 below.

*Parks superintendent* means the individual employed by the village in such capacity or his or her authorized delegate.

*Shrubs and other plants* means all vegetation, woody or otherwise, except lawn grass and flowers less than twenty-four (24) inches in height.

*Village-owned property* means real property situated within the village and (1) owned by the village in fee simple absolute or (2) impliedly or expressly dedicated or granted to the village, including easements, for present or future use for purposes of vehicular or pedestrian traffic or for public services and other utilities.

Sec. 9-102. - Duties of parks superintendent.

The parks superintendent shall perform the following duties pursuant to this article:

- (1) The parks superintendent shall develop, annually review and, subject to the approval of the village administrator, revise, the arboricultural specifications manual. The arboricultural specifications manual shall contain regulations and standards for the planting, maintenance and removal of trees, shrubs and other plants upon village-owned property; and
- (2) The parks superintendent shall take all action as may be necessary to ensure that all trees, shrubs, and other plants on village-owned property conform to the arboricultural specifications manual and this article, including without limitation the planting and

maintenance of trees, shrubs and other plants, and the removal of undesirable trees, shrubs and other plants, on village-owned property.

Sec. 9-103. - Prohibited activities.

Without the prior approval of the parks superintendent, no person shall:

- (1) Plant on village-owned property, or treat, prune, remove or otherwise disturb any tree, shrub or other plants located on village-owned property;
- (2) Trim, prune, or remove any tree or portions thereof if such tree or portions thereof reasonably may be expected to fall on village-owned property and thereby to cause damage to persons or property;
- (3) Place on village-owned property, either above or below grade, a container for trees, shrubs or other plants;
- (4) Damage, cut, tap, carve or transplant any tree, shrub or other plant located on village-owned property;
- (5) Attach a rope, wire, nail, sign, poster or any other man-made object to any tree, shrub or other plant located on village-owned property; or
- (6) Dig a tunnel or trench on village-owned property.

Sec. 9-104. - Interference with parks superintendent.

No person shall unreasonably hinder, prevent, delay or interfere with the parks superintendent while engaged in the execution and enforcement of this article.

**Appendix A**

**SPECIES GROUP A**

<b>Canopy trees:</b>	
<b>Species</b>	<b>Common Name</b>
Aesculus glabra	Ohio buckeye
Carya cordiformis	Bitternut hickory
Carya ovata	Shagbark hickory
Celtis occidentalis	Hackberry
Cladrastis lutea	American yellowwood
Corylus colurna	Turkish filbert
Fagus grandiflora	American beech
Fagus sylvatica	European beech
Ginkgo biloba	Ginkgo



	<i>Tilia cordata</i>	Littleleaf linden
	<i>Tilia x euchlora</i> "Redmond"	Redmond linden
	<i>Ulmus</i>	Hybrid elm
	<i>Ulmus parvifolia</i>	Chinese elm
	<i>Catalpa Speciosa</i>	Northern Catalpa
	<i>Platanus occidentalis</i>	Sycamore
	<i>Acer saccharinum</i>	Silver Maple
<b>Understory/ornamental trees:</b>		
	<i>Zelkova serrata</i>	Zelkova
	<i>Aesculus parviflora</i>	Bottlebrush buckeye
	<i>Aesculus pavia</i>	Red buckeye
	<i>Alnus glutinosa</i>	European alder
	<i>Betula platyphlla</i>	Whitespire birch
	<i>Carpinus betulus</i>	European hornbeam
	<i>Magnolia x soulangiana</i>	Saucer magnolia
	<i>Parrotia persica</i>	Persian ironwood
	<i>Prunus americana</i>	American plum
	<i>Prunus padus</i>	European bird cherry
	<i>Pyrus calleryana</i>	Callery pear
<b>Evergreen trees:</b>		
	<i>Abies concolor</i>	White fir (concolor fir)
	<i>Picea abies</i>	Norway spruce
	<i>Picea glauca</i>	White spruce
	<i>Picea pungens</i>	Colorado spruce
	<i>Pinus strobus</i>	White pine
	<i>Pseudotsuga menziesii</i>	Douglas fir
<b>SPECIES GROUP C</b>		
<b>Canopy trees:</b>		
	<i>Populus tremuloides</i>	Quaking Aspen
	<i>Liquidambar styraciflua</i>	Sweetgum
	<i>Maclura pomifera</i>	Osage Orange
	<i>Populus deltoides</i>	Cottonwood
	<i>Prunus serotina</i>	Black cherry
	<i>Robinia pseudoacacia</i>	Black locust
	<i>Salix alba</i>	White willow
	<i>Salix nigra</i>	Black willow
	<i>Salix niobe</i>	Weeping willow
	<i>Ulmus americana</i>	American elm
	<i>Ulmus rubra</i>	Slippery elm
	<i>Ulmus thomasii</i>	Rock elm
	<i>Acer negundo</i>	Boxelder maple
<b>Understory/ornamental trees:</b>		
	<i>Betula papyrifera</i>	Paper birch
	<i>Crataegus laevigata</i>	English hawthorn
	<i>Crataegus mollis</i>	Downy hawthorn
	<i>Prunus virginiana</i>	Common chokecherry
	<i>Sorbis americana</i>	American mountain ash

	<b>Evergreen trees:</b>	
	Pinus nigra	Austrian pine
	Pinus resinosa	Red pine
	Pinus sylvestris	Scotch pine
	Thuja occidentalis techny	Techny arborvitae
<b>SPECIES GROUP D</b>		
	<b>Ailanthus altissima</b>	Tree of heaven
	<b>Elaeagnus angustifolia</b>	Russian olive
	<b>Fraxinus americana</b>	White ash
	<b>Fraxinus pennsylvanica</b>	Green ash
	<b>Fraxinus quadrangulata</b>	Blue ash
	<b>Morse speciosa</b>	Mulberry spp.
	<b>Populus alba</b>	White poplar
	<b>Populus nigra "italica"</b>	Lombardy poplar
	<b>Rhamnus cathartica</b>	Buckthorn
	<b>Ulmus pumila</b>	Siberian elm