

VILLAGE OF RICHTON PARK
COOK COUNTY, ILLINOIS

ORDINANCE NO. 1787

AN ORDINANCE ADOPTING THE RICHTON PARK
TREE MANAGEMENT PROGRAM

PASSED AND APPROVED BY THE PRESIDENT
AND BOARD OF TRUSTEES OF THE VILLAGE
OF RICHTON PARK, COOK COUNTY, ILLINOIS,
THIS 27th DAY OF June, 2022.

Published in pamphlet form
by authority of the President
and Board of Trustees of the
Village of Richton Park, Cook
County, Illinois, this 27th
day of June, 2022.

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WHEREAS, trees transpire considerable amounts of water, produce oxygen, and absorb carbon-dioxide, thus reducing air pollution; and,

WHEREAS, trees have an important role in improving water quality by neutralizing pollutants in ground water run-off; and,

WHEREAS, trees, through their root systems, stabilize the ground water tables, and play an important and effective part in soil conservation, erosion control, and flood control; and,

WHEREAS, trees are considered part of Richton Park's infrastructure, an invaluable physical and aesthetic asset to development, and make the Village more comfortable by providing shade, cooling the air and land, and reducing noise levels and glare; and,

WHEREAS, trees provide critically needed habitat and food source for wildlife; and,

WHEREAS, a healthy urban forest maintains and enhances a positive image for the attraction of new residences and business enterprises to the Village; and,

WHEREAS, municipalities are increasingly planning for sustainability and improved quality of life for current and future residents as they work toward building healthy communities. One method of planning for sustainability involves the consideration of social, environmental, and economic impacts of proposed development; and,

WHEREAS, for the reasons stated above, preservation of mature tree stands and environmentally sensitive areas in conjunction with development has a significant impact on the desirability of land and therefore adds value to the individual development and the increases the livability of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF RICHTON PARK, COOK COUNTY, ILLINOIS, as follows:

SECTION 1: Incorporation of Recitals: The Recitals set forth hereinabove are incorporated as if set forth herein.

SECTION 2: Village Tree Management Program Established:

VILLAGE TREE MANAGEMENT PROGRAM

SECTION 1: PLAN DEFINED:

a. *PURPOSE.* The purpose of this Ordinance is to ensure environmentally sensitive site planning to further the preservation of mature trees and natural areas; to protect trees during construction; to facilitate site design and construction which contribute to the long term viability of existing trees; to control the removal of trees when necessary; and, to enable the Village of Richton Park to receive and maintain designation as a Tree City USA.

b. *PLANNING & ZONING COMMISSION.* The Village of Richton Park Planning and Zoning Commission (PZC), as established in Chapter 260 of the Village Code, shall serve as the Tree Board. It shall be the responsibility of the Tree Board to update and administer the Urban Forestry Management Plan (UFMP).

c. *ADMINISTRATIVE OFFICIAL.*

i. The Public Works Director or his designee shall serve as the Administrative Official for this Ordinance and oversee the duties of any forestry staff in the implementation of this Ordinance, the Urban Forestry Management Plan (UMFP) and in service to the Tree Board.

ii. The Administrative Official shall enforce the rules and regulations of the Standard of Care and shall direct the planting, maintenance, and removal of all Public Trees in the Village.

iii. The Administrative Official shall achieve and maintain certification as an International Society of Arboriculture (ISA) Certified Arborist.

d. *URBAN FORESTRY MANAGEMENT PLAN (UFMP).* The Urban Forestry Management Plan (UFMP) is a document that establishes arboricultural standards, methods and priorities for the management of the urban forest of the Village. The UFMP is adopted and amended by the Tree Board and administered by the Administrative Official.

e. *MINIMUM TREE PROGRAM BUDGET.* At the start of each fiscal year, the Village shall budget at least \$2.00 per capita annually for the restoration and upkeep of its urban forest. By way of example, if at the start of a given fiscal year the Village has a population of 13,000 residents, then the Village shall budget a minimum of \$26,000 ($\$2.00 \times 13,000$) to be used for the following purposes:

i. educating the public on the benefits of conservation and environmental preservation;

ii. planting, maintaining, and managing trees and landscaping on public property in the Village;

- iii. creating, restoring and expanding wooded property within the Village;
- iv. purchasing of conservation easements and/or environmental preserves; and
- v. other purposes specifically described in this Ordinance.

SECTION 2: ARBORICULTURAL STANDARD OF CARE:

The Village hereby adopts the most current version of the American National Standards Institute (ANSI) A300, Z133.1, and Z60.1 standards which, in concert with this Ordinance and the UFMP, shall serve as the arboricultural standards of care for all Public Trees, Protected Trees and any other trees regulated under this Ordinance (“Standard of Care”). In the administration of this Tree Management Program, if there is a conflict between this Ordinance, the Village Zoning Ordinance, the Village Subdivision Ordinance, the UFMP and/or the aforementioned ANSI standards, then the order of precedence shall be 1) this Ordinance, 2) the Village Zoning Ordinance, 3) the Village Subdivision Ordinance, 4) the UFMP, and 3) the ANSI standard.

SECTION 3: DEFINITIONS:

ALTER; ALTERS; ALTERATION: Any act which causes or may reasonably be expected to cause a tree to die, including but not limited to, any of the following: uprooting any portion of the tree's root system; severing the main trunk of the tree; inflicting damage upon the tree's root system by machinery, storage of materials, or the compaction of soil above the root system of a tree; changing the natural grade of the Drip Lines of a tree or uphill from the Drip Lines of the tree so as to divert the flow of water to or away from the Drip Lines; applying herbicidal or other lethal chemicals to the tree or any portion of the Drip Line of the tree; placement of impermeable material over any portion of the critical root system of a tree; and trenching within the Drip Line. A protected tree shall be considered to be altered if one or more of the following occurs: more than twenty-five percent (25%) of the Drip Line is adversely affected, more than twenty-five percent (25%) of its canopy is removed, or the tree is disfigured to the extent a reasonable person would conclude the tree will not survive.

APPROVED SPECIES LIST: **Appendix A** of the UFMP that lists approved tree species.

DBH (DIAMETER AT BREAST HEIGHT): The diameter of a tree trunk, or, in the case of a multi-trunk tree, the total of the diameter of the largest trunk and one half (1/2) of the diameter of each additional trunk, measured at a height of 4 ½ feet above the ground.

DEVELOPMENT: Any activity for which a concept plan, site plan, preliminary plat, final plat or plat revision is required under the ordinances of the Village.

DRIP LINE: The area of the critical root zone of a given tree defined by whichever of the following encompasses the greatest area: (1) the irregular shape formed around a tree by a series of vertical lines that run through the outermost portion of the canopy of the tree and

extend to the ground, or (2) a circular area with a radius of one-half (1/2) the height of the tree extending outward from the center point of the tree.

EXISTING TREE COVER: The sum total area located beneath the Drip Line of all Protected Trees on a given site at the time of application, as measured by Standard of Care practices.

HEAVILY WOODED AREA: An area of continuous wooded vegetation where trees are at a density of at least one protected tree per 325 square feet of land, where the branches and leaves form a continuous canopy, and which consists of at least five (5) trees.

SELECTIVE THINNING: The process by which non-contiguous Protected Trees are identified and removed within a Heavily Wooded Area to provide the maximum benefit to the remaining protected trees.

TREE: Any self-supporting woody perennial plant which will normally attain a trunk diameter of two inches or more when measured at a point four and one-half feet above ground level and an overall height of at least fifteen (15) feet at maturity.

TREE, DISEASED, INFECTED OR DAMAGED: A tree that is:

- a. infected with a disease or a parasite making it reasonably likely that the tree will either die within three (3) years or pose a significant threat of infecting other trees of the same or similar species; or
- b. damaged, in whole or part, to such an extent that either the tree is reasonably likely to die within three (3) years; or
- c. hazardous, in whole or part, to such an extent that it presents a significant danger to the general public.

TREE, PUBLIC: Trees located on all municipal and public domain property, including public street rights-of-way, Village-owned parks and Village-owned properties

TREE, PROTECTED: Any tree that has a DBH of at least 10 inches unless otherwise outlined in the UFMP.

TREE CONSERVATION ANALYSIS (TCA): A preliminary analysis that shows the general site design direction of a Development-related application.

TREE CONSERVATION PLAN (TCP): A plan that illustrates, in detail, the impact of a Development-related application including the impact of buildings, parking areas, streets and all other infrastructure on all environmental features of the site including Protected Trees, Public Trees and other critical resources.

TREE PERMIT: The official authorization by the Village required to alter any protected tree not exempted by this Ordinance.

TREE SURVEY: A plan drawing performed by a qualified individual, as determined by the Administrative Official, that details the size, species and condition of each Protected Tree or Public Tree on a given site.

SECTION 4: CONTRACTOR REQUIREMENTS FOR ARBORICULTURAL SERVICES:

All contractors providing commercial arboricultural services in the Village must be fully registered and licensed in accordance with Village Code and relevant policies and procedures of the Village including, but not limited to, all insurance and bonding requirements of the Village, as interpreted by the Administrative Official.

SECTION 5: TREE PERMIT REQUIRED:

5.1 TREE PERMIT REQUIRED: Except as provided in Section 5.3, no person shall 1) alter a Protected Tree, 2) alter a Public Tree, or 3) plant any Tree unless the alteration is authorized by a valid Tree Permit.

5.2 OFFENSE: Unless otherwise exempted by this Ordinance, a person commits an offense if the person 1) alters any Protected Tree without or in violation of a Tree Permit, 2) alters a Public Tree without or in violation of a Tree Permit, or 3) plants any Tree without or in violation of a Tree Permit.

5.3 EXEMPTIONS: Alteration of the following tree(s) shall be exempt from the provisions of this Ordinance:

- a. Any tree that endangers the public health, welfare, or safety such that immediate alteration is required. The Administrative Official shall review any such alteration and may require documentation in support of such exemption;
- b. Any tree that has disrupted a public utility service due to a tornado, storm, accident, flood, or other act of nature, provided that alteration of such a tree shall be limited to the portion of the tree reasonably necessary to reestablish and maintain reliable utility service as determined by the Administrative Official;
- c. A tree located on the property of a licensed plant or tree nursery which has trees planted and growing on the premises for the intended sale to the general public in the ordinary course of its business;
- d. Any Tree that is neither a Protected Tree nor a Public Tree and is also not a newly planted tree.

e. When planting a Tree or when altering any Public Tree or Protected Tree, the Village and its contractors are exempt from the requirement of a Tree Permit, but must comply with the Standard of Care.

f. Any Tree that the Administrative Official determines must be altered in order to install utility lines within public rights-of-way or within approved utility easements, including required drainage easements, shall be exempt from the requirement of Tree Permit.

SECTION 6: TREE PERMIT: APPLICATION, STANDARDS FOR APPROVAL AND ISSUANCE.

6.1 *TREE PERMIT APPLICATION- UNRELATED TO DEVELOPMENT*: An application for a Tree Permit that is unrelated to Development shall include the following information:

a. The name, address and telephone number of those persons or entities who own the property and those persons or entities seeking the permit;

b. The address, existing use, and zoning of the property;

c. A detailed written statement stating the reasons for the requested alteration including the following:

- i. The amount of land to be disturbed, if any;
- ii. The method and equipment to be used; and
- iii. The dates the proposed alteration would take place;

d. A legible diagram indicating the following for the area reasonably likely to be affected:

- i. Location of pertinent existing structures, improvements, streets or rights-of-way and property lines;
- ii. Location of pertinent utility lines, utility service lines, and easements;
- iii. The common or botanical name, size and location of all trees specifically designated by number;
- iv. Such additional information as the Administrative Official may reasonably require.
- v. Only trees appearing on the Approved Species List can be planted with in the Village Limits.

6.2 *TREE PERMIT APPLICATION - RELATED TO DEVELOPMENT*: An application for a Tree Permit that is filed in conjunction with an application related to Development shall include the following information:

- a. Tree Conservation Analysis (TCA) or Tree Conservation Plan (TCP) when required by this Ordinance;
- b. A Tree Survey clearly identifying whether each protected tree will be preserved after the proposed improvements are made, will be altered, or may be preserved based upon site specific conditions, including species and size;
- c. The names, addresses and telephone numbers of those persons or entities who own the property and those persons or entities seeking the permit; and
- d. Such additional information as the Administrative Official may reasonably require.

6.3 *FEES*: The applicant shall submit, with an application for a Tree Permit, payment of an application fee to the Village in the amount specified by the Village fee schedule.

6.4 *AUTHORITY FOR REVIEW*:

- a. The Administrative Official shall be responsible for reviewing all requests for Tree Permits submitted in accordance with the requirements specified herein.
- b. The Administrative Official shall have no obligation to review an application for a Tree Permit until all required information has been submitted and the applicable fee, if any, has been paid. If any required information or fee has been omitted, the Administrative Official shall notify the applicant of that fact.

6.5 *STANDARDS FOR APPROVAL*:

- a. *For Individual Protected Trees*: When a complete application for a Tree Permit is filed, the Administrative Official shall grant a Tree Permit with regard to a particular Protected Tree if any of the following is true:
 - (i) The tree must be altered in order to install or maintain a utility service line;
 - (ii) The tree is located in a Heavily Wooded Area and Selective Thinning is necessary;
 - (iii) The tree is "Diseased, Infected or Damaged"
 - (iv) The tree, if left unaltered, is reasonably likely to impair the structural integrity of permanent existing structures or improvements;
 - (v) The tree is required to be altered by federal, state or local law, including any applicable regulation adopted by a federal, state, or local government agency;

(vi) The tree must be altered to prevent significant risk of harm to the surrounding area caused by vermin infestation; or

(vii) The tree must be altered to prevent a high risk of fire hazard as determined by the Fire Marshal.

b. *For Trees Subject to a TCA/TCP:* When a complete application for a Tree Permit is filed, the Administrative Official shall grant a Tree Permit if all required tree protection and replacement procedures have been followed and the application conforms to the TCA/TCP approved by the Tree Board.

c. *For Trees Absent a TCA/TCP:* Where no TCA/TCP is required, the Tree Permit shall be granted if the Standard of Care has been followed and the application complies with the criteria established under Article 7.

6.6 *DENIAL:* The Administrative Official shall deny a Tree Permit if the application seeks 1) to violate an approved TCA/TCP, or 2) does not meet standards for approval under this Ordinance.

6.7 *PERMIT EXPIRATION:* A Tree Permit issued in connection with any other Development-related permit or plan shall be valid for the period of that permit's or plan's validity. A Tree Permit not issued in connection with any other permit or plan shall become void 180 days after the issue date on the Tree Permit.

SECTION 7: TREE CONSERVATION ANALYSES (TCAS) AND TREE CONSERVATION PLANS (TCPS):

7.1 *REQUIREMENT:* A Tree Conservation Analysis (TCA) or a Tree Conservation Plan (TCP) shall be required for any Tree Permit application related to Development described in Table 1.0 subject to the following exceptions:

a. Any application for Development less than one-half an acre (0.5 acre) in size shall be exempt from this requirement.

b. The Administrative Official may waive the requirement for a TCA or a TCP if the scope of the Development makes the requirement either impractical or inapplicable to the Development.

c. A TCP may be used to satisfy the requirements of a TCA.

Table 1.0 –Tree Conservation Analysis (TCA) and Tree Conservation Plan (TCP) by Type of Development Application

Type of Development Application	Requirement
Concept Plan	Tree Conservation Analysis
Site Plan	Tree Conservation Plan (TCP)
Preliminary Plat	Tree Conservation Analysis
Final Plat	Tree Conservation Plan (TCP)
Plat Revision	Tree Conservation Plan (TCP)

7.2 *INFORMATION REQUIRED*

a. Tree Conservation Analysis (TCA) shall include each of the following:

- i. Identification of Critical Environmental Features of the site including all grades over 5%, existing streams, drainage creeks, ponds, and other water bodies (if any)
- ii. Tree Survey
- iii. Drip Lines of groups of trees and Existing Tree Cover Calculation (Table 2.0)
- iv. Identification of areas of environmental constraints not suitable for development.
- v. The names, addresses and telephone numbers of those persons or entities who own the property and those persons or entities filing the application
- vi. Any request for mitigation as outlined in Section 7.3 including tree cover calculation
- vii. Such additional information as the Administrative Official may reasonably require

b.A Tree Conservation Plan (TCP) shall include each of the following:

- i. All items required above for a Tree Conservation Analysis (TCA)
- ii. Inventory of Protected Trees including tree size and type
- iii. 2-foot contour map of the site
- iv. Drip Lines for individual trees required for site plans only
- v. Clear delineation, for each Protected Tree, of whether the tree will be preserved after the proposed development is constructed, altered due to proposed improvements, or could

potentially be saved based upon site specific conditions

vi. Detailed site plan of all proposed improvements

vii. Such additional information as the Administrative Official may reasonably require.

7.3 REQUESTS for MITIGATION

a. *GENERALLY.* If a proposed TCA/TCP does not preserve existing tree coverage as required by Table 2.0, then the Administrative Official shall calculate area of tree coverage that must be mitigated as part of an amended TCA/TCP. An applicant may request any of the four mitigation methods outlined in this sub-section or a combination thereof. All requests for mitigation for shall comply with the following:

i. All requests for mitigation shall be made in writing to the Administrative Official as part of an amended TCA/TCP.

ii. Each request for mitigation shall include, at minimum, newly planted trees with Drip Lines totaling an area greater than or equal to the tree coverage area that must be mitigated, as calculated by the Administrative Official.

iii. All Plans requesting mitigation, except in the case of financial mitigation, shall include a binding three (3) year landscape establishment period, wherein the applicant shall be responsible for the following:

(a) Approval of a TCA/TCP requesting mitigation, except in the case of financial mitigation, shall be contingent upon the applicant depositing with the Village an irrevocable Letter of Credit in an amount equal to the estimated cost of materials and labor for all trees at the time of planting. The irrevocable Letter of Credit must cover the entire three (3) year maintenance and monitoring period. Applicant shall submit cost estimates to the Administrative Official for approval.

(b) Upon completion of the three year landscape establishment period, the Administrative Official shall inspect the site and determine whether ninety percent (90%) of the trees are healthy and have a reasonable chance of surviving to maturity. Upon such a finding, the Village shall release the Letter of Credit.

(c) In the absence of such a finding, the Applicant shall be notified to replace any unhealthy or dead trees, or take other appropriate action as approved by the Administrative Official. If the Applicant does not take remedial steps to bring the property into compliance, then the application shall have committed an offense of this Ordinance.

(d) In the event trees are injured or destroyed by natural disasters, including but not limited to, tornadoes, straight-line winds, ice storms, fire, floods, hail, or

lightning strikes, or through the independent actions of third parties, the applicant shall be relieved of the responsibility of replanting the tree or trees so affected.

b. *REQUESTS FOR ON-SITE MITIGATION*

i. Requests to mitigate on-site must be incorporated in the applicant's TCA or TCP.

ii. *Plan Requirements.* The TCA or TCP must graphically represent the species and location for all trees to be planted onsite. It shall also include a chart clearly stating the following information:

- (a) The number of trees requested for removal;
- (b) The percentage below the minimum canopy requirement they represent; and,
- (c) Tree removal due to the grading work done to create tie backs for roads shall be pursuant to Section 11 of the Zoning Ordinance.
- (d) The species and number of trees to be planted.

iii. *Species selection.* Species must be selected from the Approved Species List and shall be based upon the amount of space available for proper growth on the site, and must be approved by the Tree Board as part of the TCA or TCP.

iv. *Placement of trees.* The applicant is expected to plant trees in locations on the site where the environmental benefits of canopy cover are most likely to offset the impact of Development. Trees shall not be placed within utility easements, or in other locations where their future protection cannot be assured.

v. *On-site mitigation incentive.* If all the required trees can be located on-site, the Administrative Official may approve up to a twenty percent (20%) reduction in the number of trees to be planted. Any incentive reductions allowed shall be based upon the species of the mitigation trees and the space needed for the healthy growth of trees.

c. *REQUEST for OFF-SITE ALTERNATIVES.* Requests for off-site alternatives must be incorporated in and submitted concurrently with the applicant's TCA or TCP. The applicant may seek approval of the Administrative Official to preserve an equal or greater amount of canopy cover at a site within the Village limits.

d. *OFF-SITE FORESTATION.* If off-site preservation cannot be achieved, the applicant may seek approval from the Administrative Official to plant the required number of trees on another site owned by the applicant and located within the Village limits.

e. *FINANCIAL MITIGATION, TREE PLANTING & MAINTENANCE FEE.* When on-site mitigation, off-site preservation and offsite forestation cannot completely fulfill a developer's obligation under this Ordinance, the developer shall pay the Village a planting and maintenance fee for each required tree where such fee fairly represents the costs of

material and labor to plant each tree as well as three years of maintenance costs to ensure each tree survives for that period of time.

i. An applicant which cannot achieve the requirements through preservation or mitigation shall contribute to the Village. The Village shall use the money paid to the Village to plant trees within the subdivision along rights-of-ways, detention ponds, common areas or other areas where trees can be protected and have a high probability of survival to a mature tree. This shall be accomplished once the subdivision is built out or as approved by the Administrative Official.

ii. Money contributed in lieu of On-Site Mitigation or Off-Site forestation shall be paid prior to issuance of a building permit and prior to final plat acceptance.

iii. Money contributed under this section:

(a) May be used for canopy mitigation, including planting site identification, tree acquisition, planting, and maintenance, utilizing either Village staff or contract labor;

(b) Shall not revert to the general fund for ongoing operations.

iv. Any refunds shall be paid to the applicant who made the original contribution.

v. Notice of the right to a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the Applicant no later than thirty (30) days after the date which the refund becomes due. The sending by regular mail of the notices to the Applicant shall be sufficient to satisfy the requirement of notice.

vi. The refund shall be made on a pro rata basis, and shall be paid in full no later than ninety (90) days after the date certain upon which the refund becomes due.

vii. At the time of the contribution to the Village, the Administrative Official shall provide the applicant with written notice of those circumstances under which refunds of such fees will be made. Failure to deliver such written notice shall not invalidate any contribution to the Village under this Ordinance.

7.4 STANDARDS FOR APPROVAL:

a. A TCA/TCP shall be approved if it will preserve Existing Tree Cover in accordance with the percentage requirements established by Table 2.0. If not in compliance with Table 2.0, the TCA/TCP shall be supplemented with a request for mitigation as provided for in Section 7.3.

Table 2.0- Existing Tree Cover Preservation Requirements

<i>Percentage of existing tree cover on the entire site</i>	<i>Minimum percentage of existing tree cover to be preserved*</i>
0%-14%	70%
14.1-24%	60%
24.1%-30%	50%
30.1%- 50%	40%
50.1%-100%	30%

**Minimum percentage of existing tree cover to be preserved shall exclude any area in public rights-of-way.*

b. The Administrative Official shall review the application for a TCA or TCP and make a recommendation to the Tree Board. The Tree Board shall approve the TCA or TCP if the Board finds that it:

- i. provides for the placement of building pads, parking areas, driveways, streets, and utility easements so as to maximize the preservation of environmental features of the property;
- ii. maximizes the preservation of existing tree stands with the potential to buffer residential areas from the noise, glare, and visual effects of nonresidential uses;
- iii. maximizes the preservation of trees adjoining a natural or man-made drainage creek, if any;
- iv. maximizes the preservation of existing Protected Trees; and
- v. mitigates the alteration of trees through tree replacement procedures pursuant to this Ordinance.

7.5 ACTION ON TREE CONSERVATION ANALYSIS (TCA) AND TREE CONSERVATION PLAN (TCP):

- a. An application that requires the submittal of either a TCA or a TCP shall first be reviewed by the Administrative Official in conjunction with the accompanying development application.
- b. The Administrative Official shall prepare and present a report to the Tree Board that evaluates the extent to which the proposed development is responsive to the approval

criteria outlined in Section 7.4 and makes a recommendation to the Tree Board for approval or denial of the TCA or TCP.

c. The Tree Board shall approve the proposed TCA or TCP if it finds that it meets the criteria outlined in Section 7.4.

SECTION 8: TREE REPLACEMENT AND TREE PROTECTION STANDARDS:

8.1 *GENERALLY:* Any Protected or Public Tree required to be replaced under this Ordinance shall be replaced with an equivalent tree as designated in the UMFP and approved by the Administrative Official. The Administrative Official will determine the time of replacement, and the location of the replacement trees and assign the agent responsible for replacing the tree.

8.2 *SIZE AND NUMBER:* A sufficient number of trees shall be planted to equal or exceed the diameter, measured in DBH, of each tree altered. Each replacement tree shall be at least 2.5 inches DBH.

8.3 *LOCATION:* Each replacement tree should be planted on the same lot or tract as the tree which was altered. However, if the replacement tree cannot be planted on the same lot or tract in accordance with the Village's Standard of Care, the Administrative Official may authorize any or a combination of the following:

- a. replacement on other private property within the Village of Richton Park, with the approval of the owner of the property on which the replacement tree is to be planted and with said owner's agreement, in writing, to maintain the replacement tree to the standards established in this Ordinance;
- b. replacement on public property as approved by the Village; or
- c. payment to the Village as provided by Section 7.3.D.

8.4 *TIME OF REPLACEMENT:* Any replacement trees required to be planted must be planted not later than ninety (90) days after the order of the Administrative Official, or within (30) thirty days of the date any appeal from such order becomes final, provided, however, that the Administrative Official may require the deferral of the planting of replacement trees up to an additional one hundred eighty (180) days based on weather and other arboreal considerations.

8.5 *LONGEVITY AND DURATION:* If a replacement tree dies within three years from the date it was planted, the person subject to the requirement to plant the replacement tree must replace the dead tree with another replacement tree within ninety (90) days of the order of the Administrative Official ordering such replanting.

8.6 *TREE PROTECTION PROCEDURES:* Unless otherwise exempted by this Ordinance, any protected tree for which a permit is required shall comply with Section 7.15(B) of the Village Zoning Ordinance "Tree Protection During Construction Procedures".

SECTION 9: PUBLIC TREES:

9.1 The Administrative Official shall be responsible for the administration of all Public Trees in concert with the requirements of the Standard of Care.

SECTION 10: TREE MAINTENANCE STANDARDS:

10.1 *PRUNING*: The owner of land adjacent to any public street right-of-way shall be required to provide reasonable and routine care of trees and vegetation adjacent to the right-of way, and shall promptly take action to notify the Administrative Official and remove all dead, diseased or hazardous trees, or broken or decayed limbs which may constitute a threat or danger to the safety of the public. The Land owner is not responsible for maintenance to trees on the right-of-ways however, a private tree shall maintain a minimum clearance of fourteen feet (14') above the traveled pavement or curb of a public street or as approved by the Administrative Official and a clearance of eight feet (8') above the surface of a sidewalk. Pruning techniques are outlined in the UFMP.

10.2 *TREE TOPPING*: Unless otherwise specified within this Ordinance, it shall be a violation of this Ordinance for any person to severely cut back branches to stubs larger than three inches in diameter within the tree's canopy to such a degree so as to remove the normal canopy and disfigure the tree.

SECTION 11: TREE PLANTING AND REMOVAL STANDARDS:

11.1 *TREE PLANTING PROCEDURES*: All planting of trees shall conform to the Standard of Care.

11.2 *QUALITY OF TREES*:

- a. All trees shall conform to the Village's Standard of Care, specifically, the most current edition of ANSI Z60.1.
- b. All trees must be on the Approved Species List and be true to species, variety, and/or cultivar.
- c. All trees must have normal trunks, leaders, tops and branches typical of the species, variety, or cultivar, and exhibit evidence of proper nursery pruning practices.
- d. All trees must be certified free of insect pests and diseases by the Illinois Department of Agriculture, Division of Entomology.
- e. All trees must be free of mechanical injuries and not show evidence of recent or previous wounds on the trunk.

f. All trees must be nursery grown and must have received proper fertilizing, watering, top and root pruning as is normally needed for that particular kind of tree. Plants must have been grown in nursery conditions for the past two years under soil and climate conditions similar to that of Richton Park, Illinois. All plants must be labeled on delivery.

g. Unless a tree is to be transplanted by mechanized tree spade, all tree roots shall be containerized, or ball and burlap. Nylon twine shall not be used for balling. Minimum ball size must conform to the most current edition of ANSI Z60.1. Root balls shall be intact at the time of planting.

h. Trees must have trunks at least 2 ½ inches in diameter measured 6 in. above the ground, and a soil ball of at least 24 inches in diameter.

i. Plant material shall be planted the day it is taken to the planting site, or it shall be watered and/or covered, and placed in a shady area to prevent drying out or freezing.

j. Trees are best planted after turf establishment and shall be guaranteed for a period of one year following planting.

11.3 *TREE REMOVAL:*

a. All crew members should be wearing the appropriate safety gear; hard hats, eye protection, approved boots, hearing protection and chainsaw chaps for groundwork. All work must comply with ANSI Z133 Arboricultural Operations - Safety Requirements;

b. Crew lead must have equivalent training to the Chicago Region Tree Initiative Illinois Arborist Association Urban Forestry Basic Training Workshop.

11.4 STUMP REMOVALS: Refer to the Standard of Care.

11.5 *OFFENSE:* A person commits an offense if the person:

a. plants any required replacement tree within an area such that the mature canopy of the tree will interfere with existing or proposed overhead utility lines;

b. plants a tree within an area such that the tree, when mature, can reasonably be expected to block or interfere with a designated sight triangle area (either vertically or horizontally), unless approved in writing in advance by the Administrative Official;

c. plants a tree within ten feet (10') of an existing or proposed fire hydrant unless approved in writing by both the Fire Department and Public Works Department; or.

d. alters any protected tree unless the person has been explicitly authorized by the Village to do so.

SECTION 12: ENFORCEMENT:

12.1 *ACCEPTANCE OF IMPROVEMENTS AND ISSUANCE OF PERMITS:* The Village may refuse to accept any public improvements or issue any Development-related permit or plan relating to the subject property until the applicant meets all requirements and pays all monetary obligations of this Ordinance, except with the Administrative Official's written approval.

12.2 *CERTIFICATE OF OCCUPANCY:* No Certificate of Occupancy shall be issued until applicant meets all requirements and pays all monetary obligations of this Ordinance, except with the Administrative Official's approval.

12.3 *NO WAIVER:* Neither the acceptance of public improvements nor the issuance of any permits or certificates shall constitute a waiver of any obligations under this Ordinance or otherwise prevent the Village from enforcing its terms.

SECTION 13: APPEALS AND VARIANCES:

13.1 *APPEAL OF ADMINISTRATIVE INTERPRETATION OR DECISION:*

a. A person affected by an interpretation or decision of the Administrative Official under this Ordinance may appeal to the Tree Board. Such appeal must be received in writing within ten (10) days after the interpretation or decision has been rendered in writing and delivered to the property owner, or within ten (10) days of the postmark date if the decision was sent in U.S. Mail to the property owner. The person shall file the appeal with the Administrative Official and must describe the both the decision being appealed and the specific grounds on which the appeal is based.

b. The Administrative Official shall then schedule a hearing of the appeal at the next available Tree Board meeting and transmit all the documents pertaining to the appeal to the Tree Board at a reasonable time prior to the meeting. The Tree Board shall hear the appeal to determine whether the decision of the Administrative Official was in accordance with this Ordinance and the Standard of Care. The decision of the Tree Board shall be final and binding and the applicant shall conform to the Tree Board's decision within thirty (30) days.

13.2 *VARIANCES:*

a. The Village Board may authorize a variance to any provision of this Ordinance following a recommendation from the Tree Board.

b. A person requesting a variance from the provisions of this Ordinance shall do so in writing to the Administrative Official. A request for a variance shall be accompanied by a TCA or TCP as required by Article 8, any other reasonable documentation that may be requested by the Administrative Official. All variance requests shall be accompanied by a non-refundable filing fee in the amount specified in the current fee schedule adopted by Village Board.

c. Upon receipt of a written request for a variance and reasonable supporting documentation, the Administrative Official shall then schedule a hearing of the variance at the next available Tree Board meeting and transmit all the documents pertaining to the appeal to the Tree Board.

d. The Tree Board shall hear the variance and determine if it will make a recommendation to the Village Board. The following factors shall be considered in evaluating the variance request:

i. Whether a literal enforcement of the Ordinance will create an undue hardship or an unreasonable practical difficulty on the applicant;

ii. Whether the situation causing the unnecessary hardship or practical difficulty is unique to the affected property and is not self-imposed;

iii. Whether a reasonable accommodation or alternative solution can be made to accomplish the desired activity without the alteration of the tree;

iv. Whether the variance will injure or be wholly compatible with the use and future or existing development of adjacent properties;

v. Whether the increased development costs caused by preserving the tree create an undue hardship on the development of the site;

vi. Whether there is any identified adverse effect of the alteration or preservation on erosion, soil moisture retention, flow of surface water, and drainage systems;

vii. Whether there is any substantial impact to the buffering of residential areas from the noise, glare, and visual effects of non-residential uses;

viii. The costs versus the benefits of relocating required utility service infrastructure and easements based on preservation or alteration of protected trees;

ix. Whether the proposed tree replacement procedures adequately mitigate the alteration of the tree;

x. Whether the alteration adversely affects the public health, safety or welfare; and

xi. Whether the granting of the variance will be in harmony with the spirit and purpose of this Ordinance to the greatest degree reasonably possible.

e. Upon the Tree Board's recommendation to the Village Board, the Administrative Official shall then schedule consideration of the variance at the next available Village Board meeting and transmit all the documents pertaining to the variance. The Village Board shall then hear the variance to determine whether it should be granted or denied. The Board shall consider the same factors in Section 16.2(d) in its evaluation of the variance request.

f. The decision of the Village Board with respect to any application for a variance

SECTION 3: Effective Date.

This Ordinance shall be in full force and effect upon its passage and approval as provided by law.

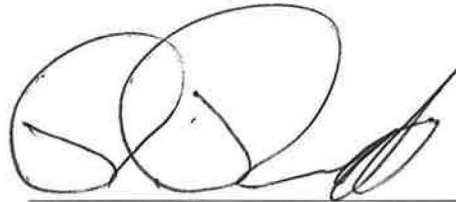
PASSED by the following roll call vote this 27th day of June, 2022.

AYES: 6

NAYS: 0

ABSENT: 0

APPROVED this 27th day of June, 2022.



RICHARD REINBOLD, President

ATTEST:



ALAN BANKS, Village Clerk
shall be final.