

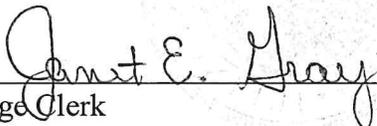
**ORDINANCE NO. 2700**

**AN ORDINANCE  
AMENDING CHAPTER 42 OF THE RANTOUL CODE PERTAINING TO  
“VEGETATION”**

**VILLAGE OF RANTOUL  
CHAMPAIGN COUNTY, ILLINOIS**

**CERTIFICATE OF PUBLICATION**

Published in pamphlet form this 8th day of March, 2022, by authority of the President and Board of Trustees of the Village of Rantoul, Champaign County, Illinois.

  
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Village Clerk

**ORDINANCE NO. 2700**

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AMENDING CHAPTER 42 OF THE RANTOUL CODE PERTAINING TO  
“VEGETATION”**

**BE IT ORDAINED BY THE PRESIDENT AND TH BOARD OF TRUSTEES OF  
THE VILLAGE OF RANTOUL, ILLINOIS, as follows:**

**Section 1. Adoption.** That Chapter 42, entitled “Vegetation,” of the Rantoul Code, as supplemented and amended, be and the same is hereby supplemented and amended by striking and deleting Chapter 42 in its entirety and providing for new Chapter 42 to be entitled, “Trees and Tree Preservation” as set forth in the title, headings, and text thereof as attached hereto and hereby incorporated herein by reference thereto.

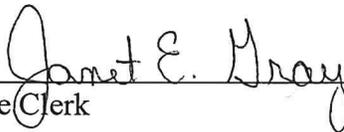
**Section 2. Effective Date.** The provisions of this Ordinance shall become effective following its passage, approval, and publication as required by law.

**Section 3. Conflict.** All ordinances or parts of ordinances which are in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

**Section 4. Publication.** The Village Clerk is hereby authorized and directed to cause this Ordinance to be published in pamphlet form.

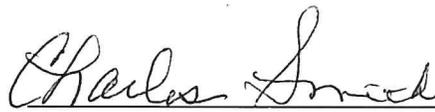
This Ordinance is hereby passed, the “ayes” and “nays” being called, by the concurrence of a majority of the members of the Trustees of the Village then holding office at a regular meeting on the date set forth below.

**PASSED** this 8th day of March, 2022.

  
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Village Clerk

**APPROVED** this 8th day of March, 2022.



  
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Village President

**CHAPTER 42**  
**TREES AND TREE PRESERVATION**

42.1	Purpose
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42.1 Purpose.

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

The purpose of this ordinance 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 Village of Rantoul with respect to the protection, preservation, care and planting of trees on public lands.

Specific goals are to:

- A. Protect, preserve and enhance the quality of life and general welfare of the Village, its residents and its property owners; and conserve and enhance the Village's natural, physical and aesthetic environment.
- B. Preserve, protect and enhance the urban forest to ensure that trees are properly planted and maintained within the Village of Rantoul so that trees can protect, enhance and preserve the quality of life for people within the Village.
- C. Recognize that trees are an integral part of the infrastructure of the Village and as such should be preserved, protected and cared for as other critical Village infrastructure.

- 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 and purchasing;
  - 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.
- D. Trees provide the Village collective benefits that extend beyond property boundaries throughout the entire Village.
- E. 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.
- F. Recognize that some trees may have a condition that constitutes a threat, danger or nuisance to the public or property within the Village or may be dangerous to the health of other trees and vegetation in the Village.

#### 42.2 Definitions.

*Acceptable and Unacceptable Tree Species List:* A listing of tree species, identified in the Village Urban Forest Management Plan.

*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*, *arguta*, *utilis*, and *japonica*.

*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.

*Cutting:* Felling or removal of a tree, or any procedure that results in the death or substantial destruction of a tree.

*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.

*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.

*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.

*Forest Management Plan:* A detailed plan developed and approved by the Village 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 Village 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, storm sewers, bioswales, and trees.

*Invasive Species:* An introduced or exotic species that significantly modifies or disrupts the ecosystem in which it colonizes (e.g. buckthorn).

*Legacy Tree:* A Legacy Tree is a tree identified on the Legacy Tree list and which has been recorded as such by the Village.

*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.

*Property Owner:* An individual or organization who owns property located within the corporate limits of the Village.

*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.

*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 Village.

*Tree Permit:* A written authorization from the Village 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 Village 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.

#### 42.3 Preservation.

- A. The Village shall have on staff at least one certified arborist. This individual shall be responsible for all tree related decisions to be made. Additionally, any urban forestry work completed by a contractor within the Village shall be under the direction of the certified arborist. This individual is also responsible for enforcement and compliance of the Urban Forest Management Plan.
- B. The Village shall have an urban forest inventory of publicly owned trees and a representative sample of privately owned trees. This inventory shall be maintained in a current state. Re-inventory may be required every 5-7 years unless the inventory is updated as part of routine tree maintenance.
- C. The Village shall have an approved Urban Forest Management Plan. This plan shall be the framework for the protection, management and planting of trees within the Village and shall support and clearly define regulations identified in this Chapter.  
This plan shall include the following:
  - 1. A defined ten-year urban forestry strategy with clearly identified one, five, and ten years goals;
  - 2. Community canopy mapping identifying existing tree canopy and priority locations for planting;
  - 3. A strategy for completion and maintenance of a tree inventory on public and private property;
  - 4. Clear guidelines on tree species and age diversity;
  - 5. Clear identification of replacement value and requirements for tree removal or damage;
  - 6. An acceptable tree species list.
  - 7. Clearly defined specifications for tree planting, pruning, and impact reduction;
  - 8. A risk assessment and management program;
  - 9. Clear identification of staff qualifications, training, support and needs;
  - 10. Specifications for contracted labor and consulting; and
  - 11. A forestry budget with one, five and ten year commitments.
- D. Any Contractor, working within the Village who may interact or have impact on the Village's public property urban forest shall utilize a certified arborist for all work pertaining to trees, including but not limited to removal, pruning and planting activities. Such Contractors shall also submit a certificate of insurance in the minimum amount of \$1,000,000 for bodily injury and \$500,000 for property damage and which shall name the Village as an additional insured.
- E. All tree planting, selection and management shall be in compliance with the Village's Urban Forest Management Plan. The practice of tree topping shall be explicitly prohibited on any tree.
- F. It is recognized that diverse species and age structure of urban trees throughout the Village are critical to the health of the forest structure and protects the Village from catastrophic loss and improved longevity. Specifications for species and age diversity, planting and management are contained in the Urban Forest Management Plan.

#### 42.4 Planting.

- A. As outlined in the Urban Forest Management Plan, the Village shall plant, and recommend to private landowners, 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, with the exception of naturalized areas where species selections are based on the natural species assemblages as defined in the Urban Forest Management Plan. Diverse species composition protects the Village from catastrophic loss.

- B. All trees planted by the Village or their agent shall be planted in accordance with the Urban Forest Management Plan.
- C. Trees purchased by the Village shall meet the specifications required in the Urban Forest Management Plan.
- D. 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 and obtaining any applicable permit from the Village and, in the instance of the Conservation or Preservation Area, the language on the recorded plat shall prevail.
- E. 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.
- F. The Village shall implement 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) to ten (10) years.
- G. The Village shall 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.

#### 42.5 Tree Care.

Tree care within the Village, on public lands, shall comply with requirements identified in the Urban Forest Management Plan. It is recommended that tree care on private property meet these same requirements.

#### 42.6 Tree Protection.

This Section applies to any work or activity 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 Village. In the case of tree management practices, these practices shall comply with the requirements identified in the Urban Forest Management Plan.
- B. 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.
- C. In instances where the activity requires the use of heavy equipment and where that activity may impact trees on public or private property, all appropriate tree protection measures must be taken

and identified in the Tree Preservation Plan. In addition, all tree protection measures shall be in compliance with the Urban Forest Management Plan.

- D. It shall be unlawful for any person to attach any sign, advertisement or notice to any tree in any street, parkway or other public place in the village.
- E. It shall be unlawful for any person to attach any wire or other rope to any tree in any public street, parkway or other public place without the prior written approval of the Village.
- F. Any person or company given the right to maintain poles or wires in the streets, alleys or other public places in the village shall, in the absence of any provisions in the franchise or other ordinance, code or agreement concerning the subject, keep such wires and poles free from and away from any trees in such places so far as may be possible and shall keep all such trees properly trimmed and subject to the supervision of the Village so that no injury shall be done to the poles, wires, or trees by contact.

#### 42.7 Tree Removal.

Tree removals are considered an impact to the entire Village, 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. It is recognized that the planting of smaller trees does not replace the value of larger trees that are lost. It will take tens of years for that value to be replaced and for that reason efforts should be made to preserve and protect trees where they are growing.

- A. 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 Village.
- B. 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 Village.
- C. 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 Village 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 permit from the Village on the next business day.
- D. Any tree removed from a parcel or transplanted offsite must be replaced according to the regulations outlined in the Urban Forest Management Plan.
- E. All stump removals shall require underground utility locations prior to any action.
- F. If a tree is removed or damaged which is not on the Tree Permit it must be replaced in accordance with this Chapter.
- G. Removal of invasive woody plants such as buckthorn does not require a permit and 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 Urban Forest Management Plan.

#### 42.8 Tree Replacement.

- A. It is required that tree replacement species come from the Acceptable Species List. The Acceptable Species List is provided in the Urban Forest Management Plan.
- B. Any tree species removed, 6" DBH or 6" group of trees, which is not identified on the invasive species list, is required for replacement by this Section. These trees shall be replaced based on a 2 for 1 replacement ratio with trees on the Acceptable Species List. All replacements shall be located appropriately as confirmed by a certified arborist and as approved by the Village.
- C. 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 Village 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 Village when replacement is complete. Tree removal requirements, associated with a development project, can be found in the Development Section of the Code.
- D. All tree replacement plantings shall require an underground utility location prior to planting.
- E. 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 Village a dollar amount as identified in the Fee Section of the Code. Funds shall be placed in the Tree Bank for tree replacement or tree care in another area of the Village.
- F. It shall be encouraged that any species identified on the invasive species list be removed. There is no replacement requirement for these removals.

#### 42.9 Significant Removals.

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 Chapter and the Urban Forest Management Plan.

#### 42.10 Nuisance Trees.

A tree which is determined to be a nuisance tree is one which is dead or declining, an invasive species, or has the potential to damage other trees, people, or structures. These trees may be located on public or private property. A nuisance tree shall include a tree which is allowed to overhang 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 or obstructs the light from a street light or obstructs the view of an intersection.

- A. It shall be the duty of the property owner on any parcel to promptly remove any nuisance trees.
- B. Should the Village notify the property owner, in writing, of a nuisance tree, the property owner shall have thirty days to remove the tree or otherwise abate the nuisance. If after thirty days the property owner has not removed the tree then the Village 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. Should the property owner not reimburse the Village within thirty days of issuance of a written

invoice, the Village shall place a lien on the property until all expenses related to the removal and subsequent lien are paid.

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.
  - a. The Village shall enforce State and Federal regulations governing quarantine zone boundaries, and regulated articles.
  - b. 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.
  - c. It shall be illegal for any person or entity to transfer from a quarantine zone into a non-quarantine zone including the Village any regulated articles.
  - d. Any person or entity found to be in violation of any local, State or Federal regulations related to tree infestations or infections shall be prosecuted to the full extent of the law.
  - e. 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 Village, County, State or Federal agencies upon request.
2. 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 or structure is defined as a nuisance.
  - b. It shall be unlawful for any owner of any lot or land in the Village to permit or maintain on any such lot or land, any tree which is dead, or declining to the state where it may create a potential risk for structures or people. It shall be the duty of any such owner to promptly cause the removal of any such tree.

42.11 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 is included in the Urban Forest Management Plan. These species shall not be planted and should be removed and controlled to reduce impacts to other vegetation.

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 Village shall have implementation and 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. This plan is located in the Urban Forest Management Plan.

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. The Village 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. This list is included in the Urban Forest Management Plan.
2. Invasive Species Management Plan. Management of invasive diseases and insects is included in the Urban Forest Management Plan.
3. Private Property Owner Outreach. The Village shall have an implementation and outreach plan to educate property owners of the potential impacts and remediation strategies to help property tree owners in dealing with pests or pathogens. This plan is located in the Urban Forest Management Plan.

42.12 Tree Commission.

Pursuant to Chapter 2, Article IV, Division 6 of the Village Code, the Village has created a Tree Commission which shall serve as the recommending body to provide assistance, direction and expertise to the Village regarding the preservation, planting, management and protection of trees.

42.13 Tree Permit Procedure and Issuance.

- 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 Village arborist 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. Village staff 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 Village shall render a decision on the application within ten working days of its receipt of a properly completed application.

- B. Issuance. The Village shall issue a Tree Permit upon approval of an application and payment of a required fee as indicated in the Fees Section of this Code.
- C. Time Limitation. A Tree 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. If work has commenced and the Tree Permit becomes null and void or expires because of a lack of progress or abandonment, a new Tree Permit for the proposed tree removal or planting activity shall be obtained before proceeding with further work.
- D. 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 Village staff. Should the Village determine that the season is inappropriate for planting then relocation or replacement shall be deferred until the next planting season. All fees will remain in the custody of the Village until final inspection and approval has been provided in writing.

#### 42.14 Compliance and Enforcement.

- A. Compliance. The Village shall retain jurisdiction to ensure compliance with this Chapter and shall have the right to issue a stop work order for non-compliance.
- B. Right of Entry of Village Officers. To carry out the purposes of this Chapter and to implement its enforcement, the Village is authorized and empowered, upon 24 hours notice, to enter upon any lot or parcel of land in the Village at all reasonable hours to inspect any tree or wood and to remove specimens from any such tree to determine their condition. It shall be unlawful for any person to interfere with a Village Officer carrying out the duties authorized in this Section.
- C. 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 Village 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 or otherwise abate the nuisance within thirty days after service of such notice, the Village may proceed to remove and dispose of such tree or dead wood or otherwise abate the nuisance, and the costs shall be paid by the owner to the Village.
- D. 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.
- E. Village Abatement and Assessment of Costs. Any costs incurred by the Village in the abatement of a public nuisance or hazard as declared in this Section shall be assessed against the record owner of the land involved and the Village shall place a lien upon such property for those costs in the manner provided by law.

#### 42.15 Appeals.

- A. Any person aggrieved by any decision of the Village 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 Tree Commission by filing a written notice of appeal with the Village Clerk. The notice of appeal shall set forth concisely the decision and the reasons or grounds for the appeal. The Tree Commission may make a recommendation to the Village Board to affirm, modify, or reverse the decision. The decision of the Village Board shall be final and no petition for rehearing or reconsideration shall be available. Reasonable notice of the hearing by the Tree Commission shall be provided by the Village 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 Board 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 Village, 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 Board, 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.

#### 42.16 Fees.

Application fee for Tree Planting Permit: \$0

Application fee for Tree Removal Permit:

-Tree less than 6" DBH = \$0

-Tree greater than 6" and less than 12" DBH: \$50

-Tree greater than 12" DBH: \$100

Tree Replacement Fee: \$300

#### 42.17 Penalties.

Any person found guilty of violating any provision of this Section shall be subject a fine of not less than \$250 nor more than \$750 for each offense. 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.