

**CHAPTER 4**  
**TREES, WEEDS, AND OTHER VEGETATION**

**Section**

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**§6-4-1: SHORT TITLE:**

This Chapter shall be known and may be cited as the *TOWER LAKES TREE ORDINANCE* of the Village of Tower Lakes, Lake County, Illinois. (Ord. 93-350, 2-15-1993)

**§6-4-2: PURPOSE AND INTENT:**

(A) Purpose:

It is the purpose of this Chapter to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance, and/or removal of trees, weeds, and other vegetation within the Village of Tower Lakes, Lake County, Illinois (“the Village”).

(B) Intent:

It is the intent of the Board of Trustees of the Village that the terms of this Chapter shall be constructed so as to promote:

1. The planting, maintenance, restoration, and survival of protected trees as defined herein, and other desirable plants within the Village; and
2. The protection of Village residents from personal injury and property damage, and the protection of the Village from property damage, caused or threatened by the improper planting, maintenance, and/or removal of trees, shrubs, or other plants located within the Village.

(Ord. 93-350, 2-15-1993; Amd. Ord. 2017-04, passed 03-20-2017)

**§6-4-3: DEFINITIONS:**

As used within this Chapter, the following terms shall have the meanings set forth in this Section:

*ARBORICULTURAL SPECIFICATIONS AND STANDARDS OF PRACTICE FOR THE VILLAGE OF TOWER LAKES* (hereinafter, “Arboricultural Specifications Manual”): A manual prepared by the Arborist pursuant to this Chapter containing regulations and standards for the planting, maintenance and removal of trees, shrubs, and other plants upon Village-owned property.

dbh: “Diameter at breast height”, which shall be the diameter of a tree’s trunk size as measured at fifty-four inches (54”) above the established ground level, or for replacement trees, fifty-four inches (54”) above the top of the root ball.

*ENFORCEMENT AUTHORITY*: For the purposes of this Chapter, the enforcement authority shall be the Village President, or his or her designee, or the Village Arborist, or his or her designee, if one has been so designated by the Village President.

*EXEMPT TREES*: Any tree other than a protected tree.

*PROPERTY OWNER*: The owner(s) of record or contract purchaser(s) of any lot or parcel of land within the Village.

*PROTECTED TREES*: Shall be defined as any tree with a trunk size equal to or greater than four inches (4”) dbh of the following species (“PROTECTED TREE LIST”):

- Amur Corktree (*Phellodendron Amurense*)
- Amur Maackia (*Maackia Amurensis*)
- Baldcypress & cvs. (*Taxodium Distichum*)
- Beech, European (*Fagus Sylvatica*)
- Beech, All cultivars (*Fagus sp.*)
- Black Alder (*Alnus Glutinosa*)
- Buckeye, yellow (*Aesculus Octandra*)
- Buckeye, Ohio (*Aesculus Glabra*)
- Carolina Silverbell (*Halesia Carolina*)
- Coffeetree, Kentucky (*Gymnocladus Dioicus*)
- Dawn Redwood (*Metasequoia Glyptostroboides*)
- Elm, Chinese Lacebark (*Ulmus Parvifolia*)
- Elm, New Introductions from Morton Arboretum (*Ulmus sp.*)
- Ginkgo (*Ginkgo Biloba*)
- Maple, Hedge (*Acer Campestre*)
- Hickory, Butternut (*Carva Cordiformis*)

Hickory, Shagbark (*Carya Ovata*)  
 Hornbeam (*Carpinus Caroliniana*)  
 Larch, European (*Larix Decidua*)  
 Larch, Japanese (*Laris Kaempferi*)  
 Lilac, Japanese Tree (*Syringa Reticulata*)  
 Linden, Silver (*Tilia Tomentosa*)  
 Magnolia, Cucumbertree (*Magnolia Acuminara*)  
 Maple, Black (*Acer Nigrum*)  
 Maple, Miyabe (*Acer Miyabei*)  
 Maple, Norway (*Acer Platanoides*)  
 Maple, Paperbark (*Acer Griseum*)  
 Maple, Red or Swamp (*Acer Rubrum*)  
 Maple, Sugar or Rock (*Acer Saccharum*)  
 Maple, Three Flower (*Acer Triflorum*)  
 Oak, Bur (*Quercus Macrocarpa*)  
 Oak, Chestnut (*Quercus Prinus*)  
 Oak, Chinkapin (*Quercus Muehlenbergii*)  
 Oak, Red (*Quercus Rubrum*)  
 Oak, Shingle (*Quercus Imbricaria*)  
 Oak, Swamp White (*Quercus Bicolor*)  
 Oak, White (*Quercus Alba*)  
 Osage-Orange (*Maclura Pomifera*)  
 Pagodatree, Japanese (*Sophora Japonica*)  
 Pecan (*Carya Illinoensis*)  
 Planetree (*Platanus Occidentalis* sp.)  
 Serviceberry (*Amelanchier* sp.)  
 Seven-son Flower (*Heptacodium Minconiodes*)  
 Sourgum (Black Tupelo) (*Nyssa Sylvatica*)  
 Spruce, Black Hills (*Picea Glauca*)  
 Spruce, Colorado Blue (*Picea Pungens Glauca*)  
 Spruce, Norway (*Picea Abies*)  
 Spruce, Green (*Picea Pungens*)  
 Tuliptree (*Liriodendron tulipifera*)  
 Yellowwood (*Cladrastis Lutea*)

**REGULATED ACTIVITY:** Any activity that is reasonably likely to cause, or does cause the removal, significant alteration, and/or damage to one or more protected trees, including, but not limited to, the subdivision of property, public or private new construction or development, deforestation, landscaping, enlargements or expansion of any structure, building or parking areas.

**RIGHT-OF-WAY:** For the purposes of this Chapter, the term “right-of-way” shall mean the entire width between the boundary lines of any way dedicated to public use or publicly maintained.

**TREES, SHRUBS, AND OTHER PLANTS:** All vegetation, woody or otherwise, except lawn grasses, and except flowers less than twenty four inches (24”) in height.

**VILLAGE ARBORIST:** The Village Arborist of the Village of Tower Lakes as designated by the Village President (“the Village Arborist”). If the position of Village Arborist is vacant, or if the Village Arborist is unavailable, the Village’s Building Inspector may temporarily act as the Village Arborist, and in the context of this Chapter, any reference to the Village Arborist shall be deemed a

reference to the Village Building Inspector under these circumstances. Any reference to the Village Arborist shall also be deemed to include any designee of the Village Arborist.

*VILLAGE-OWNED PROPERTY*: Property within the Village limits of the Village of Tower Lakes, Illinois, and:

- (A) Owned by the Village in fee simple absolute, or
- (B) Impliedly or expressly dedicated to the public for present or future use for purposes of vehicular or pedestrian traffic, or for public easements.

(Ord. 93-350, 2-15-1993; Amd. Ord. 2017-04, passed 03-20-2017)

**§6-4-4: THE TOWER LAKES TREE COMMISSION; ESTABLISHMENT, COMPOSITION, APPOINTMENT OF MEMBERS, DUTIES:**

(A) Establishment:

The Tower Lakes Tree Commission (hereinafter “Tree Commission”) is hereby established. Its functions and duties are limited to those set forth in this Chapter.

(B) Composition:

The Tree Commission shall be composed of seven (7) commissioners, who shall be appointed by the Village President with the approval of the Board of Trustees. These seven (7) commissioners shall serve without pay and shall reside within the Village. Subject to the exceptions in subsection (C) of this Section, each commissioner of the Tree Commission shall serve for a term of three (3) years.

(C) Appointment of Members:

One of the seven (7) commissioners initially appointed to the Tree Commission shall serve for a term of one year; three (3) of the seven (7) commissioners initially appointed shall serve for a term of two (2) years; and three (3) of seven (7) commissioners initially appointed shall serve for a term of three (3) years. All terms shall start on a common date. Determination of the length of terms of the seven (7) commissioners initially appointed shall be by lot. The Village President shall designate the chairperson of the Tree Commission.

(D) Expiration or Vacation of Terms:

Within thirty (30) days following the expiration of the term of any appointed commissioner, a successor will be appointed by the Village President with the approval of the Board of Trustees, and the successor shall serve for a term of three (3) years. Except as provided below, every Tree Commissioner shall hold his or her office until his or her successor is appointed and qualified. Should any commissioner resign or be removed from the Tree Commission, a successor shall be appointed by the Village President and shall serve for the unexpired period of the vacated term. A member of the Tree Commission may be removed by the Village President with the approval of a majority of Board of Trustees.

(E) Duties; Hearing Appeals:

The Tree Commission shall perform the following duties:

1. Within a reasonable time after the appointment of the Tree Commission, upon call of the chairperson of the Tree Commission, the Tree Commission shall meet and adopt rules of procedure for regular and special meetings to fulfill the duties imposed upon it by this Chapter.
2. The Tree Commission shall advise and consult the Tower Lakes Arborist on any matter pertaining to the Tower Lakes Tree Ordinance and its enforcement. The topics under which this advice and consultation may be given may include, but are not limited to, any of the following:
  - (a) Amendments to the Tower Lakes Tree Ordinance, and alterations or revisions to the Arboricultural Specifications Manual, and alterations or revisions of the Urban Forestry Plan;
  - (b) Policies concerning selection, planting, maintenance, and removal of trees, shrubs, and other plants within the Village;
  - (c) Allocation of funds to the Village or its operational committees and expenditures of funds by the Village within the framework of the Comprehensive Tree Care Plan;
  - (d) Establishment of educational and informational programs;
  - (e) Development of policies and procedures regarding the Arborist's duties;
  - (f) Issuance of permits required by this Chapter;
3. The Tree Commission, upon the request of any interested person who disagrees with the decision of the Arborist, shall hear all issues of the disputes which arise between the Village Arborist and any such person whenever those issues involve matters or the interpretation or enforcement of the Arboricultural Specifications Manual, the Urban Forestry Plan, or of the interpretation or enforcement of this Chapter, including disputes regarding the issuance of permits, or the concurrence or nonconcurrence of the Arborist in permits required under other ordinance or laws, or the abatement of nuisances. A majority of the appointed members of the Tree Commission shall make a recommendation to the Village Board with regard to the resolution of any such dispute, and the Village Board shall by ordinance make a final decision on any such dispute which shall be binding upon the Village Arborist and all other interested parties. Nothing in this Section shall be construed to limit the jurisdiction of any court of law with respect to such disputes.

(Ord. 93-350, 2-15-1993; Amd. Ord. 2017-04, passed 03-20-2017)

**§6-4-5: VILLAGE ARBORIST; ESTABLISHMENT, DUTIES:**

(A) Establishment:

The position of the Village Arborist is hereby established.

(B) Duties:

The Village Arborist ("the Arborist") shall perform the following duties:

1. The Arborist, with the assistance of the Tree Commission, shall develop, and each subsequent year, update the Urban Forestry Plan. The Plan shall outline urban forestry program activities for a minimum of the next five (5) years. This Plan shall describe the urban forestry activities to be undertaken by the Village, the reasons for those activities, the possible funding source(s), the means of accomplishing the activities, the alternatives available to the Village to fund or accomplish the activity, the projected date of completion, and the consequences if the activity is not completed. Activities may include, but are not limited to, street tree inventory, planting, tree removal, beautification projects, and educational projects.

2. The Arborist, with the assistance of the Tree Commission, shall develop and periodically review and revise, as necessary, the Arboricultural Specifications Manual. This manual shall contain regulations and standards for the planting, maintenance, and removal of trees, shrubs and other plants upon Village-owned property.
3. The Arborist shall cause the Urban Forestry Plan and the Arboricultural Specifications Manual, and all revisions and amendments to it, to be published and promulgated and shall cause three (3) copies of the manual, and all revisions and amendments to it, to be available for public inspection at the office of the Village Clerk. Notice that such information is available for public inspection and shall be published in a newspaper of general circulation within the Village at least one weekday of each of four (4) consecutive weeks immediately following the initial availability of the Arboricultural Specifications Manual, or revisions or amendments thereto. The Arboricultural Specifications Manual, and any revisions and additions thereto shall become effective on the tenth day following the final publication in a newspaper of general circulation required under this subsection.
4. The Arborist shall make available to any interested person copies of the Tree Ordinance, information about the activities of the Tree Commission, copies of the Arboricultural Specifications Manual and copies of the Urban Forestry Plan.
5. The Arborist shall administer the Urban Forestry Plan, the Tree Ordinance and the provisions of the Arboricultural Specifications Manual.
6. The Arborist shall perform whatever acts are necessary, including the planting and maintenance of trees, the removal of undesirable trees, shrubs, and other plants located on Village-owned property, to ensure that all trees, shrubs, and other plants located on Village-owned property conform with the Urban Forestry Plan, the Arboricultural Specifications Manual, and this Chapter.
7. The Arborist is authorized to issue such permits as are required by this Chapter and shall obtain as a condition precedent to the issuance of such permits the written agreement of each person who applies for such permits that he or she will comply with the requirements of this Chapter, the Urban Forestry Plan, and with the regulations and standards of the Arboricultural Specifications Manual. The Arborist shall have the right to inspect all work performed pursuant to such permits. If the Arborist finds that the work performed is not in compliance with the requirements of this Chapter, the Urban Forestry Plan, or with the regulations or standards of the Arboricultural Specifications Manual, the Arborist shall provide written notice of his/her finding to the permit applicant. The notice shall include a copy of this Chapter, and:
  - (a) The permit shall be nullified and shall be void, and
  - (b) The Arborist may issue a written order that the permit applicant cease and desist all work for which the permit was required, and
  - (c) The permit applicant shall be subject to penalty under the terms of this Chapter, and
  - (d) The Arborist may take steps to correct the results of the noncomplying work and the reasonable costs of such steps shall be charged to the permit applicant.
8. The Arborist shall establish a program of public information and education that will encourage the planting, maintenance, or removal of trees, shrubs, and other plants on private property in furtherance of the goals of the Urban Forestry Plan.

(Ord. 93-350, 2-15-1993; Amd. Ord. 2017-04, passed 03-20-2017)

**§6-4-6: TREE REMOVAL PERMITS REQUIRED:**

(A) Tree Removal Permit(s) Always Required:

No tree with a dbh of four inches (4”) or more shall be removed or significantly altered or damaged by regulated activity unless such action is first authorized by a Tree Removal Permit as to each such tree for such regulated activity issued by the Arborist, as required by this Chapter. No Exempt Tree shall be removed, significantly altered, or shall otherwise be affected by any regulated activity without first receiving a Tree Removal Permit issued by the Village Arborist, or his or her designee, which permit shall determine in writing that the subject tree or tree(s) is or are Exempt Tree(s).

(B) Applicability:

Without any limitation on the requirements of Section 6-4-6(A) hereof, no person except the Arborist, an agent of the Arborist, or a contractor hired by the Village with the approval of the Arborist may perform any of the following acts without first obtaining from the Arborist, or from his or her designee, a Tree Removal Permit. Nothing in this Section shall be construed to exempt any person from the requirements of obtaining any such additional permits as are required by law:

1. Plant on Village-owned property, or treat, prune, remove, or otherwise disturb any tree, shrub, or other plant located on Village-owned property, except that this provision shall not be construed to prohibit owners of property adjacent to Village-owned property from watering or fertilizing without a permit any tree, shrub, or other plant located on such 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 ground level, 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 any rope, wire, nail, sign, poster, or any other manmade object to any tree, shrub, or other plant located on Village-owned property;
6. Dig a tunnel or trench on Village-owned property.
7. Remove, significantly alter, or damage any tree located on any public or private property, without first obtaining a Tree Removal Permit from the Village Arborist and in the case of a protected tree on the private property of another person, the prior written consent of the owner of that property, a copy of which written consent shall be provided to the Village Arborist prior to, and as a condition of, the Village’s issuance of the required permit for any such regulated activity.
8. Perform any regulated activity, as that term is defined in this Chapter, which damages, removes, causes the removal of, or is reasonably likely to damage, remove, or cause the removal of one or more trees without any and all permit(s) required by this Chapter.

(C) Permit Fees:

The permit fee(s) applicable to Tree Removal Permit(s) shall be as follows: The permit fee for a Tree Removal Permit for the removal of, any significant alteration to, or damage to any protected tree shall be One Hundred Dollars (\$100.00) per tree, provided, however, such permit fee shall be refunded when and if such protected tree which was removed or significantly altered is replaced within two (2) years from the date of the issuance of the Tree Removal Permit as required by Paragraph (D)(6). No permit fee for a Tree Removal Permit for the removal or the significant alteration of a dead tree or an Exempt Tree shall be required, but a Tree Removal Permit shall still be required prior to the commencement of any such regulated activity with respect to any such tree.

(D) Issuance of Permit(s):

Upon the Village's receipt and approval of a complete application and the payment of the applicable permit fee(s), if any, the Village Arborist, or his or her designee, shall issue a permit to perform within thirty (30) days of the day of issuance of such permit any of the acts specified in subsection (B) of this Section, for which a permit is requested whenever:

1. Such acts would result in the abatement of a public nuisance or to otherwise comply with the provisions of this Code;
2. An application has been signed by the applicant and submitted to the Village Arborist detailing the location, number, size, and species of trees, shrubs, or other plants that will be affected by such acts, setting forth the purpose of such acts and the methods to be used, and presenting a Tree Survey and a Tree Preservation Plan as hereinafter described and any additional information that the Village Arborist may find reasonably necessary;
3. The applicant has agreed in writing to perform the work for which the permit is sought in accordance with the provisions of this Chapter; and
4. The applicant certifies that he or she has read and understands those provisions of this Chapter which are pertinent to the work for which the permit is sought; and
5. If the work for which a permit is issued entails the felling of any tree or part thereof, located on private property, which, as a result of such felling reasonably may be expected to fall upon Village-owned property, then the applicant shall agree to indemnify and to hold the Village harmless for all damages resulting from work conducted pursuant to such permit and shall deposit with the Village administrator a liability insurance policy in the amount of not less than one hundred thousand dollars (\$100,000.00) per person/three hundred thousand dollars (\$300,000.00) per accident for bodily injury liability and fifty thousand dollars (\$50,000.00) aggregate for property damage liability, and an umbrella policy with a limit of not less than one million dollars (\$1,000,000.00), which policy shall name the Village, its elected officials, officers, agents and employees, as additional insureds.
6. The removal of any protected tree from private property shall require the applicant to replace such tree with another protected tree on a one-for-one basis within two (2) years from the date of the issuance of the Tree Removal Permit. All replacement protected trees shall have a dbh of not less than two inches (2"). All such replacement protected trees shall be of a species selected from the "Protected Tree List" as set forth in Section 6-4-3 of this Chapter, or shall be of such other species as approved in advance in writing by the Village.



(E) Tree Survey and Tree Preservation Plan Required:

All tree preservation plans, and the related tree survey, shall be submitted to the Village Arborist for the Village's prior written approval of any tree(s) prior to the Village's issuance of any tree removal permit therefor.

1. Tree Survey:

A tree survey shall be submitted to the Village Arborist, or his or her designee, for review and approval, by anyone requesting a tree removal permit, a building or site development permit, and/or preliminary and/or final subdivision approval. The tree survey shall indicate the location, size and species (both scientific and common name), relative health, of all trees located on the parcel with a dbh of four inches (4") or greater. The tree location and size information which is part of a tree survey shall be based upon a plat of survey prepared by a land surveyor licensed in the State of Illinois. The balance of the information provided by any tree survey and any tree preservation plan and any amendment(s) thereto shall be prepared by a registered landscape architect as defined by 225 Illinois Compiled Statutes 315/1 et seq., or by an arborist as defined in 65 Illinois Compiled Statutes 5/11-42-13, or by persons with similar expertise in forestry, woodlands management, and/or horticulture whose qualifications have been approved in advance by the Village Arborist, or his or her designee.

2. Tree Preservation Plan:

A reasonable effort shall be made by the owner(s) of any property and/or any applicant for a tree removal permit to retain existing protected trees shown on the tree survey through the integration of those trees into the site and landscaping plan for any proposed site or development. Where a reasonable integration of protected trees into the site or development plan is not possible, and any protected trees are, therefore, approved by the Village Arborist, or his or her designee, for removal, the property owner(s) and/or applicant(s) shall be required to mitigate the removal of all such protected trees by replacing each protected tree(s) to be removed with replacement protected trees on a one-for-one basis. All replacement protected trees shall have a dbh of not less than two inches (2"). In the event that a site development plan or landscaping plan is not required by the Village from a property owner(s) or applicant(s) who desire to remove protected trees, a tree survey and tree preservation plan in compliance with this Chapter shall still be required.

3. For any application for a tree, the Village Arborist may waive the requirement(s) for a Tree Survey and/or Tree Preservation Plan if adequate alternative documentation (as determined by the Village Arborist, or his or her designee) of the location(s) and the character of the subject tree(s) proposed to be removed, and of any replacement trees proposed and their proposed location, is provided and approved by the Village Arborist, or his or her designee.

(Ord. 93-350, 2-15-1993; amd. 2014 Code; Amd. Ord. 2017-04, passed 03-20-2017)

**§6-4-7: PUBLIC NUISANCES:**

(A) Definition:

The following are hereby declared public nuisances under this Chapter:

1. Any dead or dying tree, shrub, or other plant, whether located on Village-owned property or on private property;
2. Any otherwise healthy tree, shrub, or other plant, whether located on Village-owned property or on private property, which harbors insects or diseases which reasonably may be expected to injure or harm any tree, shrub, or other plant;
3. Any tree, shrub, other plant, or portion thereof, whether located on Village-owned property or on private property, which by reason of location or condition constitutes an imminent danger to the health, safety, or welfare of the general public;
4. Any tree, shrub or other plant or portion thereof whether located on Village-owned property or on private property which obstructs the free passage of pedestrian or vehicular traffic or which obstructs a street sign on Village property;
5. Any tree, shrub or other plant or portion thereof whether located on Village-owned property or on private property which dangerously obstructs safe sight lines for pedestrian and/or vehicular traffic which is on or entering any public right-of-way as such may be determined by any Village official, officer, employee, or agent.

(B) Right to Inspect:

The officers, agents, servants and employees of the Village have the authority to enter onto private property whereon there is located a tree, shrub, plant or plant part that is suspected to be a public nuisance.

(C) Abatement:

The following are the prescribed means of abating public nuisances under this Chapter:

1. Any public nuisance under this Chapter which is located on Village-owned property shall be pruned, removed, or otherwise treated by the Arborist in whatever fashion is required to cause the abatement of the nuisance within a reasonable time after its discovery.
2. Any public nuisance under this Chapter which is located on privately owned property shall be pruned, removed, or otherwise treated by the property owner or his/her agent in whatever fashion is required to cause the abatement of the nuisance. No property owner may be found guilty of violating this provision unless and until the following requirements of notice have been satisfied:
  - (a) The Arborist shall cause a written notice to be personally served or sent by regular U.S. mail, postage paid, to the person to whom was sent the tax bill for the general taxes for the last preceding year.
  - (b) Such notice shall describe the kind of tree, shrub, or other plant or plant part which has been declared to be a public nuisance; its location on the property; the reason for declaring it a nuisance.
  - (c) Such notice shall describe by legal description or by common description the premises.
  - (d) Such notice shall state the actions that the property owner may undertake to abate the nuisance.

- (e) Such notice will require the elimination of the nuisance no more than ten (10) days after the notice is delivered or sent to the person to whom was sent the tax bill for the general taxes for the last preceding year.
  - (f) In the event that the nuisance is not abated by the date specified in the notice, the Arborist is authorized to cause the abatement of said nuisance.
3. The Arborist is empowered to cause the immediate abatement of any public nuisance provided that the nuisance is determined by the Arborist to be an immediate threat to any person, or property.
  4. Any costs of the abatement incurred by the Village of any such nuisance as identified in this Chapter may be recorded as a claim of lien against the private property on which such nuisance is or was located.

(Ord. 93-350, 2-15-1993; Amd. Ord. 2017-04, passed 03-20-2017)

**§6-4-8: INTERFERENCE WITH ARBORIST:**

No person shall unreasonably hinder, prevent, delay, or interfere with the Arborist or his/her agents while engaged in the execution or enforcement of this Chapter. (Ord. 93-350, 2-15-1993)

**§6-4-9: APPEAL:**

Any party who elects any action or decision by the Village Arborist or Tree Commission shall be entitled to appeal to the Corporate Authorities of the Village for a final determination. (Ord. 93-350, 2-15-1993)

**§6-4-10: PERMITS REQUIRED TO PLANT OR REMOVE TREES OR SHRUBS IN PUBLIC PLACES AND/OR RIGHTS-OF-WAY:**

It shall be unlawful to plant, remove or cut down any tree or shrub within any Village, State, or county right-of-way (as the term “right-of-way” is defined in Section 6-4-3 hereof), or other public place without having first secured a permit as provided for in Section 6-4-6 of this Chapter.

(Ord. 93-350, 2-15-1993; Amd. Ord. 2017-04, passed 03-20-2017)

**§6-4-11: TREES ON PUBLIC PROPERTY:**

No person shall prune, remove, harm, or plant any tree on public rights of way or other property owned by the Village without permission from the Village President, or his or her designee, the Village Arborist, or a Tree Commission member.

(Ord. 01-484, 8-20-2001; Amd. Ord. 2017-04, passed 03-20-2017)

**§6-4-12: ADVERTISEMENTS, NOTICES ON TREES OR SHRUBS:**

It shall be unlawful to attach any sign, advertisement or notice to any tree or shrub in any street, parkway or other public place. (Ord. 93-350, 2-15-1993)

**§6-4-13: PLANTS OVERHANGING PUBLIC PLACES; ROOTS IMPEDING DRAINAGE:**

- (A) Any tree or shrub which overhangs any sidewalk, street or other public place in the Village in such a way as to impede or interfere with traffic or travel on such public place shall be trimmed by the owner of the abutting premises so that the obstruction shall be removed. Roots of any tree or shrub which impede drainage shall be removed by the owner of the abutting premises pursuant to a permit as provided in Section 6-4-6 of this Chapter.
- (B) Any limb of a tree which has become likely to or does fall on or across any public way or place shall be removed by the owner of the abutting premises pursuant to a permit as provided in Section 6-4-6 of this Chapter.
- (C) If the owner of the abutting premises fails to fulfill said responsibilities as specified above, the Village may fulfill said responsibilities, but shall not be required to do so, and such owner shall be liable for the costs thereof pursuant to a permit as provided in Section 6-4-6 of this Chapter. (Ord. 93-350, 2-15-1993)

**§6-4-14: POLES, WIRES TO BE KEPT AWAY FROM TREES AND SHRUBS:**

Any person given the right to maintain poles and wires in the streets, alleys or other public places in the Village shall, in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees or shrubs in such places so far as may be possible and shall keep all such trees and shrubs properly trimmed and subject to the supervision of the Village Arborist, or his or her designee, so that no injury shall be done to the poles or wires or shrubs and trees by contact.

(Ord. 93-350, 2-15-1993; Amd. Ord. 2017-04, passed 03-20-2017)

**§6-4-15: REMOVAL OF CERTAIN TREES REQUIRED:**

§6-4-15-1: Village Right to Inspect:

The officers, employees, and agents of the Village are hereby authorized and directed to enter on and upon private property whereon there is located any elm trees having the appearance of or suspected of being diseased with *Ceratocystis ulmi*, commonly called Dutch Elm Disease, or ash trees infested with the Emerald Ash Borer (*Agrilus planipennis fairmaire*), for the purpose of inspecting said suspected tree and removing therefrom samples or portions thereof to be tested to establish whether said tree is, in fact, diseased or infested.

§6-4-15-2: Nuisances Declared:

In the event that it is determined that the tree from which samples have been taken is, in fact, diseased or infected with Dutch Elm Disease or infested with the Emerald Ash Borer, said tree shall forthwith be and it is hereby declared to be a nuisance.

§6-4-15-3: Duty of Owner/Occupant to Abate Nuisances:

The owner, occupant, or agent of the parcel of land on which a diseased elm tree or tree infested with the Emerald Ash Borer exists shall forthwith remove and destroy said tree and shall chip the same or shall cause the same to be removed, destroyed, and ground, milled, chipped, or otherwise disposed of consistent with the provisions of the applicable state or federal quarantine within ten (10) days of notification to such owner, occupant, or agent that said elm tree or ash tree is, in fact, diseased, infected, and/or infested. No chips or other particles resulting from such removal operation shall exceed one inch (1") in any dimension, unless allowed pursuant to the provisions of any applicable state or federal quarantine. All stumps of such diseased, infected, and/or infested trees shall be removed to a depth of not less than eight inches (8") below the ground surface and then covered with soil of the same depth. No ash material shall be removed from any quarantine zone as imposed from time to time by any State or federal agency, unless such removal is done consistent with the provisions of the state or federal quarantine. Notwithstanding any other provisions in this Chapter to the contrary, all removal operations for such diseased and/or infested tree(s) shall fully comply with all applicable State and federal statutes and/or regulations as exist from time to time.

§6-4-15-4: Notice to Abate Nuisances:

Whenever the owner or occupant of any private property containing a diseased elm tree or infested ash tree permits the diseased or infested tree to remain on such premises, the Village shall proceed as follows:

- A. A notice shall be sent by certified mail or personally served on the person to whom was sent the tax bill for the general taxes for the last preceding year on the premises.
- B. Such notice shall state that there is an elm tree infected with Dutch Elm Disease or an ash tree infested with the Emerald Ash Borer on the premises, the notice shall describe the premises by legal description or by street address, and the notice shall state that unless the diseased elm tree or infested ash tree is removed on or before the date stated in the notice, the diseased or infested tree shall be removed at the property owner's expense. The date stated in the notice shall be not less than ten (10) days after the date of delivery or mailing of the notice.
- C. There shall be included with such Notice to Abate a copy of this Section and a copy of 65 Illinois Compiled Statutes 5/11-20-12 and 65 Illinois Compiled Statutes 5/11-20-15.

§6-4-15-5: Abatement by Village; Costs Constitute a Lien:

In all cases where the owner, occupant, or their agent of the parcel of land on which said diseased elm tree or infested ash tree is located cannot be found, or if found and notified as aforesaid, neglects or refuses to abate said nuisance, it shall be lawful for the village to abate the same by the removal, destruction, and chipping of said diseased elm tree or infested ash tree and in that event the said owner, occupant and agent or any of them shall be charged with those expenses which may be incurred by the village in the removal or abatement of the diseased elm tree or infested ash tree as aforesaid, which expenses may be collected by the village by suit or otherwise in addition to the fine(s) or penalties provided. Such expenses shall also be a lien upon the real estate affected in accordance with 65 Illinois Compiled Statutes 5/11-20-12 and 5/11-20-15, provided, however, such cost(s) shall not be a lien on the underlying parcel unless a notice is personally served on, or sent by certified mail to, the person to whom was sent the tax bill for the general taxes on the property for the taxable year immediately preceding the removal activities. Such notice must also be delivered or sent after the removal activities have been performed and said notice must: a) include a copy of

this section and include copies of 65 Illinois Compiled Statutes 5/11-20-12 and 5/11-20-15, which statute is applicable to all such liens; b) identify the underlying parcel, by common description; and c) describe the removal activity.

**§6-4-15-6: Failure to Remove Tree Prohibited:**

It shall be unlawful for the owner, or occupant, or their agent of any premises in the village to permit any tree or portion thereof infected with Dutch elm disease or infested with the emerald ash borer to remain on such premises or to fail to remove same from such premises.

(Amd. 2014 Code; Amd. Ord. 2017-04, passed 03-20-2017)

**§6-4-16: WEEDS AND OTHER NUISANCE VEGETATION; VILLAGE LIEN:**

- A. Any weeds such as jimson, burdock, ragweed, thistle, cocklebur or other weeds of a like kind, found growing in any lot or tract of land in the Village are hereby declared to be a public nuisance, and it shall be unlawful to permit any such weeds to grow or remain in such place. In addition, it shall be unlawful for anyone to permit any weeds, grass or plants, other than trees, bushes, flowers or other ornamental plants, to grow to a height exceeding two feet (2') anywhere in the Village on numbered, platted lots.
- B. It shall be unlawful to permit or allow any vegetation to be dead, diseased, overgrown, or a potential threat to the public health and/or safety, or to otherwise constitute a public nuisance ("nuisance vegetation"), and any such weeds or nuisance vegetation are hereby declared to be a nuisance.
- C. Wherever weeds or other nuisance vegetation exist in violation of this Chapter, the Village will serve on the owner, or on the person who paid the last previous real estate bill, written notice of the substance of this Chapter and the substance of the related sections of the Illinois Municipal Code, and if the said weeds or other nuisance vegetation are not removed or cut within ten (10) days thereafter, the Village may take steps to cut or remove said weeds or other nuisance vegetation and file a lien in the manner provided by the Illinois Municipal Code, as amended from time to time.

(Ord. 69-38, 8-18-1969; amd. 2014 Code; Amd. Ord. 2017-04, passed 03-20-2017)

**§6-4-17: PENALTIES:**

Any violation of this Chapter shall be punished by a fine of not less than one hundred dollars (\$100.00) and of not more than seven hundred fifty dollars (\$750.00). Each tree damaged, destroyed and/or removed in violation of this Chapter shall constitute a separate offense and each day on which a violation occurs or continues shall also constitute a separate offense.

(Ord. 2017-04, passed 03-20-2017)