



Agenda
Village of Glen Ellyn
Environmental Commission Meeting
Wednesday, April 20, 2022
7:00 PM
Glen Ellyn Civic Center, Room 306

Members of the public are welcome to speak to any item not specifically listed on tonight's agenda. For those items which are on tonight's agenda, the public will have the opportunity to comment at the time the item is discussed. Individuals wishing to address the Commission shall exercise proper decorum and respect for the proceedings and the business of the Community Relations Commission, and shall refrain from abusive demeanor and language. Commissioners are not obligated to respond to questions.

Any individual with a disability requiring a reasonable accommodation in order to participate in a meeting should contact The Village of Glen Ellyn ADA Coordinator, 630-469-5000, in advance of the next scheduled meeting.

A. Call to Order

B. Public Participation

C. Minute Approval

- 1) March 23, 2022

D. Commission Liaison Reports

- 1) Trustee Liaison
- 2) Park District Liaison
- 3) Staff Liaison

E. Sponsorship Discussion and Vote

- 1) One Earth Film Festival - \$500

F. Event Discussion

- 1) Earth Day Event with Park District - April 24
- 2) Recycling Extravaganza - April 30
- 3) Compost Pickup - May 1
- 4) May thru July Event Planning

- Battery Recycling
- Sustainable Garden Tours
- Educational Talks
- Partnership with other Village Events

G. Workshop Topic

- 1) GE Tree Ordinance

H. Staff Liaison's Report

I. Next Meeting Date & Adjournment

**ENVIRONMENTAL COMMISSION
MINUTES**

March 23, 2022

Board or Environmental Commission:

Date: February 23, 2022

Meeting: Special

Called to 7:05 p.m.

Order:

Quorum: Yes

Adjourned: 9:58 p.m.

MEMBER ATTENDANCE:

Christie Truitt	Chairman	Present
Jeff D. Abeln	Commissioner	Present
Jacquelyn Casazza	Commissioner	Present
Karin Daly	Commissioner	Present
Barbara Kwiatkowski	Commissioner	Present
Steve Swanson	Commissioner	Present
Jennifer E. Umlauf	Commissioner	Present

Also Present:

John Hubsky	Assistant Public Works Director	
Max Brown	Village Forester	
Kelli Christiansen	Trustee Liaison	
Renae Frigo	Park District Liaison (outgoing)	
Chris Gutmann	Park District Liaison (incoming)	
PUBLIC		

I. CALL TO ORDER

The **March 23, 2022** regular meeting of the Environmental Commission was called to order by Chairman Truitt at **7:05 PM**.

II. PUBLIC PARTICIPATION – None

III. APPROVAL OF MINUTES FROM February 15, 2022 MEETING –

1. Commissioner Umlauf motions and Commission Daly seconds the motion to approve the minutes from January 15, 2022.

MOVE TO APPROVE THE MINUTES FROM 1/25/2022

RESULT: Motion unanimously carried

MOVER: Commissioner Umlauf

SECONDER: Commissioner Daly

ROLL CALL: Truitt, Daly, Kwiatkowski, Casazza, Swanson, Abeln, Umlauf

- IV. GUEST SPEAKER** – Max Brown, Village Forester with Glen Ellyn Public Works. Provided a brief history of the forester role with the Village and recent restructuring brought this position back as a separate position, duties were being handled by the past Public Works Director. Focus on tree canopy in the Village, including potential loss and ability to promote reforestation, would involve portions of the tree preservation ordinance and potentially modifying/updating the current language. Future partnership opportunities to work with the Park District, private properties, schools, other outside groups (Morton Arboretum, DuPage Forest Preserve, etc.).
- V. TRUSTEE LIAISON** – Christiansen informed that the CBD Streetscape started, uncomfortable for a while as that large project gets underway. Roosevelt Rd. hotel property having public meetings, an affordable housing task force created, Architectural Appearance Commission involved (replaced the Arch. Review Com. Disbanded ~2017). Consultant being utilized to help guide the redevelopment of the parcel. U.S. Bank Site at Forest & Duane – developers meet with Village on March 4th, will be resubmitting updated plans based on changed need with current environment.
- VI. STAFF LIAISON REPORT** – Hubsky reports Dark Skies would need to be reviewed in more detail by the Commission, to determine what changes/additions the group would want to see with existing code, to bring a unified ask to the Village Board. That would include work/assistance from Community Development employees. Staffing changes with retirement of PW Administrative Assistant, many of those duties involved the annual tree planting and Tree City USA awards, some of those duties are rolling to the Forester position. Consulted with Com. Development and the Solar+ App is not viable: need for a unified permitting system; ability to submit and review plans/drawings; and allowing a separate permit application opens the door for others, becoming difficult to manage.
- VII. PARK DISTRICT LIAISON'S REPORT** – Frigo is leaving for a position with the Conservation Foundation, working with easements, developments, and open spaces. Brought along Gutmann, who will be taking over as P.D. liaison, comes from DuPage & Will Co. Forest Preserves. Some additional changes in staffing at the P.D. with Renae's departure. Some upcoming events: Sports Swap – trading of gently used equipment @Ackerman Fitness Center; Earth Day Event – April 24th, EC to have a table.
- VIII. RECYCLING EXTRAVAGANZA BUDGET APPROVAL**
1. Commissioner Casazza provided a breakdown of various costs of different recyclable items at the event. Decision was made to eliminate the paper shredding (saving \$1,200) with another April event in the Village already providing that

service to residents. Battery recycling would be taken but not advertised, with the Commission covering those costs, along with the flat can recycling (~\$800) and some costs for paint recycling, especially oil based. A per car cap was decided upon (\$15) for paint. Village Board budgeted \$5,000 for the annual event, motion to request the Village Manager to approve a not to exceed budget of \$5,000 for the event, unanimously passed.

MOVE TO APPROVE A BUDGET NOT TO EXCEED \$5,000 FOR THE RECYCLE EXTRAVAGANZA

RESULT: Motion unanimously carried

MOVER: Commissioner Cassaza

SECONDER: Commissioner Swanson

ROLL CALL: Daly, Kwiatkowski, Casazza, Swanson, Abeln, Umlauf

IX. WORKSHOP TOPICS

1. Planning for upcoming events:
 - a Green Gathering w/ Library – April 7th, Making Greener Choices in Your Yard (topic)
 - b Recycle Extravaganza – April 30th, need information on additional signage requested
 - c Compost Pickup – May 1st, Park District providing
2. Monarch Pledge
 - a Liaison Hubsy informed the Commission that Village staff supports the initiative
 - b Discussion about some updated language, Commissioner Swanson to provide that updated language to Hubsy before sending to the Village Board
 - c Motion to approve sending the Monarch Pledge to the Board for consideration & approval, as amended, by Commissioner Umlaf and seconded by Swanson. Unanimous approval.
3. Tree Preservation
 - a Village code on private trees provided as part of the agenda packet. Forester Brown also mentioned the code that oversee trees in the right-of-way
 - b Liaison Hubsy informed the Commission that they need to review and examine what both sections of the code (public and private) currently entail and from that, determine as a group on what language they may want to see added or modified
 - c Discussion on: heritage trees and the need for an accepted definition; current code allows for trees to be removed if there is not a permit for construction (rules change after permit is submitted);
 - d Wilmette used as an example of a community that recently updated language in their code to assist with tree preservation

X. Next Meeting & Adjournment

- A. The next scheduled EC meeting – April 19, 2022. (May move due to schedule conflicts of Commissioners)
- B. Commissioner Swanson motions and Commissioner Daly seconds the motion to adjourn the meeting. The meeting adjourned at 9:58 pm.

Submitted & reviewed by Staff Liaison, Hubsy



**Glen Ellyn Environmental
Commission**
535 Duane Street
Glen Ellyn, IL 60137

Meeting 4/20/2022 7:00 PM
Department: Public Works
Department Head:
Category: Other
Prepared By:

AGENDA ITEM (ID # 2022-2160)

DOC ID: 2022-2160

One Earth Film Festival - \$500

Statement of the Issue:

Analysis:

Budget Impact:

Action Requested:

Attachments:



**Glen Ellyn Environmental
Commission**
535 Duane Street
Glen Ellyn, IL 60137

Meeting 4/20/2022 7:00 PM
Department: Public Works
Department Head:
Category: Discussion Item
Prepared By:

**AGENDA ITEM (ID # 2022-
2161)**

DOC ID: 2022-2161

Earth Day Event with Park District - April 24

Statement of the Issue:

Analysis:

Budget Impact:

Action Requested:

Attachments:



**Glen Ellyn Environmental
Commission**
535 Duane Street
Glen Ellyn, IL 60137

Meeting 4/20/2022 7:00 PM
Department: Public Works
Department Head:
Category: Discussion Item
Prepared By:

**AGENDA ITEM (ID # 2022-
2162)**

DOC ID: 2022-2162

Recycling Extravaganza - April 30

Statement of the Issue:

Analysis:

Budget Impact:

Action Requested:

Attachments:



**Glen Ellyn Environmental
Commission**
535 Duane Street
Glen Ellyn, IL 60137

Meeting 4/20/2022 7:00 PM
Department: Public Works
Department Head:
Category: Discussion Item
Prepared By:

**AGENDA ITEM (ID # 2022-
2163)**

DOC ID: 2022-2163

Compost Pickup - May 1

Statement of the Issue:

Analysis:

Budget Impact:

Action Requested:

Attachments:



**Glen Ellyn Environmental
Commission**
535 Duane Street
Glen Ellyn, IL 60137

Meeting 4/20/2022 7:00 PM
Department: Public Works
Department Head:
Category: Discussion Item
Prepared By:

**AGENDA ITEM (ID # 2022-
2164)**

DOC ID: 2022-2164

May thru July Event Planning

- **Battery Recycling**
- **Sustainable Garden Tours**
- **Educational Talks**
- **Partnership with other Village Events**

Statement of the Issue:

Analysis:

Budget Impact:

Action Requested:

Attachments:



**Glen Ellyn Environmental
Commission**
535 Duane Street
Glen Ellyn, IL 60137

Meeting 4/20/2022 7:00 PM
Department: Public Works
Department Head:
Category: Discussion Item
Prepared By:

**AGENDA ITEM (ID # 2022-
2165)**

DOC ID: 2022-2165

GE Tree Ordinance

Statement of the Issue:

Analysis:

Budget Impact:

Action Requested:

Attachments:

1. Title 4 Chapter 8 - Tree Preservation
2. Title 8 Chapter 4 - Forestry Management

4-8-1. - Purpose.

The purpose of this chapter is to enhance the private property portion of the community forest by assuring the preservation and protection of protected trees. Title 8, chapter 4, "Forestry Management", of this Code is applicable to the public property portion of the community forest. These chapters complement each other to enhance the total community forest in Glen Ellyn. It is the stated public policy of the Village to add to the tree population within the Village, where possible, and to maintain, to the greatest extent possible, existing trees within the Village. The planting of additional trees, preservation of existing trees, and proper maintenance of trees in the Village will improve the quality of life in Glen Ellyn.

(Ord. 5961, 9-26-2011)

4-8-2. - Definitions.

As used within this chapter and title 8, chapter 4 of this Code, the following terms shall have the meaning set forth in this section:

ARBORICULTURAL SPECIFICATIONS MANUAL: A manual prepared and updated by the Village forester and incorporated into an ordinance passed and amended from time to time by the Village Board, which more specifically carries out the enforcement provisions and intent of this Code and contains regulations and standards for the preservation, planting, maintenance, and removal of trees, shrubs, and other plants upon Village property and regulated trees on private property.

COMMUNITY FOREST: The entire tree population in the Village of Glen Ellyn, including trees on private and public property.

COMPREHENSIVE FORESTRY MANAGEMENT PROGRAM: The five year plan for the improvement of the Village of Glen Ellyn community forest and approved by the Village Board.

CRITICAL ROOT ZONE: The area inscribed by an imaginary line on the ground beneath a tree having its center point at the center of the trunk of the tree and having a radius equal to one foot for every inch of dbh but not less than six feet from the trunk of the tree.

CROWN: Parts of a tree above the trunk including leaves, branches, and scaffolds.

DEVELOPMENT: All new planned unit developments and subdivisions in the Village of Glen Ellyn. Any manmade change to improved or unimproved property including, but not limited to, the construction, addition, alteration, or replacement of buildings or structures, excavation, fill,

grading, paving, underground irrigation, or utility work on the property that exceeds 300 square feet of disturbed site area except the following:

- (A) Replacement pavement in the same footprint as existing pavement,
- (B) Decks supported on individual spaced concrete piers,
- (C) Fences supported on spaced posts,
- (D) Replacement detached garages in the same footprint as the existing garage with no more than an additional 20 percent of garage area, or
- (E) Grading on private property that disturbs less than 1,500 square feet of site area.

DIAMETER BREAST HEIGHT (Hereinafter Called dbh): The diameter of the trunk of the tree measured in inches at a point four and one-half feet above ground line. This point of measurement is used for established and mature trees.

DRIP LINE: A line drawn on the ground surface directly beneath and perpendicular to the maximum radius of the crown of an existing tree but not less than six feet from the trunk, whichever is greater.

LANDSCAPE: Any shrubs, flowers, grass, or ground covers.

LOT: A zoning lot as defined in the Glen Ellyn zoning and subdivision code.

PUBLIC NUISANCE: Any tree, shrub, or other plant, or breeding place which harbors infectious insects or diseases which reasonably may be expected to injure or harm other trees or which could cause a safety hazard affecting the general public.

PUBLIC TREE REMOVAL OR WORK PERMIT: The permit required by this Code issued in order to remove or do any work on any public tree within the corporate limits of the Village or a Village Parkway.

REGULATED PUBLIC UTILITY: Any utility certified by the Illinois Commerce Commission to provide service to any customer within the corporate limits of the Village of Glen Ellyn or any other entity with a franchise issued by the Village or any other entity which has the right to extend pipes, wires, cables or lines on public property within the Village. The effect of this chapter with regard to any public utility is intended to be the maximum regulation permitted by law or under the terms of a franchise or similar agreement.

REMOVE OR REMOVAL: The causing or accomplishing of the actual physical removal of a tree or the effective removal through damaging, poisoning, or other direct or indirect action resulting in, or likely to result in, the death of a tree.

SCAFFOLDS: Primary structural branches of the crown.

TREE: Any self-supporting, woody plant with its root system, growing upon the earth usually with one trunk or a multistemmed trunk system supporting a definitely formed crown, achieving a minimum of at least eight feet in height.

TREE, ADJACENT PROPERTY: Any tree with a four inch dbh or greater on an adjoining private property and located within 15 feet of the lot line. These trees are protected trees unless the owner of the tree designates them as nonprotected.

TREE, BORDER: Any tree, the trunk of which lies at least one-fourth on Village owned property and three-fourths on private property, determined as the distance of the diameter measured at right angles to the public right-of-way, determined by the Village forester. These trees are protected trees unless the Village forester designates them as nonprotected.

TREE, IMPACTED: Any tree shown on a tree preservation plan, that would otherwise be a protected tree, that will be adversely affected by construction. This tree is not a removed tree or a protected tree.

TREE PRESERVATION PLAN: A written plan having text and/or graphic illustrations indicating the methods which are to be used to preserve a public tree, significant tree, adjacent property tree, impacted tree, or protected tree during construction and shall include a tree survey, application, plan submittal checklist, and action plan. The document shall be coordinated with and, if possible, made a part of a site grading plan or drainage plan.

TREE, PRIVATE: Any tree on privately owned property within the Village.

TREE, PROTECTED: Any tree in the Village shown on a tree preservation plan as being retained after development with a ten inch dbh or greater, or a multibranch tree which has an aggregate diameter of 16 inches dbh or greater.

TREE, PUBLIC: Any tree or border tree on public property or within a public right-of-way in the Village. These trees are protected trees unless the Village forester or his/her designee designates them as nonprotected.

TREE, REMOVED: Any tree shown on a tree preservation plan that would otherwise be a protected tree, as being removed after development.

TREE, REPLACEMENT: A nursery grown certified tree properly balled and burlapped and satisfying the standards established for nursery stock and installation thereof set forth by the American Association of Nurserymen.

TREE, SIGNIFICANT: All hickory, oak, or walnut species in the Village measuring five inches dbh or greater. These trees are protected trees unless the owner of the tree designates them as nonprotected.

TREE SURVEY: A graphic display of all protected, border, public, significant, impacted, removed, and adjacent property trees including their location, condition, species and size. All existing trees that are required to be shown on the tree survey must be identified by number. The survey shall show the location of protective fencing and other protective measures to be placed on the lot. The survey shall also show the location of any tree, which would otherwise be a protected tree, which was removed in the prior one year period.

TREES, SHRUBS, AND OTHER PLANTS: All vegetation, woody or otherwise, except lawn and flowers less than 24 inches high.

(Ord. 5961, 9-26-2011)

4-8-3. - General regulations; private property involving development.

- (A) *Tree preservation plan required:* Development on private property shall require the filing of a tree preservation plan along with other permit application materials required by this section upon application for a building permit.

Trees which the owner designates on the plan as being susceptible to potential damage due to their location or condition may be designated as impacted trees. After the initial tree protection fencing or other protective methods have been put in place these impacted trees shall not be subject to additional regulation provided the required tree fencing or other protective methods are maintained. The Village forester, or his/her designee, may suggest that trees on the property not shown as impacted or protected trees should be shown as being in those categories, but the final decision shall rest with the applicant.

All work to preserve protected, adjacent, significant, and impacted trees shall be according to the "Arboricultural Specifications Manual". The tree survey shall be drawn to a scale not less than one inch to 20 feet so that the location of each tree required to be shown on the plan can be identified. The tree preservation plan shall include the following:

1. A "tree survey" as defined above. The Village forester, or his/her designee, may exclude the tree survey requirement on those portions of the site which he/she determines will not be affected by the development activity. The survey may be prepared by a registered land surveyor or certified arborist or may be prepared by or under the direction of the owner if it

accurately reflects all required tree information. The Village forester or his/her designee shall, if requested, assist without charge in the identification and size of tree species on those properties that do not require an ISA certified arborist review and approval.

2. The name and contact information of the parties responsible for the construction, erection, and maintenance of temporary fencing or other physical barrier around protected trees.
3. The location, shape, and spatial arrangement of all existing and proposed buildings, walls, improvements, and structures and the excavation limits required to construct proposed improvements.
4. The location, shape and spatial arrangement of all permanent driveways and parking areas and temporary material storage sites and accessways.
5. All existing or new utility services including water, sanitary sewer, storm sewer, gas, electric, telephone, and cable TV.
6. The Village forester, or his/her designee, may expand or partially retract the critical root zone depending on the tree species and site specific situations so as to improve the chances that trees will not be damaged during construction and to permit construction to take place. In such cases, the Village forester, or his/her designee, may request additional precautions in order to preserve the health of trees.
7. Existing and proposed grading of the development area showing elevations with contour lines at one foot intervals if a grading plan is required by some other provision of this Code.
8. A tree preservation plan for a new home shall be reviewed and approved by a certified arborist for the purpose of evaluating the protective measures proposed on the plan.

(B) *Building permit required:* No building permit shall be issued for development until the tree preservation plan has been approved by the Village Board (for planned unit developments or subdivisions) or the Village forester or his/her designee. In reviewing the tree preservation plan, the Village forester, or his/her designee, can offer advice and suggest modifications which will better protect existing trees, but the tree preservation plan shall be approved if it otherwise is in conformity with Village ordinances. The Village shall process the tree preservation plan in no more time than shall be needed to process a building permit unless the application does not fulfill the requirements of this chapter. Appeals regarding the tree preservation plan or a decision of the Village forester shall be first submitted to the Public Works Director. A subsequent appeal shall be submitted to the Village Manager. The following steps shall be followed to assure conformance to the approved tree preservation plan and the tree protection requirements in the "Arboricultural Specifications Manual" prior to the issuance of a building permit.

1. Tree preservation fencing must be installed and inspected for all protected, significant, impacted, border, public, and adjacent property trees prior to the issuance of a building permit. Tree preservation measures must be installed per the approved tree preservation

plan and remain in place during the entire construction period. Fencing shall not be removed or relocated unless authorized in writing.

2. For a new principal structure an approved tree preservation plan shall be posted on the building site within five feet of the front property line before a building permit is issued and shall remain in place throughout the entirety of the construction of the project. This sign must be posted as shown in the "Arboricultural Specifications Manual". The permit applicant shall be responsible for notifying all other contractors working on the property of the tree preservation plan.
3. The applicant shall notify all adjacent property owners of the proposed construction project and that a tree preservation plan has been prepared and is available for review at the Community Development Department of the Village of Glen Ellyn. A copy of such notification along with a list of addresses it was delivered to must be submitted to the Community Development Department prior to the issuance of a building permit.

(C) *Precautions during construction:* During construction, all reasonable steps necessary to prevent the destruction or damaging of protected trees shall be taken, including, but not limited to, the following:

1. No construction activity, movement, and/or placement of equipment or material or spoils storage shall be permitted within the critical root zone of any protected tree or significant tree on the tree preservation plan unless shown on the approved tree preservation plan. No excess soil, additional fill, liquids, or construction debris shall be placed within the critical root zone of any protected tree or significant tree.
2. Per the "Arboricultural Specifications Manual", appropriate protective fencing shall be installed and maintained for the protection of protected, adjacent property, significant, and impacted trees.
3. No attachments, fences, or wires, other than those approved for bracing, guying, or wrapping, shall be attached to protected trees or significant trees during the construction period.
4. Branch pruning, root feeding, and root pruning of protected trees, significant trees, and adjacent property trees directly affected by construction shall be conducted by the property owner if suggested by the Village forester, or his/her designee, and must be completed following the "Arboricultural Specifications Manual". On-site inspections must be scheduled with the Village forester or his/her designee to ensure this requirement is met.
5. Unless otherwise shown on the approved tree preservation plan, no soil is to be added to or removed from within the critical root zone of any protected, significant, or adjacent property tree that is to remain, unless shown on the approved tree preservation plan.
6. Regulated public utilities, to the extent permitted by law, shall be responsible for adhering to said tree preservation plan during installation of necessary utility service lines. A property

owner or contractor shall not be responsible for damages caused by the action of a public utility unless that person directed the location and manner of work of the utility.

(D) *Fee schedule for tree preservation plan review:*

1. Plan review fee for single-family lots. For projects where more than one of the projects listed below occurs, the higher fee shall apply.

Unit cost for each:

- a. Garage/pool/other:\$250.00
 - b. Addition:250.00
 - c. Demolition/new house:330.00
 - d. New house:330.00
 - e. Site improvements/grading/landscaping:250.00
 - f. Work in public right-of-way:330.00
2. Plan review fee for subdivisions, special use projects, and planned unit developments or lots with any use other than single-family residences:
 - a. Cost to review documents submitted in compliance with tree preservation ordinance:\$100.00 per hour by consultant.
 3. Fees for additional field inspections and violations:
 - a. Field inspection responding to complaint (verified violation):\$100.00
 - b. Tree fence violation:100.00

(E) *Work must be according to approved tree preservation plan:* It shall be unlawful for any person, firm, or a corporation to fail to abide by the terms of any tree preservation plan pursuant to which a building permit has been issued, including all regulated public utilities.

(F) *Stop work order authorized for noncompliance with tree preservation plan:* If the Village forester, or his/her designee, or a Building Inspector observes the precautions specified in the tree preservation plan were not undertaken before construction commenced or not maintained during construction, a stop work order may be issued. The stop work order shall remain in place until the permittee complies with the approved tree preservation plan and/or corrects the issues stated in the stop work order.

(G) *Amendment to tree preservation plan and removal of protected trees:* An application can be made to the Village forester to amend a tree preservation plan. No amendment shall be permitted where the provisions of the approved plan have not been followed. An application shall be approved where changed facts and circumstances not within the control of the applicant create an undue hardship in complying with the plan. Where a protected tree has been damaged

such that its removal is required, the forester shall approve its removal after adequately documenting any violations of this chapter which have caused or contributed to the removal of a protected tree.

(Ord. 5961, 9-26-2011; Ord. 6075, 9-24-2012; Ord. 6603, 5-29-2018; Ord. 6674, 2-25-2019; Ord. 6750, 1-27-2020)

4-8-4. - Interference with the Village forester.

It shall be a violation of this chapter for any person to unreasonably hinder, prevent, delay, or interfere with the Village forester, Building and Zoning Official, or their agents while engaged in the execution or enforcement of this chapter.

(Ord. 5961, 9-26-2011)

4-8-5. - Violation and penalty.

Any person who violates any provision of this chapter or who fails to comply with any notice issued pursuant to the provisions of this chapter, upon being found guilty of violation, shall be subject to a minimum fine of \$250.00 and a maximum fine of not to exceed \$750.00, depending on severity of violation, for each separate offense. Each day during which any violation of the provisions of this chapter shall occur or continue shall be a separate offense.

In addition to the issuance of a fine, the Village may also request the court, upon a determination that any provision of this chapter has been violated, to enjoin the person, through an affirmative or mandatory injunction, to cease a violation of this chapter or to require the actions mandated within this chapter to be performed.

(Ord. 5961, 9-26-2011)

Chapter 4 - FORESTRY MANAGEMENT

8-4-1. - Purpose.

The purpose of this chapter is to enhance the public property portion of the community forest by assuring the preservation, protection, planting, and proper maintenance of parkway trees. Title 4, chapter 8, "Tree Preservation", of this Code is applicable to the private property portion of the community forest. These chapters complement each other to enhance the total community forest in Glen Ellyn.

(Ord. 5962, 9-26-2011)

8-4-2. - Definitions.

As used within this chapter and title 4, chapter 8 of this Code, the following terms shall have the meanings set forth in this section:

ARBORICULTURAL SPECIFICATIONS MANUAL: A manual prepared and updated by the Village Forester and incorporated into an ordinance passed and amended from time to time by the Village Board, which more specifically carries out the enforcement provisions and intent of this Code and contains regulations and standards for the preservation, planting, maintenance, and removal of trees, shrubs, and other plants upon Village property and regulated trees on private property.

COMMUNITY FOREST: The entire tree population in the Village of Glen Ellyn, including trees on private and public property.

COMPREHENSIVE FORESTRY MANAGEMENT PROGRAM: The five year plan for the improvement of the Village of Glen Ellyn community forest and approved by the Village Board.

CRITICAL ROOT ZONE: The area inscribed by an imaginary line on the ground beneath a tree having its center point at the center of the trunk of the tree and having a radius equal to one foot for every inch of dbh but not less than six feet from the trunk of the tree.

CROWN: Parts of a tree above the trunk including leaves, branches, and scaffolds.

DEVELOPMENT: All new planned unit developments and subdivisions in the Village of Glen Ellyn. Any manmade change to improved or unimproved property including, but not limited to, the construction, addition, alteration, or replacement of buildings or structures, excavation, fill, grading, paving, underground irrigation, or utility work on the property that exceeds 300 square feet of disturbed site area except the following:

- (A) Replacement pavement in the same footprint as existing pavement,

- (B) Decks supported on individual spaced concrete piers,
- (C) Fences supported on spaced posts,
- (D) Replacement detached garages in the same footprint as the existing garage with no more than an additional 20 percent of garage area, or
- (E) Grading on private property that disturbs less than 1,500 square feet of site area.

DIAMETER BREAST HEIGHT (Hereinafter Called dbh): The diameter of the trunk of the tree measured in inches at a point four and one-half feet above ground line. This point of measurement is used for established and mature trees.

DRIP LINE: A line drawn on the ground surface directly beneath and perpendicular to the maximum radius of the crown of an existing tree but not less than six feet from the trunk, whichever is greater.

LANDSCAPE: Any shrubs, flowers, grass, or ground covers.

LOT: A zoning lot as defined in the Glen Ellyn Zoning and Subdivision Code.

PUBLIC NUISANCE: Any tree, shrub, or other plant, or breeding place which harbors infectious insects or diseases which reasonably may be expected to injure or harm other trees or which could cause a safety hazard affecting the general public.

PUBLIC TREE REMOVAL OR WORK PERMIT: The permit required by this Code issued in order to remove or do any work on any public tree within the corporate limits of the Village or a Village parkway.

REGULATED PUBLIC UTILITY: Any utility certified by the Illinois Commerce Commission to provide service to any customer within the corporate limits of the Village of Glen Ellyn or any other entity with a franchise issued by the Village or any other entity which has the right to extend pipes, wires, cables or lines on public property within the Village. The effect of this chapter with regard to any public utility is intended to be the maximum regulation permitted by law or under the terms of a franchise or similar agreement.

REMOVE OR REMOVAL: The causing or accomplishing of the actual physical removal of a tree or the effective removal through damaging, poisoning, or other direct or indirect action resulting in, or likely to result in, the death of a tree.

SCAFFOLDS: Primary structural branches of the crown.

TREE: Any self-supporting, woody plant with its root system, growing upon the earth usually with one trunk or a multistemmed trunk system supporting a definitely formed crown, achieving a minimum of at least eight feet in height.

TREE, ADJACENT PROPERTY: Any tree with a four inch dbh or greater on an adjoining private property and located within 15 feet of the lot line. These trees are protected trees unless the owner of the tree designates them as nonprotected.

TREE, BORDER: Any tree, the trunk of which lies at least one-fourth on Village owned property and three-fourths on private property, determined as the distance of the diameter measured at right angles to the public right-of-way, determined by the Village Forester. These trees are protected trees unless the Village Forester designates them as nonprotected.

TREE, IMPACTED: Any tree shown on a tree preservation plan, that would otherwise be a protected tree, that will be adversely affected by construction. This tree is not a removed tree or a protected tree.

TREE PRESERVATION PLAN: A written plan having text and/or graphic illustrations indicating the methods which are to be used to preserve a public tree, significant tree, adjacent property tree, impacted tree, or protected tree during construction and shall include a tree survey, application, plan submittal checklist, and action plan. The document shall be coordinated with and, if possible, made a part of a site grading plan or drainage plan.

TREE, PRIVATE: Any tree on privately owned property within the Village.

TREE, PROTECTED: Any tree in the Village shown on a tree preservation plan as being retained after development with a ten inch dbh or greater, or a multibranch tree which has an aggregate diameter of 16 inches dbh or greater.

TREE, PUBLIC: Any tree or border tree on public property or within a public right-of-way in the Village. These trees are protected trees unless the Village Forester or his/her designee designates them as nonprotected.

TREE, REMOVED: Any tree shown on a tree preservation plan that would otherwise be a protected tree, as being removed after development.

TREE, REPLACEMENT: A nursery grown certified tree properly balled and burlapped and satisfying the standards established for nursery stock and installation thereof set forth by the American Association of Nurserymen.

TREE, SIGNIFICANT: All hickory, oak, or walnut species in the Village measuring five inches dbh or greater. These trees are protected trees unless the owner of the tree designates them as nonprotected.

TREE SURVEY: A graphic display of all protected, border, public, significant, impacted, removed, and adjacent property trees including their location, condition, species and size. All existing trees that are required to be shown on the tree survey must be identified by number. The survey shall show the location of protective fencing and other protective measures to be placed on the lot. The survey shall also show the location of any tree, which would otherwise be a protected tree, which was removed in the prior one year period.

TREES, SHRUBS, AND OTHER PLANTS: All vegetation, woody or otherwise, except lawn and flowers less than 24 inches high.

(Ord. 5962, 9-26-2011)

8-4-3. - Village forester.

The Village Forester shall be appointed by the Village Manager. The Village Forester shall be responsible for the enforcement of the "Forestry Management" and "Tree Preservation" chapters of this Code.

(Ord. 5962, 9-26-2011)

8-4-4. - Reserved.

Editor's note— Ord. 6750, adopted Jan. 27, 2020, repealed § 4-4-4, which pertained to registered tree contractors and derived from Ord. 5962, adopted Sept. 26, 2011.

8-4-5. - General regulations; public property.

- (A) *Work on public trees:* Work on public trees may only be carried on by a tree contractor selected or approved by the Village Forester, or his/her designee. This provision shall not prohibit owners of property adjacent to Village owned property from watering or fertilizing any tree, shrub, or other plant on Village owned property.
- (B) *Damage to trees, shrubs, or other plants prohibited:* It shall be unlawful for any person to injure, prune, remove, destroy, attach any rope, wire, nail, or other contrivance; place any compacted stone, cement, or other impervious matter or substance as may obstruct the free access of air and water to the roots (i.e., landscape fabric), improper mulching techniques (volcano mulching); or remove any device set for the protection of any tree, shrub, or other plants on Village owned property without approval from the Village Forester or his/her designee.
- (C) *Care of public property when working on private property:* It shall be unlawful for the person working on private or public property to leave any public tree that may be affected by building, structure, or other work without proper tree preservation methods as stated by the Village

Forester or his/her designee per the "Arboricultural Specifications Manual".

- (D) *Work standards on public trees must be followed:* Work done on public trees shall follow the standards outlined in the "Arboricultural Specifications Manual". A copy of the "Arboricultural Specifications Manual" is on file and may be reviewed at the office of the Village Forester, viewed on our website, or may be purchased at the Civic Center.
- (E) *Damage to public trees causing removal (payment or replacement):* Any person that damages a public tree so severely that the public tree dies or requires removal shall compensate the Village for the loss of the public tree. The amount paid shall be based on the following schedule:
1. If the damaged public tree is less than eight inches in diameter (measured at 12 inches above ground level), the amount paid shall be determined by using the replacement cost method of evaluating trees found in the latest edition of the Council of Tree and Landscape Appraisers guide (CTLA) for plant appraisal, which guide is adopted by reference by the Village as if it were a part of this chapter.
 2. For public trees larger than an eight inch trunk diameter, the amount paid shall be determined by using the trunk formula method of evaluating trees found in the latest edition of CTLA's guide.
 3. Added to the costs established under subsections (E)1. and (E)2. of this section shall be the cost of the removal and stump grinding of the public tree.
 4. In addition to the prosecution for a business offense, in accordance with subsection (F) of this section, the Village may seek to recover the cost of the damaged public tree, in the amount computed under subsections (E)1., (E)2. and (E)3. of this section, through a civil action.
- (F) *Damage to public trees causing removal (civil fine):* Any person that damages a public tree so severely that the public tree dies or requires removal shall be guilty of a business offense and, upon a conviction thereof, shall pay a fine which shall not be less than \$1,000.00 nor more than that established under the formula set out in subsections (E)1. and (E)2. of this section, and in addition to the cost of the removal of the tree.
- (G) *Injury to public trees not requiring removal (payment):* Any person that causes injury to a public tree that requires treatment may avoid a civil fine by paying the actual cost to treat the tree.
- (H) *Injury to public trees not requiring removal (civil fine):* Any person that causes injury to a public tree so that the tree requires treatment shall be guilty of a business offense.
- The fine upon conviction shall be equal to the actual cost incurred by the Village in treating the tree for the injury.
- (I) *Time for bringing an action and damage or injury:* The Village shall not prosecute any person for causing damage or injury to public trees when the action of such person was limited to lawn mowing using a nonriding lawn mower or a "weed whacker" unless the person was notified of the

problem and continued to cause damage to the tree. Nor shall a person be liable for fines or reimbursement when damage is done by regulated public utility unless that person has specifically directed the location and manner of work performed by the utility which caused the damage, however the person that has specifically caused damaged will be liable. Any action by the Village seeking fines or reimbursements for costs relating to damage or injury to public trees must be commenced within three years of the date of the refund of deposit.

(Ord. 5962, 9-26-2011; Ord. 6750, 1-27-2020)

8-4-6. - Access to a public right-of-way over a public parkway which cannot reasonably be accomplished except through the removal of a public tree.

In determining whether reasonable access can be gained to the public right-of-way, the Village Forester may require the applicant seeking access to choose alternate methods of access to the public right-of-way which shall not require damage or removal to a public tree. The Village shall determine the point of access which will provide an opening to the public right-of-way. Where, however, public access can only be reasonably granted through the removal of a public tree, the permit, if otherwise proper, shall be granted; and the property owner shall not be required to reimburse the Village for the value of the tree but only for the cost of removal of tree and stump and replacement four inch dbh tree.

(Ord. 5962, 9-26-2011)

8-4-7. - Permits required.

- (A) *Permits required to do work on public trees:* Except for work performed by an employee or independent contractor of the Village, none of the following acts relating to public trees may be carried out except by a tree contractor who has first secured a written permit from the Village Forester, or his/her designee. The Village shall determine those tree contractors who shall be allowed to perform work on public trees. No person except the Village Forester, an agent of the Village Forester, or a contractor hired by the Village under the supervision of the Village Forester may do any of the following acts related to public trees without first securing a written permit from the Village Forester, or his/her designee:
1. Plant, transplant, treat, prune, or remove any public tree (excludes watering and fertilization).
 2. Place in a public right-of-way, either above or below ground level, a container for trees, shrubs, or other plants.
- (B) *Permits required to do tunneling or excavation near public trees:* Except for work performed by an employee or an independent contractor of the Village, none of the following acts relating to public trees may be carried out except by a person, including a regulated public utility, who has

first secured a written permit from the Village Forester: dig a tunnel, trench, or other excavation; install a driveway approach; plant within the critical root zone for flower boxes, etc.; or rototill or dig within the critical root zone of any public tree.

- (C) *Permit:* Applications for permits must be made at the office of the Building and Zoning Official not less than ten working days before the time the work is to be done. Notice of completion of the work authorized by the permit shall be given within five days to the Village Forester for inspection. The issue of the permit and the inspection shall be accomplished within a reasonable period of time provided, however, that the work may not be performed without the issuance of a permit.

The Village may also require a permit in situations where development will take place in such a manner as to cause stress to public trees even if no removal is contemplated.

This permit shall not be construed to exempt any person from the requirements of obtaining additional permits required by law.

If the request includes removal of a public tree where the Village consents to the removal where another access to the public right-of-way could have been reasonably provided, a fee reflecting the value of the tree, plus the cost of removal of tree and stump, shall be paid to the Village before the issuance of any permit. The fee shall be calculated according to subsection 8-4-5(E) of this chapter. If the request includes removal of a public tree where no other access to the property was available, a fee reflecting the cost of removal of tree and stump and all costs associated with the purchase and planting of a four inch tree and a one year guarantee shall be paid to the Village before the issuance of any permit. Tree removal shall be done by a contractor hired by the Village of Glen Ellyn.

(Ord. 5962, 9-26-2011; Ord. 6750, 1-27-2020)

8-4-8. - Enhancement of tree population; private property owners required to plant new public trees.

Any contractor, owner, or agent obtaining a building permit for residential construction greater than 1,500 square feet, or business, industrial, or other nonresidential construction or additions to such structures increasing the bulk thereof by greater than 1,500 square feet shall be required, as part of the permit, to assure that a public tree(s) following the "Arboricultural Specifications Manual", is planted at a location on an adjacent public parkway as selected by the Village Forester. If the public parkway adjacent to the lot has public trees that meet the standards found in the "Arboricultural Specifications Manual", as determined by the Village Forester, no new trees need be planted. The contractor, owners, or agents shall pay to the Village a fee to pay of \$500.00 per tree to pay for the total cost of purchasing and planting the required trees and provide a one year guarantee.

8-4-9. - Restoration deposits.

Restoration deposits shall be required for: a) development on private property which requires access to the private property from the public right-of-way on which any public tree exists or b) work in the public right-of-way requiring a work permit. The deposit provides financial assurance that any public tree damaged during the development, or under a work permit, will be restored by the permit holder. The deposit will be available for any cost the Village incurs to correct damage to public trees caused by the work.

- (A) *New construction, additions, or alterations:* Any contractor, owner, or agent obtaining a permit for development on private property or a work permit on public property shall deposit with the finance department the landscape value of all public trees that may be affected or \$2,000.00, whichever is less. This deposit shall be returned by the Finance Director, without interest, upon written notice from the Village Forester that the work has been completed and that the existing public trees have not been damaged or have been satisfactorily repaired.
- (B) *Deposit uses by Village to replace damaged public trees:* If, at the time of final inspection for a development, or work in the parkway permit, it is determined that public trees within the parkway have been damaged, the Village Forester or designee shall mail a written notice to the contractor, owner, or agent, or identify deficiency on permit, advising them of such defects along with a demand that the defects must be remedied. The defects shall be remedied by a contractor hired by the Village Forester or designee at the appropriate time. The Building and Zoning Official shall give written notice to the Finance Director to forfeit said deposit and transfer the same to a forestry escrow account as determined by the Village Forester, or designee. If the damage is of such magnitude that the cost of correction exceeds the amount of the deposit, the applicant shall deposit sufficient additional funds to pay for the required work or the Village shall be permitted to act pursuant to section 8-4-5 of this chapter.

8-4-10. - Public nuisances.

- (A) *Nuisances declared:* The following are hereby declared public nuisances under this section:
1. Any tree, shrub, or other plant, breeding places, or portion thereof, whether on Village owned property or on private property, which harbors insects or diseases which reasonably may be expected to injure or harm any tree, shrub, or other plant; i.e., Dutch elm disease, oak wilt, emerald ash borer, Asian longhorned beetle and any other insect/disease deemed a public nuisance by the Village Forester, or his/her designee.

2. To mitigate the spread of oak wilt and Dutch elm disease, the pruning of elms or oaks on public and private property from April through August is prohibited unless a hazardous situation arises. If elms or oaks are pruned between April and November, the wounds must be painted with nontoxic tree wound dressing.
 3. Any tree, shrub, or other plant or portion thereof, whether on Village owned property or on private property, which overhangs or because of its deteriorated condition may fall onto the Village right-of-way and constitutes an imminent danger to the health, safety, or welfare of the public.
 4. Any tree, shrub, or other plant or portion thereof, whether on Village owned property or on private property, which obstructs or interferes with the free and safe passage of pedestrian or vehicular traffic.
- (B) *Unlawful to maintain public nuisances:* It shall be unlawful for the owner of any lot or parcel of land or a tenant upon the land in the Village of Glen Ellyn to permit or maintain on any such lot or parcel of land a public nuisance as set out in subsection (A) of this section. It shall be the duty of such owners to promptly remove, or otherwise provide remedy for any such nuisance.
- (C) *Inspection of public nuisance:* To carry out the purpose of this chapter and to implement the enforcement thereof, the Village Forester, or his/her designee, is hereby authorized and empowered to request permission from the property owner or person in apparent possession to enter upon any land in the Village at all reasonable hours to inspect any public nuisance. The Village Forester, or his/her designee, is hereby empowered to seek from any court of competent jurisdiction an order permitting a search of private property in the event that the Village has a reasonable basis to believe that a public nuisance exists on the property or that the ordinances of the Village are being otherwise violated. Either with permission or pursuant to a court order, the Village Forester or a duly authorized representative may remove specimens from any trees, shrubs, or other plants for the purpose of laboratory analysis or for evidentiary purposes. It shall be unlawful for any person, firm or corporation to hinder the Village Forester or a representative in the performance of any duties performed under the provisions of this chapter.
- (D) *Abatement of public nuisance:* When the public nuisance represents an imminent threat to the health or safety of persons or property, the Village may, through its officers, employees, or independent contractors, enter upon the private property and abate the nuisance. The Village may also seek a court order to enter the property, abate the nuisance, and collect such cost of abatement and other fines as the court may grant. The cost to remove or otherwise treat border trees shall be fully borne by the Village.

(Ord. 5962, 9-26-2011)

Any person who violates any provision of this chapter, upon being found guilty of violation, shall, except as to violations for which a different fine is established, be subject to a maximum fine of not to exceed \$750.00, depending on severity of violation, for each separate offense. Each day during which any violation of the provisions of this chapter shall occur or continue shall be a separate offense.

In addition to the issuance of a fine, the Village may also request the court, upon a determination that any provision of this chapter has been violated, to enjoin the person through an affirmative or mandatory injunction, to cease a violation of this chapter, or to require the actions mandated within this chapter to be performed.

(Ord. 5962, 9-26-2011)