

REVIEWER INTRODUCTION TO THE BRONZE LEVEL TREE PRESERVATION ORDINANCE

The Chicago Region Trees Initiative, Trees and Green Infrastructure Work Group has developed three tree preservation ordinance templates for your consideration. It should be noted that these ordinances in no way reflect tree preservation or planting requirements that would be included in a “landscape or development” ordinance. They are for tree preservation within the built environment. Following is a description of each tree preservation ordinance level.

Bronze –

1. The Bronze Level Tree Preservation Ordinance is the foundation upon which the other tree preservation ordinances are based.
2. This basic ordinance assumes the community does not have an urban forest management plan.
3. The Bronze Level Tree Preservation Ordinance regulates trees on public property only - with the exception of potential risk trees.
4. This ordinance sets goals for the community to help it move to the Silver Level Tree Preservation Ordinance.

Silver –

1. The Silver Level Tree Preservation Ordinance is based on a community urban forest management plan.
2. The Silver Tree Preservation Ordinance regulates trees on public property only – with the exception of potential risk trees.
3. The objective is to have the urban forest management plan provide the structure for the community forestry program.
4. The management plan can be updated and amended more easily than an ordinance so changes can be made as needed.
5. The Silver Level Tree Preservation Ordinance will reference back to the urban forest management plan as the foundation for the community urban forestry program.

Gold –

1. The Gold Level Tree Preservation Ordinance is based on a community urban forest management plan.
2. This ordinance level regulates trees on public and private property. Approximately 70% of the trees within a community are located on private property.
3. This ordinance preserves, protects and enhances the urban forest infrastructure as a whole.

CHAPTER 1

City of Warrenville Tree Preservation Ordinance

SECTION 1

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1.1 STATEMENT OF PURPOSE

This Section of the Code is structured to preserve, protect and enhance critical infrastructure – the urban forest that is located on public land. The complete urban forest is comprised of trees across all land uses and ownership. This Section will regulate public property trees but recognizes that trees on private property are part of the collective community resource.

The purpose of this Section is to recognize the services and function that trees provide as a collective asset to the entire community and to state the goals of the City of Warrenton with respect to the protection, preservation, care and planting of trees on public lands.

Specific goals of this section are to:

- A. Protect, preserve and enhance the quality of life and general welfare of the City of Warrenton, its residents, and property owners; and conserve and enhance the City of Warrenton's natural, physical and aesthetic environment.

- A. Preserve, protect and enhance the urban forest to ensure that trees are properly planted and maintained within the City of Warrenton so that trees can protect, enhance and preserve the quality of life for people within the City of Warrenton.

- A. Recognize that trees are an integral part of the infrastructure of the City of Warrentville and as such should be preserved, protected, **financed and managed** for as other critical City of Warrentville infrastructure and utility systems.

NOTE: We may want to change order of a-o (below)

- a. Trees absorb pollution from the air;
 - b. Trees absorb and sequester carbon dioxide;
 - c. Trees absorb and filter pollution from stormwater run-off
 - d. Trees produce oxygen
 - e. Trees reduce flooding;
 - f. Trees stabilize soils and reduce erosion;
 - g. Trees cool the surrounding area helping to reduce impacts due to heat islands;
 - h. Trees reduce energy consumption by shielding structures from harsh winds and sun;
 - i. Trees provide a buffer and screen against noise, light and pollution;
 - j. Trees improve property values;
 - k. Trees improve commercial district buyer traffic;
 - l. Areas with trees have lower crime rates;
 - m. Areas with trees have higher levels of community interaction;
 - n. Trees provide important habitat for birds and other wildlife; and
 - o. Trees protect and enhance our quality of life.
- A. Trees provide the City of Warrentville collective benefits that extend beyond property boundaries throughout the entire City of Warrentville.
- B. Recognize that larger trees provide larger benefits. When a large tree is removed and replaced with a smaller tree the benefits and services are reduced.
- C. Recognize that some trees may have a condition that constitutes a threat, danger or nuisance to the public or property within the City of Warrentville or may be dangerous to the health of other trees and vegetation in the City of Warrentville.

1.2 DEFINITIONS

APPLICANT An owner of a lot, parcel or tract of land for which an application has been filed for a permit, subdivision, or any activity requiring the issuance of a permit. A contractor is an agent, acting on behalf of the Applicant – the landowner.

ARBORIST Any individual experienced in the profession of forestry or a related field and is licensed or certified in forestry by an accredited forestry industry body, e.g. International Society of Arboriculture.

BUCKTHORN An undesirable exotic invasive ornamental shrub introduced to North America. This species inhabits woodlands and savannas 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*, *argula*, *utilis*, and *japonica*.

NOTE: Other exotic species may need to be listed

BUILDING ACTIVITY

AREA The portion of a property within which development activity, including grading, excavation, storage of materials, construction access and construction of both main buildings and unattached structures.

CANOPY The upper portion of a tree sometimes called the crown. This section of the tree usually contains branches and leaves.

CONSERVANCY OR PRESERVATION AREA

(EASEMENT) An area under legal restriction within which the following requirements are enforced:

1. all existing vegetation shall be preserved for the purpose of retaining the natural character or special environmental state or control;
2. any area with a special designation providing screening from adjacent uses or a public or private street;
3. no plant material shall be removed from or planted in a Conservancy or Preservation Area without a permit from the Governmental Entity authorizing removal or planting;
4. Conservancy or Preservation Areas may be established as part of the subdivision process or through the issuance of a special use permit;

NOTE: Do we need to add a reference to subdivision process Regs?

5. no undesignated structures, including fencing shall be located in a Conservancy or Preservation Area;
6. other restrictions as defined on the plat; and
7. in all instances the approved language on the plat shall prevail.

CRITICAL ROOT ZONE An area on the ground extending out from the trunk of the tree in all directions a distance of at least one foot for every inch **DBH (*Diameter at Base Height*)**

CUTTING

1. Felling or removal of a tree, or any procedure that results in the death or substantial destruction of a tree.
2. Cutting does not include normal pruning or trimming of trees consistent with good forestry practices.

DAMAGE Impact or loss of function to any tree including but not limited to: removal, root compaction, root removal, girdling, soil contamination, topping, pruning more than 20% of the trees, canopy removal, bark removal, poisoning and or/ actions resulting in the decline or death of a tree.

DECIDUOUS TREE A deciduous tree is one that loses most or all of its leaves for part of the year.

DEVELOPMENT Any proposed change in the use or character of land, including, but not limited to the replacement of any structure or site improvements, e.g. irrigation installation, driveway replacement, installation of a retaining wall among others. When appropriate to the context, development may refer to the receipt or necessity of any building, tree or site work permit. (See the Landscape Ordinance for more information.)

DIAMETER AT BREAST

HEIGHT The diameter of the trunk of the tree measured in inches at a point 4.5 feet above ground line. This forestry standard measurement is used for established and mature trees and is referred to as "DBH". All reference to diameter size shall be to the DBH.

ENVIRONMENTAL

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 natural ecosystems.

EVERGREEN TREE A tree that retains most of its leaves for most of the year.

FOREST MANAGEMENT

PLAN A detailed plan developed and approved by the City of Warrenton under the direction of a certified arborist or forester which protects this valuable infrastructure and outlines thoughtful strategies for tree planting, selection, care and preservation for the City of Warrenton and complies with recognized national standards.

FORESTER An individual trained and experienced in the profession of forestry who has a forestry degree from an institution of advanced education.

INFRASTRUCTURE The basic underlying framework or features that provide collective services, including but not limited to roads, waterlines, stormsewers, bioswales, and trees.

INVASIVE SPECIES An introduced or exotic species that significantly modifies or disrupts the ecosystem in which it colonizes (e.g. buckthorn **add other examples here i.e Phragmites**).

LANDSCAPE

CONTRACTOR A company or individual contracted to perform landscape services.

LANDSCAPE PLAN A plan approved by the City of Warrenville defining the location and species of plants and associated hardscape including grading.

LANDSCAPE

MANAGEMENT PLAN A plan approved by the City of Warrenville outlining the strategies for care and management of a specific type of landscape.

LANDSCAPING

PROFESSIONAL A registered landscape architect, horticulturalist or other similarly degreed, experienced and/or licensed plant professional.

LEGACY TREE A Legacy Tree is a tree identified the Legacy Tree list and which has been recorded as such by the City of Warrenville. Legacy Trees are provided special protection as outlined in the Legacy Tree Program.
NOTE: We will need to draft Legacy Tree Program for approval

NATURAL AMENITY

EXCEPTION A landscape and preservation plan intended as a substitute for the replacement requirements of this Section.

NUISANCE TREES Nuisance trees are trees that may provide potential impacts to other trees, people or structures. This would include, but not be limited to, diseased, infested, structurally unsound trees or known invasive species.

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.

PREFERRED TREE LIST A listing of tree species, located in the Governmental Entity Urban Forest Management Plan.

PROPERTY OWNER An individual or organization who owns property located within the corporate limits of the City of Warrenville.

REAR YARD Rear yard as used in this Section, shall have the same meaning as **described** in the Zoning Code.

REGULATED ARTICLES Any insects at any living stage of development, any quarantined materials such as wood products including, but not limited to chips, limbs, lumber, firewood, contaminated soils, or any other product or means of conveyance which may be determined by Federal or State departments of agriculture to pose a risk of spread of any infestation or infection.

SIGNIFICANT TREE

REMOVAL Removal of a Legacy Tree or grouping/stand of trees.

SIMPLE TREE REMOVAL Removal of a tree without other associated site impacts or other site improvements.

SITE That parcel of land for which a permit for landscaping or tree removal is sought.

STREET TREE Any tree located on or within the public right-of-way easement.

TRANSPLANTING The removal of any tree for replanting elsewhere.

TREE Any self-supporting woody plant, together with its root system, trunk and canopy; growing upon the earth usually with one trunk, or a multi-stemmed trunk system, supporting a definitely formed crown.

TREE BANK A bank account established to receive and hold deposits for trees which were damaged and/or removed. These funds, if not returned to the Applicant, may be used to purchase and care for trees throughout the Governmental Entity.

TREE PERMIT A written authorization from the City of Warrenville authorizing the applicant to conduct work which may or may not impact a tree.

TREE PRESERVATION

PLAN A document required by a permit which identifies, by common name and/or scientific name, certain species of trees of a specified DBH within a particular area. The plan shall list all existing and proposed trees and shall specifically state how each tree is proposed to be destroyed, relocated, replaced, preserved at its present location, introduced into the site from an off-site source, and whether the tree is to receive remediated actions due to construction impacts, e.g. root pruning. The City of Warrenville may provide that the tree preservation plan excludes those portions of the site which it

determines will not be affected by the activity. Any tree preservation plan required by this Section must be dated within thirty-six months of the start date of the proposed activity.

TREE REMOVAL The cutting down, destruction, removal or relocation of any tree, including damaging by poison or other direct or indirect action.

VIABLE A tree, which in the judgment of the City of Warrenville, is capable of sustaining its own life processes, unaided by man, for a reasonable period of time.

1.3 PRESERVATION

- A. The City of Warrenville shall support release time and help with educational costs to train at least one internal staff member to become certified arborist(s). Until such time as this goal shall be accomplished, the City of Warrenville shall consult best practices for the proper care and management of the urban forest.
- B. The City of Warrenville shall set a goal and timeline to develop and implement an urban forest management. This plan shall include clear direction for the protection, preservation and planting of the urban forest and shall be based on the [U.S. Forest Service Sustainable Urban Forest Guide](#).
- C. The City of Warrenville shall require that any Contractor, working for the City of Warrenville who may interact or have impact on the Governmental Entity public property urban forest utilize a certified arborist for all work pertaining to trees, including but not limited to removal, pruning and planting activities.
- D. Legacy Trees are provided special protection by the City of Warrenville. These trees are 18" DBH or larger and located on public property.
- E. All tree planting, selection and management shall be in compliance with the City of Warrenville ***Urban Forest Management Plan***.
NOTE: Identify where this can be found or does it need to be created as a document and approved by City Council?
- F. It is recognized that diverse species structure of urban trees throughout the City of Warrenville is critical to the health of the forest structure and protects the Governmental Entity from catastrophic loss. All tree planting shall comply with diversity requirements of not more than 5% of any one species, 10% of any one genus or 15% of any one family and shall be conducted in accordance with the most recent edition of American National Standards Institute.

- G. It is recognized that diverse age structure of trees throughout the Governmental Entity is critical to the health of the forest structure and protects the Governmental Entity from catastrophic loss. Proper care and management of the urban forest is critical for increased longevity of urban trees and shall be in compliance with the most recent edition of American National Standards Institute.

1.4 PLANTING

- A. The City of Warrentville shall plant and maintain a healthy diverse urban forest to improve the natural resources and quality of life for the residents living within the City of Warrentville.
- B. The City of Warrentville shall plant diverse species with the ratio of not more than 15% of any one family, 10% of any one genus or 5% of any one species. Diverse species composition protects the City of Warrentville from catastrophic loss.
- C. All trees planted by the City of Warrentville or their agent shall be planted consistent with the most current edition of American National Standards Institute.
- D. Trees purchased by the City of Warrentville shall be of a quality consistent with the most current American Standards for Nursery Stock as approved by the most current American National Standards Institute.
- E. It shall be unlawful to plant any tree or shrub in the public right-of-way, or on other publicly owned property or Conservation or Preservation Area, without prior written approval from the Governmental Entity and, in the instance of the Conservation or Preservation Area, the language on the recorded plat shall prevail.
- F. It shall be unlawful to plant any tree under utility wires that is anticipated to grow to a height that will interfere with the wires.
- G. The City of Warrentville shall consider implementation of a contract growing program. This contract will allow for stable pricing and broader species diversity to improve the overall diversity of the urban forest. This contract may be for a period of five (5) -ten (10) years.
- H. The City of Warrentville should provide education and outreach to private landowners on the need for species and age diversity, proper selection and planting practices, and how to select species for particular sites.

1.5 TREE CARE

An urban forestry management plan is a critical document for the care and preservation of one of the community's most valuable assets. This plan will define the needs and provide recommendations for the care and planting of trees throughout the community, including outreach to private property owners to help them care for their trees. This plan will also outline the budgetary and staffing needs for management and planting of trees on public property. It is recommended that the Sustainable Urban Forest Guide, produced by the U.S. Forest Service, serve as a guide for development of the City of Warrentville urban forestry management plan. (See U.S. Forest Service Sustainable Urban Forest Guide)

A. The City of Warrenville shall develop an urban forest management plan that supports this Section. This urban forest management plan shall cover, at a minimum, a five-year (preferably ten-year) period, including budget projections. This plan shall be reviewed annually by the City of Warrenville staff and members of the Tree Board and shall be updated as needed to support the needs of the City of Warrenville.

B. Until an urban forestry management plan is in place, the City of Warrenville shall provide a standard of care, in compliance with International Society of Arboriculture practices, where possible, for all publicly owned trees to enable these trees to live to maturity and provide maximum benefits. This would include but minimum, have an established watering program for implementation during periods not be limited to:

a. At when natural rain fall is not adequate to meet the needs of newly planted trees.

Newly planted trees are any trees planted within five years of the inadequate rainfall. **NOTE:**
Add to staff's annual work plan.

b. Have an established pruning program that places all publicly owned trees on a 5-year pruning cycle. Pruning is to be accomplished under the direction of a certified arborist **or designee** and in compliance with American National Standards Institute. Care should be taken to follow best management practices including but not limited to good sanitation practices to reduce spread of infectious conditions and restriction of pruning based on species needs, e.g. oaks should only be pruned when dormant.

c. It is recommended that during the pruning cycle, trees to be pruned be identified by species, size and location and be rated for health and hazard potential. A record of this report should be used as a guide for Governmental Entity staff to address problems and provide care as needed.

1.6 TREE PROTECTION

This Section applies to any work being conducted which may impact public property trees.

A. Unless otherwise authorized by this Section, it shall be unlawful for any person to remove, injure or undertake any procedure which will cause death, substantial damage, or create a hazard, to any public property tree without first obtaining a Tree Permit from the Governmental Entity. In the case of tree management practices, these practices shall comply with the most recent edition of the American National Standards Institute.

A. In the event of any site improvement which may impact public property trees, a Tree Preservation Plan is required, must be approved, and implemented prior to the start of any work or delivery of any materials to the Building Activity Area. The approved Tree Preservation Plan shall be available on the site throughout the entire construction period until final approvals for all site work shall be received in writing. (See Landscape Ordinance.)

- A. In instances where construction or site work that requires heavy equipment and that may impact trees on public or private property, all appropriate tree protection measures must be taken and identified in the Tree Preservation Plan.
- i. Protective fencing is required for protection of any tree to be preserved in place. Fencing shall be installed at a minimum distance of one-foot, for every inch DBH of the tree, from the trunk of the tree. In the instances of tree pits, fencing shall be located at the edge of pavement.
 - ii. All protective fencing shall be in place before any construction or material delivery is to take place. All protective fencing shall remain in place until final approval of all site conditions is given in writing.
 - iii. No equipment or materials shall be parked, driven or stored within the protective fencing area or on the root zone of any tree.
 - iv. For projects requiring the use of heavy equipment, such as anything on which a person would ride with the exception of a riding mower, protective tree fencing shall be required. This fencing shall be orange snow type fencing, a minimum of 4 feet in height and held in place by metal posts driven into the ground no more than 10 feet apart. In the instance of a project that will take place for more than one year, chain link fencing will be required. Chain link fencing shall be six feet in height and held in place by metal posts driven into the ground no more than 10 feet apart. Fencing shall not be removed or relocated unless authorized in writing by the City of Warrenton.
 - v. No tree shall be impacted within the protective fencing area, including the tree canopy.
 - vi. All measures shall be taken to maintain the health of trees which are transported to the replacement site and shall meet or exceed the requirements of the most current American National Standards Institute.

1.7 LEGACY TREE PRESERVATION

- A. A Legacy Tree is a tree provided special designation by the City of Warrenville. The criteria for designation is provided in the Legacy Tree Program description attached to this Section.
- B. Removal of a Legacy Tree requires a Tree Removal Permit and may require a special hearing with the **EAC's recommendation and City of Warrenville City Council approval.**
- C. Construction, development and/or any grading adjacent to a Legacy Tree requires a Tree Preservation Plan. **NOTE: submitted by who?**

1.8 TREE REMOVAL

Tree removals are considered an impact to the entire City of Warrenville, whether on public or private land. It is clearly documented that larger trees provide larger benefits and as such, tree removal fees and fines are based on species and diameter (See Fee and Fine Schedule of the Code) **NOTE: Not sure if COW addresses this in the FEE and Fine Schedule. It may need to be added with a recommendation from EAC and approval by City Council.** It is recognized that the planting of smaller trees to replace the value of larger trees that are lost will take tens of years and for this reason efforts should be made to preserve and protect trees where they are growing.

1. It shall be unlawful for any individual to remove or cause damage to any tree located on public property without first receiving a Tree Permit from the City of Warrenville.
2. No live, dead or dying tree, or grouping of trees, equal to 6" or greater on public property may be removed without first obtaining a permit from the City of Warrenville.
3. A nuisance tree is a tree that has already died, is in a state of irrevocable decline, has the capacity to damage a person or thing or is an invasive species. In the event of an emergency, and access to the City of Warrenville is not possible, a nuisance tree may be removed without a permit, however, the individual removing the tree shall take photographs and memorialize the nuisance situation prior to removal and shall follow up with a request for a tree (**removal**) permit from the City of Warrenville on the next business day. **NOTE: Tree Removal Permit may need to be created.**
4. Any tree removed from a parcel or transplanted offsite must be replaced according to the regulations outlined in this Section
5. All stump removals shall require underground utility locations prior to any action.
6. If a tree is removed or damaged which is not on the Tree Permit it must be replaced or bonded as set forth in this Section.
7. Removal of invasive woody plants such as buckthorn do not require a (**Tree Removal**) permit and in fact, **Removals of all plants listed on the accepted "invasive woody plants list"** is encouraged. These invasive plants can quickly colonize an area reducing the health and vitality of non-invasive plants. (A list of invasive woody plants is provided in the Appendix.) **Note: A list of "accepted" invasive woody plants will need to be created or located.**

1.9 TREE REPLACEMENT

- A. It is required that tree replacement species come from the Preferred Species List. (See list attached to this Section.)

- A. Any tree which is required to be removed or which has been damaged shall require a bond to be posted until adequate replacements or remediation can be made. The bond amount is identified in the **Fee Section of the Code (needs to be created and approved by City Council)**. Determination of extent of damage is at the sole discretion of the City of Warrentville.
 - 1. Any tree species removed, 6" DBH or 6" group of trees, which is not identified on the invasive species list, but is identified on the Preferred Species List, is required for replacement by this Section. These trees shall be replaced based on the calculation provided on the Preferred Species List with a species identified on that list. All replacements shall be located appropriately as confirmed by a certified arborist **or designee** and as approved by the City of Warrentville.
 - 2. When a tree removal is required as a result of any project, tree replacement shall occur within the landscape season. In the event of weather conditions or species specific needs, which prohibit proper replacement of a tree, the City of Warrentville may issue written notice of 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 City of Warrentville when replacement is complete. If, after the 30 day or awarded 180-day extension, the tree is not replaced or the Applicant has not notified the City of Warrentville that installation is complete, all bonds shall be forfeited and the bond money shall be placed in the **Tree Bank**. Tree removal requirements, associated with a development project, can be found in the Development Section of the Code.
 - 3. **NOTE: This will be a challenge for COW staff to administer and a "Tree Bank" needs to be created or listed as a line item in the COW annual FY budget.**
 - 4. All tree replacement plantings shall require an underground utility location prior to planting.
 - 5. If the property where a removal has taken place does not have adequate space to plant a replacement tree, then the Applicant shall be required to pay the City of Warrentville a dollar amount as identified in the **Fee Section of the Code**. Funds shall be placed in the Tree Bank (**Tree Budget Line Item within COW FY BUDGET**) for tree replacement or tree care in another area of the City of Warrentville.
 - 6. It shall be encouraged that any species identified on the invasive species list be removed. There is no replacement requirement for these removals. **NOTE: REPLACEMENTS SHOULD BE SELECTED FROM A PREFERRED TREE LIST recommended by EAC.**

NOTE: This section below may be unnecessary to include until Conservancy and Preservation Areas are defined and established by COW within the COW boundary. The Forest Preserve District is its own Governmental Entity administering processes and designations on FPD land holdings

1.10 SPECIAL RULES FOR CONSERVANCY OR PRESERVATION AREAS

If a Conservancy or Preservation Area is impacted in any way, the following restitution shall be required:

- A. A cash bond (in addition to the Tree Permit Bond) is required for every one-thousand square feet of Conservancy or Preservation Area as defined in the Fee Section of the Code.
- B. The purpose of this deposit is to pay for restoration of the Conservancy or Preservation Area damaged directly or indirectly as a result of the impact. All restoration shall be in accordance with the Conservancy Area Restoration Guide contained in this Code.
- C. Any maintenance made necessary as a result of impact, including but not limited to the removal of dead trees or preventative measures such as root pruning or crown reduction of existing trees.
- D. Any expenses incurred by the Governmental Entity, as a result of the impact in administering or enforcing the provisions of this Code.
- E. The Cash Bond will be refunded one year after the repairs have been made and all maintenance is completed and approved.

1.11 TREE PRESERVATION AND/OR REMOVAL PLAN FOR SIGNIFICANT REMOVALS, CONSTRUCTION AND/OR DEVELOPMENT

An applicant seeking a permit for significant tree removals or tree removal and/or planting related to construction and/or development shall comply with all requirements of this Section. (See Landscape Ordinance for more information.) **NOTE: A review of the COW Landscape Ordinance will be necessary to be certain the COW Tree Ordinance (proposed) is in agreement with shared/duplicated items.**

1.12 NUISANCE TREES

A tree which is determined to be a nuisance tree is one which is dead or declining and has the potential to damage other trees, people or structures. These trees may be located on public or private property.

- A. It shall be the duty of the property owner on any parcel to promptly remove any trees which pose a risk.

- B. Should the City of Warrenville notify the property owner, in writing, of a tree which is a potential risk, the property owner shall have thirty days to remove the tree. If after thirty days the property owner has not removed the tree then the City of Warrenville shall take action to have the tree removed and shall provide to the property owner a written invoice outlining all costs associated with the removal, including but not limited to staff time, materials and oversight of said removal. ?

C. Infected, Infested Trees Due to a Pest or Pathogen Are Defined as a Nuisance

1. Any tree which is in a state of irreparable or untreatable decline due to heavy infestation or disease is included in the definition of a nuisance. Infested or infected trees, which are identified by Federal or State Departments of Agriculture to be in quarantine or can potentially infect or infest other trees are defined as a nuisance. This would include but not be limited to Ash (Fraxinus) trees infested with emerald ash borer which are not being treated or whose treatment is ineffectual, or Elm trees (Ulmus) infected with Dutch elm disease. **NOTE: Add Asian Long-Horned Beetle and others?**
 - a. The City of Warrenville shall enforce State and Federal regulations governing quarantine zone boundaries, and regulated articles.
 - b. For the purposes of this Section, "Regulated Articles" are hereby defined as any insects at any living state of development, any quarantines materials such as wood products including, but not limited to chips, limbs, lumber, firewood, **brush or compost piles** or any other product or means of conveyance which may be determined by Federal or State departments of agriculture to pose a risk of spread of any infestation or infection.
 - c. It shall be illegal to move out of established quarantine zone(s) regulated articles unless those articles have met all requirements of the local, Federal and State regulatory agencies.
 - d. It shall be illegal for any person or entity to transfer from a quarantine zone into a non-quarantine zone including the City of Warrenville any regulated articles.
 - e. Any person or entity found to be in violation of any local, State or Federal regulations related to tree infestations or infections shall be **reported** to the **proper enforcement authority**.
 - f. All contractors working within and near any quarantine zone(s) are required to comply with the quarantine regulations and supply records that may be required for inspection to the City of Warrenville, County, State or Federal agencies upon request

1. Trees in Decline or Dead Are Defined as a Nuisance

- a. Any tree or part of a tree which is dead which could potentially fall on a person, **intensively used visitation, activity area** or structure is defined as a nuisance.

- b. It shall be unlawful for any owner - of any lot or land in the City of Warrenville 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 risk for structures or people. It shall be the duty of any such owner to promptly cause the **pruning or** removal of any such tree.

1.13 INVASIVE SPECIES CONTROL

A. INVASIVE WOODY PLANTS

Invasive plants cause ecological disruption to natural ecosystems. The type of impact varies based on the species and the traits of that species. The **Woody Invasive Species List**, attached to this Section identifies species which shall not be planted and which should be removed and controlled to reduce impacts to other vegetation. **NOTE: Woody Invasive Species List will need to be developed and recommended for approval.**

1. Typical impacts include:
 - a. Chemical disturbance to the soil limiting development of other species;
 - b. Dense plant growth limiting light to soil surface resulting in exposed soil allowing erosion;
2. Displacement of naturally occurring species resulting in a monoculture of invasive species and aggressive tendencies.
3. Private Property Owner Outreach
The City of Warrenville shall develop and implement an outreach plan to educate property owners of the potential impacts and remediation strategies, including a suggested planting list of alternative species to assist property owners in dealing with the problem. **NOTE: The EAC may need to recommend an outreach plan for staff and City Council approval.**

B. INVASIVE DISEASES AND INSECTS

1. Impacts to Trees
Invasive diseases and insects can create significant stress to trees and in some instances kill trees. Attached to this section, the City of Warrenville has developed a list of Invasive Diseases and Insects that pose significant threats to trees from information identified by State and Federal Departments of Agriculture.
2. Invasive Species Management Plan
The City of Warrenville shall develop an action strategy to deal with any of these diseases or insects and take action to remove the pest or develop a removal and replacement strategy for remediation of the problem. **NOTE: The EAC may need to recommend a replacement strategy for staff and City Council approval.**
3. Private Property Owner Outreach

The City of Warrenville shall develop and implement an outreach plan to educate property owners of the potential impacts and remediation strategies to help property tree owners in dealing with pests or pathogens. **NOTE: The EAC may need to recommend an outreach plan for staff and City Council approval.**

1.14 TREE BOARD **Environmental Awareness Commission**

A. Establishment

The City of Warrenville City Council and Staff members will coordinate with EAC members to provide assistance, direction and expertise to the City of Warrenville regarding the preservation, planting, management and protection of trees. The Environmental Awareness Commission shall develop and recommend implementation of an urban forest management plan for guidance on urban forestry issues.

B. Membership **NOTE: This section should be revised to be in accordance with COW/EAC's by laws, description or definition**

1. The EAC shall consist of five members and one alternate member who shall be appointed by the Mayor, subject to approval of the City of Warrenville. It is recommended that individuals within the community who have expertise in horticulture, forestry, planning or related fields be sought as members of the EAC. The Mayor shall designate one of the members to act as chairman of the Tree Board, subject to the approval of the Governmental Entity Board. A member of the Governmental Entity Board shall be assigned to be an ex officio member of said Tree Board without the power to vote. The one alternate member shall attend and participate in all meetings of the Tree Board, but shall only vote in the event one or more of the full members is absent. All members of the Tree Board shall be property owners of the Governmental Entity, unless no certified arborist is a property owner within the Governmental Entity.

2. The appointed members shall serve for a period of three years. An alternate member shall be appointed for a term of one year. If a vacancy shall occur in the full membership, the alternate member shall be appointed to fill such vacancy. Vacancies in full and alternate membership shall be filled in the same manner as original appointments. The Tree Board members shall serve without compensation.

C. Procedures **NOTE: Skip, amend or delete this section because the EAC's meeting procedures and annual work plan include these items listed as EAC goals and objectives.**

1. The EAC shall meet and adopt, change or alter, rules and regulations of organization and procedure consistent with Governmental Entity ordinances and Illinois State laws. The Tree Board shall keep written records of its proceedings which shall be open at all times to public inspection. The Tree Board shall file an annual report to the Governmental Entity Board setting forth its past-year activities and recommendations for future action by the Governmental Entity.

NOTE: This section may be considered for inclusion in the EAC's Organizational statements or Annual Work Plan. It may not be necessary to include within the COW Tree Ordinance

D. Powers and Duties

The Environmental Awareness Commission shall have the following powers and duties subject to the approval of the City of Warrenville City Council:

1. To provide guidance on the preservation, care, management and protection of trees within the City of Warrenville in accordance with Urban Forestry Management Plan, regional and local best management practices.
2. To prepare and recommend to the City of Warrenville City Council from time to time recommendations for specific improvements of the preservation, care, management and protection of trees within the City of Warrenville.
3. Together with City of Warrenville Staff members recommend rules and regulations to the City of Warrenville City Council for budget, plans, projects and schedules regarding the preservation, care, management and protection of trees within the City of Warrenville y.
4. To review the City of Warrenville Urban Forest Management Plan and provide recommendations for improvements to the City of Warrenville City Council.
5. To work collaboratively with City of Warrenville Public Works Department staff members to support the City of Warrenville ordinances and Urban Forest Management Plan.
6. Manage and administer all plans, programs, projects and tasks delegated to it by the City of Warrenville City Council as authorized and directed by the City of Warrenville City Council.
7. The Environmental Awareness Commission shall hear any requests for appeal to this Code and make recommendations to be forwarded to the for a final decision. by the City of Warrenville City Council.

NOTE: This section may not be necessary to add to the COW Tree Ordinance since it would be covered in annual work plans and proposed FY COW annual budget.

E. Salaries and Employees

The Environmental Awareness Commission may, with the City of Warrenville City Council review and approval, employ necessary help whose salaries, wages and other necessary expenses shall be established by the City of Warrenville City Council and provided for by adequate appropriation made by the City of Warrenville City Council from the public funds. Staff and resource needs shall be included in the Forest management plan.

NOTE: A Tree (Removal/Planning) Permit will need to be developed if the COW does not have one. City administrative staff will need to determine fees and requirements for a full tree preservation plan and inventory for the area to be impacted.

1.15 TREE PERMIT PROCEDURE

A. Applicant Submission

An applicant for a simple tree removal or planting on public property shall fill out a Tree Removal or Tree Planting Request online, or in person, and the City of Warrentville City contracted arborist or designee shall make an inspection and render a determination.

If a removal or planting is significant or in conjunction with any type of development, then a full tree preservation plan and inventory for the area to be impacted may be required. (See Landscape Ordinance for more information.) The City of Warrentville shall review the application. This review shall include an inspection of the site and referral of the application for recommendation to other appropriate administrative departments or agencies. The City of Warrentville shall render a decision on the application within ten working days of its receipt of a properly completed application.

NOTE: City of Warrentville staff members will need to address the following sections and determine the administrative, fee collection, enforcement, Penalties, exceptions, inspections, variance processes and civil remedies etc.. Some may be addressed and included within the landscape ordinance, zoning regulations or elsewhere. Some may need to be developed as administrative actions. And, some may may not be practical to include in the COW Landscape Ordinance.

1.16 PERMIT ISSUANCE

A. Issuance

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

A. Time Limitation

1. A Tree Removal permit shall expire and become null and void if work authorized is not commenced within one 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 year.
2. If work has commenced a the Tree Removal permit permit becomes null and void or expires because of a lack of progress or abandonment, a new permit for the proposed tree removal, planting activity shall be obtained before proceeding with further work.

1.17 CASH BONDS

- A. If tree replacement is required by this Section, then as a condition of the Tree Removal Permit, the Applicant shall submit a cash bond as identified in the Fee Section of this Code. The bond shall be held for the purpose of assuring that the replacement tree(s) are purchased and planted.
- B. If it is determined that practices which violate any portion of the City of Warrentville Code have resulted in tree damage, then the City of Warrentville may require that a cash bond, as determined in accordance with the Fee Section of this Code, shall be submitted at the time the violation occurs. The bond shall be held for the purpose of assuring that all remedial

actions to minimize tree damage are taken, and/or for the purpose of assuring tree replacement should any damaged tree die or show noticeable signs of decline. If it is determined that residual damage may not be apparent, then the bond may be held for a period of 60 months or five years. At the end of which time, if the tree survives and is in good health, as determined by a certified arborist or designee the bond shall be returned. If the tree does not survive, and was not further impacted by an act of God, or is in poor health then replacement shall be required as identified above and according to the Fee Section of the Code.

- C. If the bond is posted for a tree and the property owner wishes to transfer the property, then the bond shall be required to be paid before transfer of the property or shall be refunded to the original property owner once the bond requirements have been met.

1.18 FINAL INSPECTION

Final approval shall be issued when all relocation, replacement or remediation of trees is completed and a final inspection has been conducted by the City of Warrentville. Should the City of Warrentville determine that the season is inappropriate for planting then relocation or replacement shall be deferred until the next planting season. All bonds and fees will remain in the custody of the City of Warrentville until final inspection and approval has been provided in writing.

1.19 COMPLIANCE

The City of Warrentville shall retain jurisdiction to ensure compliance with this Section 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 City of Warrentville unless the applicant has paid a reinspection fee in accordance with the Fee Schedule of this Code.

1.20 PENALTY

Any person found guilty of violating any provision of this Section shall be assessed at a cost as prescribed in the Fee Section of the 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 Section, all replacement requirements of this Section shall be applied.

1.21 ENFORCEMENT

- A. Enforcement Right of Entry of City of Warrentville Officers

To carry out the purposes of this Section and to implement its enforcement, the Governmental Entity is authorized and empowered, upon 24 hours' notice, to enter upon any lot or parcel of land in the Governmental Entity 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 City of Warrentville Officer, staff member or hired City of Warrentville contractor carrying out the duties authorized in this Section.

A. Duty of Property Owner to Abate Nuisance or Potential Risk

If it is determined that there exists a public nuisance or risk as declared in this Section, the City of Warrenville shall serve or cause to be served upon the owner - of the lot or parcel of land on which such nuisance or risk is located, a written notice identifying the nuisance or risk and requiring the owner 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 days after service of such notice, the City of Warrenville may proceed to remove and dispose of such tree or dead wood and the costs shall be paid by the owner to the City of Warrenville.

A. Service of Notice to Property Owner

Service of notice provided for in this Section 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.

B. City of Warrenville Abatement and Assessment of Costs

Any costs incurred by the City of Warrenville in the abatement of a public nuisance or hazard as declared in this Section shall be assessed against the record owner of the land involved.

1.22 EXCEPTIONS

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 City of Warrenville for the tree removal without obtaining a written permit. Such verbal authorization shall later be confirmed in writing by the City of Warrenville.

1.23 APPEALS FOR VARIANCE

A. Any person aggrieved by any decision of the City of Warrenville in the enforcement of any terms or provisions of this Section may, within ten working days after the date of the decision, appeal to the Public Works Department by filing a written notice of appeal with the City of Warrenville Clerk. The notice of appeal shall set forth concisely the decision and the reasons or grounds for the appeal. The EAC may make a recommendation to the Warrenville City Council to affirm, modify, or reverse the decision. The decision of the City of Warrenville City Council shall be final and no petition for rehearing or reconsideration shall be available. Reasonable notice of the hearing by the Public Works Department shall be provided by the City of Warrenville Clerk to all affected parties.

B. No variances in the strict application of the provisions of this Section shall be recommended for approval by the (Warrenville City Council ?) unless it finds:

1. That there are special circumstances or conditions, fully described in the written notice of appeal which are peculiar to the property (properties) and do not apply generally to properties within the City of Warrenville, and that said circumstances or conditions

are such that the strict application of the Code would deprive the applicant of the reasonable use of the subject property (properties).

2. That for reasons fully set forth in the written notice of appeal, the granting of the variance is necessary for the reasonable use of the property (properties) and that the variance, as recommended for approval by the City of Warrenville City Council, is the minimum variance that will accomplish this purpose.

3. That the result of granting of the variance will be in harmony with the general purpose and intent of standards set forth within this Code and in harmony with this Section, and will not be injurious to adjacent property or otherwise detrimental to the public welfare.

1.24 CIVIL REMEDIES

In addition to any other remedies provided by this Section the City of Warrenville shall have the following judicial remedies available for violations of this Section or any permit condition promulgated under this Section.

- A. The City of Warrenville 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 or damage of trees in contravention of the terms of this Section.
- B. The City of Warrenville may institute a civil action in a court of competent jurisdiction to seek injunctive relief to enforce compliance with this Section to enjoin any violation, and to seek injunctive relief to prevent irreparable injury to the trees or properties encompassed by the terms of this Section.

A variety of attachments will be required with this ordinance because there is no urban forest management plan to reference. These attachments would include but not be limited to:

Preferred species list

Non preferred species list

Incentive program

Tree permit

Tree preservation Plan

