

VILLAGE OF BARTLETT
VILLAGE HALL, 228 S. MAIN STREET
COMMITTEE AGENDA
May 7, 2024

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **TOWN HALL:** (Note: Three (3) minute time limit per person)
4. **STANDING COMMITTEE REPORTS:**
 - A. **LICENSE AND ORDINANCE COMMITTEE, CHAIRMAN HOPKINS**
 1. Amend Municipal Code Regarding Noise Limitations
 - B. **PUBLIC WORKS AND GOLF COMMITTEE, CHAIRMAN DEYNE**
 1. Tree Preservation Discussion
5. **ADJOURN TO EXECUTIVE SESSION**
 - A. To Discuss Purchase or Lease of Real Estate Pursuant to Section 2(c) 5 of the Open Meetings Act
6. **ADJOURNMENT**



Agenda Item Executive Summary

AGENDA ITEM: An Ordinance Amending the Bartlett Municipal Code Regarding Noise Limitations

BOARD OR COMMITTEE: Committee

BUDGET IMPACT

Amount \$ 0 **Budgeted** \$ 0

Fund: Corresponding Activity Measure: Police Department Responded to 284 Noise Complaints

EXECUTIVE SUMMARY

Attached is an ordinance amending the Bartlett Municipal Code regarding noise limitations.

The police department is requesting an amendment to two sections of the Village Code that pertain to noise limitations, Section 4-3-4 "Excessive Noise," and Section 3-22-2 "Amplifier Regulations." Section 4-3-4 has not been modified since 2001 and Section 3-22-2 since 2017.

In 2023, The Village of Bartlett Police Department responded to 284 noise complaints throughout the village. Many of these complaints occurred in residential areas, specifically 92 complaints were received from the residents of the Bartlett Lake apartment complex.

Section 4-3-4 of the Village Code "Excessive Noise," currently states, no person shall cause or allow sound beyond the boundaries of said person's property located within and industrial, business, or public land area that unreasonably interferes with the enjoyment of life or with any lawful business and/or activity.

The amendment to Section 4-3-4 of the Village Code would add residential to the areas the excessive noise ordinance would apply and remove all language regarding special permits to allow a property owner to exceed the village's noise maximums. The village has not issued any special permits in the past, and the amplifier permit requirements in Section 3-22-2 of the Village Code address this issue.

The amendments to Section 3-22-2 of the Village Code "Amplifier Regulations," are to clarify the scope of subsection C to ensure there is no ambiguity in the application of the 50-foot sound restriction and removal of subsection E since the village cannot restrict profanity alone under the First Amendment. The village can rely on its general nuisance abatement authority if there are other concerns with the sound/music from an amplifier outside of profane language.

These proposed amendments to the Village Code would allow for enforcement action to be taken if a noise violation occurred in residential areas of the village and was not abated.

ATTACHMENTS (PLEASE LIST)

Police Department Memorandum
Ordinance

RELATIONSHIP TO STRATEGIC PLAN GOAL

Strategic Plan Goal: CONTINUE TO ENHANCE AND IMPROVE EFFICIENCY OF SERVICE DELIVERY METHODS AND APPROACHES

Short Term (1-3 Years): Routine Complex

Long Term (3-5 Years): Routine Complex

ACTION REQUESTED

- For Discussion Only
- Resolution
- Ordinance
- Motion

MOTION:

Staff: Rob Sweeney, Deputy Chief of Operations

Date: May 7, 2024

POLICE DEPARTMENT MEMORANDUM
24-14

DATE: May 7, 2024

TO: Paula Schumacher, Village Administrator

FROM: Rob Sweeney, Deputy Chief of Operations

RE: Ordinance Amending the Bartlett Municipal Code Regarding Noise Limitations

The police department is requesting an amendment to two sections of the Village Code that pertain to noise limitations, Section 4-3-4 "Excessive Noise," and Section 3-22-2 "Amplifier Regulations." Section 4-3-4 has not been modified since 2001 and Section 3-22-2 since 2017.

In 2023, The police department responded to 284 noise complaints throughout the village. Many of these complaints occurred in residential areas, specifically 92 complaints were received from the residents of the Bartlett Lake apartment complex.

Section 4-3-4 of the Village Code "Excessive Noise," currently states, no person shall cause or allow sound beyond the boundaries of said person's property located within and industrial, business, or public land area that unreasonably interferes with the enjoyment of life or with any lawful business and/or activity.

The amendment to Section 4-3-4 of the Village Code would add residential to the areas the excessive noise ordinance would apply and remove all language regarding special permits to allow a property owner to exceed the village's noise maximums. The village has not issued any special permits in the past, and the amplifier permit requirements in Section 3-22-2 of the Village Code address this issue.

The amendments to Section 3-22-2 of the Village Code "Amplifier Regulations," are to clarify the scope of subsection C to ensure there is no ambiguity in the application of the 50-foot sound restriction and removal of subsection E since the village cannot restrict profanity alone under the First Amendment. The village can rely on its general nuisance abatement authority if there are other concerns with the sound/music from an amplifier outside of profane language.

These proposed amendments to the Village Code would allow for enforcement action to be taken if a noise violation occurred in residential areas of the village and was not abated.

ORDINANCE 2024 - _____

**AN ORDINANCE AMENDING THE BARTLETT MUNICIPAL CODE REGARDING
NOISE LIMITATIONS**

WHEREAS, the Village of Bartlett ("**Village**") is an Illinois home rule municipal corporation organized and operating pursuant to Article VII of the Illinois Constitution of 1970, and has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, the Village has previously adopted the Illinois Pollution Control Board sound emission standards; and

WHEREAS, the Village finds it in the public interest to clarify that the adopted sound emission standards apply to residential districts.

NOW, THEREFORE, BE IT ORDAINED by the Village Board of Trustees of the Village of Bartlett, DuPage, Kane, and Cook Counties, Illinois, pursuant to its home rule authority, as follows:

SECTION 1. Recitals. The recitals set forth above are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

SECTION 2. Amendment to Section 4-3-4 of the Village Code. That Section 4-3-4, "Excessive Noise," of Chapter 3, "Nuisances," of Title 4, "Health and Sanitation," of the Bartlett Municipal Code is hereby amended as follows (additions in **bold and underline**, deletions in **~~bold and strikethrough~~**):

"4-3-4: EXCESSIVE NOISE:

[...]

C. Noise Limits: Except as provided in subsection D of this section, no person shall cause or allow sound beyond the boundaries of said person's property located within any **residential**, industrial, business or public land area that unreasonably interferes with the enjoyment of life or with any lawful business and/or activity or so as to exceed the applicable limits established in sections 901.102, 901.103, 901.104, 901.105 and/or 901.106 adopted in subsection A of this section.

D. Exceptions. The provisions herein shall not be construed to prohibit, restrict, penalize, enjoin or in any manner regulate sounds emitted from any of the following:

1. Emergency warning devices and unregulated safety relief valves.

2. Agricultural field machinery used during daytime hours. For the purposes of this subsection, grain dryers operated off the farm shall not be considered agricultural field machinery.

3. Lawn care maintenance equipment used between the hours of seven o'clock (7:00) A.M. and nine o'clock (9:00) P.M. Mondays through Fridays, inclusive, and between the hours of eight o'clock (8:00) A.M. and nine o'clock (9:00) P.M. on Saturdays, Sundays and nationally recognized holidays; on golf course property at any time; and park district owned and/or operated property at any time.

4. Equipment being used for construction between the hours of seven o'clock (7:00) A.M. and nine o'clock (9:00) P.M. on Mondays through Fridays, inclusive, and between the hours of eight o'clock (8:00) A.M. and nine o'clock (9:00) P.M. on Saturdays and Sundays.

5. The operation of any vehicle registered for highway use while such vehicle is being operated in the course of ingress to and egress from a highway.

6. Noncommercial public speaking and public assembly activities conducted on any public space or public right of way occurring between the hours of seven o'clock (7:00) A.M. and nine o'clock (9:00) P.M., and if sound will be amplified in connection therewith, when an amplifier permit has been issued by the corporate authorities pursuant to the applicable provisions of this code.

7. Playlots or tot lots, playgrounds, playfields or athletic fields, recreational centers, gymnasiums, athletic clubs or swimming pools.

8. Organized amateur or professional sporting activities.

~~9. A permitted activity pursuant to a special variance as set forth in subsection I of this section, subject to the terms, conditions and restrictions of said special variance.~~

910. Railroad trains in transit through the village.

101. Operation of snow removal equipment on streets and/or rights of way, including the loading and unloading of salt, sand or similar substances into said vehicles on any public land area.

112. Operation of street sweepers on streets and/or rights of way between the hours of seven o'clock (7:00) A.M. and nine o'clock (9:00) P.M.

123. The testing of a stand by or emergency generator ("generator") and the operation of said generator during periods when the primary source of power has been interrupted or has otherwise been disrupted. This exception shall not apply, however, to the use of any power cogeneration equipment operated by any person within the village.

134. Noise emissions associated with a lawfully organized and supervised civic or public celebration or parade.

~~15. Emissions of sound from any area that is not zoned as industrial, business and/or public lands areas as those terms are defined herein.~~

146. Permitted activities pursuant to a carnival license or amplification permit subject to the terms and conditions of said license or permit.

E. Territorial Applicability. Nothing in this section shall be construed as regulating any noise emissions originating outside of the Village. This section shall be construed as applying to all sounds emitted from industrial, business and/or public land areas, regardless of whether said sounds affect receiving areas located within the village or outside the village.

F. Other Private Or Public Action Not Impaired: Nothing in this section shall be construed to impair any cause of action, or legal remedy therefor, including actions under the rules and regulations of the Illinois environmental protection agency and Illinois pollution control board, or either of them, of any person or the public arising from the emission or release of noise from any source whatever.

G. Abatement Of Noise Source: Upon finding of a violation of the standards herein established, the person causing or permitting the noise to continue shall be advised of the violation and given an opportunity to abate the noise level, to an acceptable standard within such time period provided in a special permit granted by the corporate authorities pursuant to subsection I of this section. In the event the violator fails to apply for a special permit in order to abate the noise level within the time prescribed in a notice sent by the community development director, the village may proceed to enforce this section against the violator.

H. Inspections: Any village law enforcement officer, or code enforcement official, in addition to any other authority vested in said officer or official, has the power, upon presentation of proper credentials, to enter and inspect any property, building, structure or premises within the village as may be necessary to enforce the provisions of this section, provided permission is obtained from the occupant or, in the case of unoccupied property, from the owner or his agent. If such permission is refused, or is otherwise unobtainable, a search warrant

must be obtained upon the showing of probable cause to believe that a violation of this section may exist, before such entry or inspection is made. Notwithstanding the foregoing, however, such permission shall not be required from a person believed to be in violation if such permission is attained from adjoining landowners to perform said inspections and testing.

~~1. Special Permit: The corporate authorities shall have the authority, consistent with this section, to grant a temporary special permit as follows:~~

~~1. Any person seeking a special permit pursuant to this section shall file an application with the corporate authorities. The application shall contain information which demonstrates that bringing the source of sound or activity for which the special variance is sought into compliance with this section would constitute an unreasonable hardship on the applicant, on the community or on other persons. Notice of an application for a special permit shall be given by the applicant for a special permit to the owners of property within two hundred fifty feet (250') of the property upon which the applicant's activity or proposed activity that is generating or will generate sound emissions. Any person who claims to be adversely affected by allowance of a special permit may file an objection with the corporate authorities containing any information to support his, her or its claim.~~

~~2. In determining whether to grant or deny the application, the corporate authorities shall consider the following factors: a) the hardship to the applicant, the community and other persons of not granting the special permit, including the cost of complying with permitted noise levels; and b) the adverse impact on the health, safety and welfare of persons affected; the adverse impact on property affected; and any other adverse impact of granting the special permit, including the level and duration of sound emissions. Applicants for a special permit and persons contesting a special permit may be required to submit any information the corporate authorities may reasonably require. In granting or denying an application, the corporate authorities shall place on public file a copy of the decision and the reasons for denying or granting the special permit.~~

~~3. The corporate authorities may grant a special permit license to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special permit shall not become effective until all conditions have been satisfied by the applicant. Noncompliance with any condition subsequent to issuance of the special permit shall be grounds to terminate it and subject the person holding it to the provisions of this section regulating the source of sound or activity for which the special permit was granted.~~

~~4. Application for extension of time limits specified in special permits or for modification of other substantial conditions shall be treated like applications for initial special permits.~~

~~5. Enforcement of this section may be stayed by the corporate authorities as to any person filing an application for a special permit pursuant to this section, until such time as the application is acted upon by the corporate authorities, if the corporate authorities determine that any ongoing violations do not constitute a nuisance and/or are not a threat to the health, safety and welfare of persons residing in any residential areas adjacent to or in close proximity to the applicant's property.~~

SECTION 3. Amendment to Section 3-22-2 of the Village Code. That Section 3-22-2, "Amplifier Regulations," of Chapter 22, "Amplifiers," of Title 3, "Business and License Regulations" of the Bartlett Municipal Code is hereby amended as follows (additions in **bold and underline**, deletions in **~~bold and strikethrough~~**):

"3-22-2: AMPLIFIER REGULATIONS:

A. No permittee shall use or operate or employ any such device within the radius of two (2) blocks from any hospital or within the radius of two (2) blocks of any religious institution while services are being held therein.

B. The hours to use, operate or employ any such amplified device within the Village limits shall be between the hours of eight o'clock (8:00) A.M. to the hour of eleven o'clock (11:00) P.M. Monday through Saturday and between the hours of eight o'clock (8:00) A.M. to the hour of ten o'clock (10:00) P.M. on Sunday.

~~C. This section shall not apply to radios in homes or in private vehicles, when the same are operated in such a manner as not to be audible at a distance of fifty feet (50') from such vehicle, nor to noise devices, bands or other musical devices used in any public parade or procession which is operated under a permit in accordance with the ordinances of the Village.~~ **This section shall not apply to (i) amplifiers and similar devices operated on private property in such a manner as to not be audible at a distance of fifty feet (50') from the property line; (2) amplifiers and similar devices operated from a private vehicle when operated in such a manner as to be audible at a distance of fifty (50') feet from the vehicle; and (3) noise devices, bands, or other musical devices used in a public parade or procession which is operated under a permit in accordance with the ordinances of the Village.**

D. Whenever the Community Development Director or designee determines that it is in the public interest, an extended amplifier permit may be issued authorizing a permittee to use such devices in the Village for not more than five (5) days at a time during such hours as the Community Development Director or designee may establish in such an extended amplifier permit, not before six o'clock (6:00) A.M.

~~E. No permittee shall cause or permit to be emanated or emitted from any such device any lewd, obscene, profane or indecent language, sounds, or any~~

~~false representation of any matter, product or project advertised thereby, the sale of which is prohibited by any law, ordinance or statute.~~

F. An amplifier permit may be denied by the Community Development Director or designee from an applicant who has previously received documented complaints by the Police Department or Code Enforcement of excessive noise or extending the amplification beyond the permitted hours of operation.”

SECTION 3. Severability. The various provisions of this Ordinance are to be considered as severable, and if any Court of competent jurisdiction shall hold any part or portion of this Ordinance invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION 4. Repeal and Saving Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or cause of action which shall have accrued to the Village of Bartlett prior to the effective date of this Ordinance.

SECTION 5. Effective Date. This Ordinance shall be in full force and effect after its passage and approval.

ROLL CALL VOTE:

AYES:

NAYS:

ABSENT:

PASSED:

APPROVED:

Kevin Wallace, Village President

ATTEST:

Lorna Giless, Village Clerk

CERTIFICATION

I, the undersigned, do hereby certify that I am the Village Clerk of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, and that the foregoing is a true, complete and exact copy of Ordinance 2024- _____ enacted on XXX, 2024, and approved on XXX, 2024, as the same appears from the official records of the Village of Bartlett.

Lorna Giles, Village Clerk



Agenda Item Executive Summary

AGENDA ITEM: Tree Preservation Discussion BOARD OR COMMITTEE: Committee

BUDGET IMPACT

Amount \$N/A Budgeted \$N/A

Fund: N/A Corresponding Activity Measure: Analyze current codes and modifications

EXECUTIVE SUMMARY

In past the 12 months, two (2) undeveloped properties within the Village were cleared by the property owner. The Village's tree preservation regulations only pertain to properties that have submitted a development application. Neither property owner had submitted plans for development therefore a tree survey and tree preservation were not required.

Staff was directed to research tree preservation ordinances, the results are attached. Staff also prepared a map identifying potential development sites within the Village.

Staff is requesting that the Committee discuss whether the building code should be amended to require a permit for tree removal/site clearing for undeveloped properties that have not had a development application submitted.

Staff is requesting that the Committee discuss if the Building Code should be amended to require site clearing permits for undeveloped property.

ATTACHMENTS (PLEASE LIST)

Memo, map of potential development sites, municipal surveys

RELATIONSHIP TO STRATEGIC PLAN GOAL

Strategic Plan Goal: Evaluate and update development codes

Short Term (1-3 Years): Routine Complex

Long Term (3-5 Years): Routine Complex

ACTION REQUESTED

- For Discussion Only
- Resolution
- Ordinance
- Motion

MOTION:

Staff: Kristy Stone, PDS Director

Date: April 30, 2024

PLANNING & DEVELOPMENT SERVICES MEMORANDUM

24-31

DATE: April 30, 2024
TO: Paula Schumacher, Village Administrator
FROM: Kristy Stone, PDS Director *KS*
RE: **Tree Preservation Discussion**

BACKGROUND

Last year, a vacant property, zoned I-1 Light Industrial, along Devon Avenue was cleared with the thought that the site would be more marketable; the owner installed a fence along the rear property line to provide a buffer for the adjacent residential lots to the south.

Earlier this year, a 9.75-acre site, zoned ER-1 Estate Residence, located on W, Lake Street and Horizon Drive was cleared of trees. Residents that back up to the site called and expressed their concerns that they could now see and hear traffic on Lake Street and inquired as to what was going to happen to the property. The Village's current Tree Preservation Ordinance only pertains to development applications (i.e. rezoning, site plan, subdivision, etc.). The property owner had not submitted plans prior to the site clearing therefore a tree survey and/or preservation plan was not required.

The topic was raised at the Committee of the Whole meeting and staff was directed to research tree preservation ordinances but also expressed concerns that it shouldn't apply to all residential lots. Staff surveyed other communities to determine how other communities address tree preservation. *Charts outlining the survey results are attached.*

Staff has attached a map identifying potential development sites that could be cleared under the current code prior to submitting a zoning application. Many of these sites are infill lots from prior subdivisions and did not require tree preservation when originally platted.

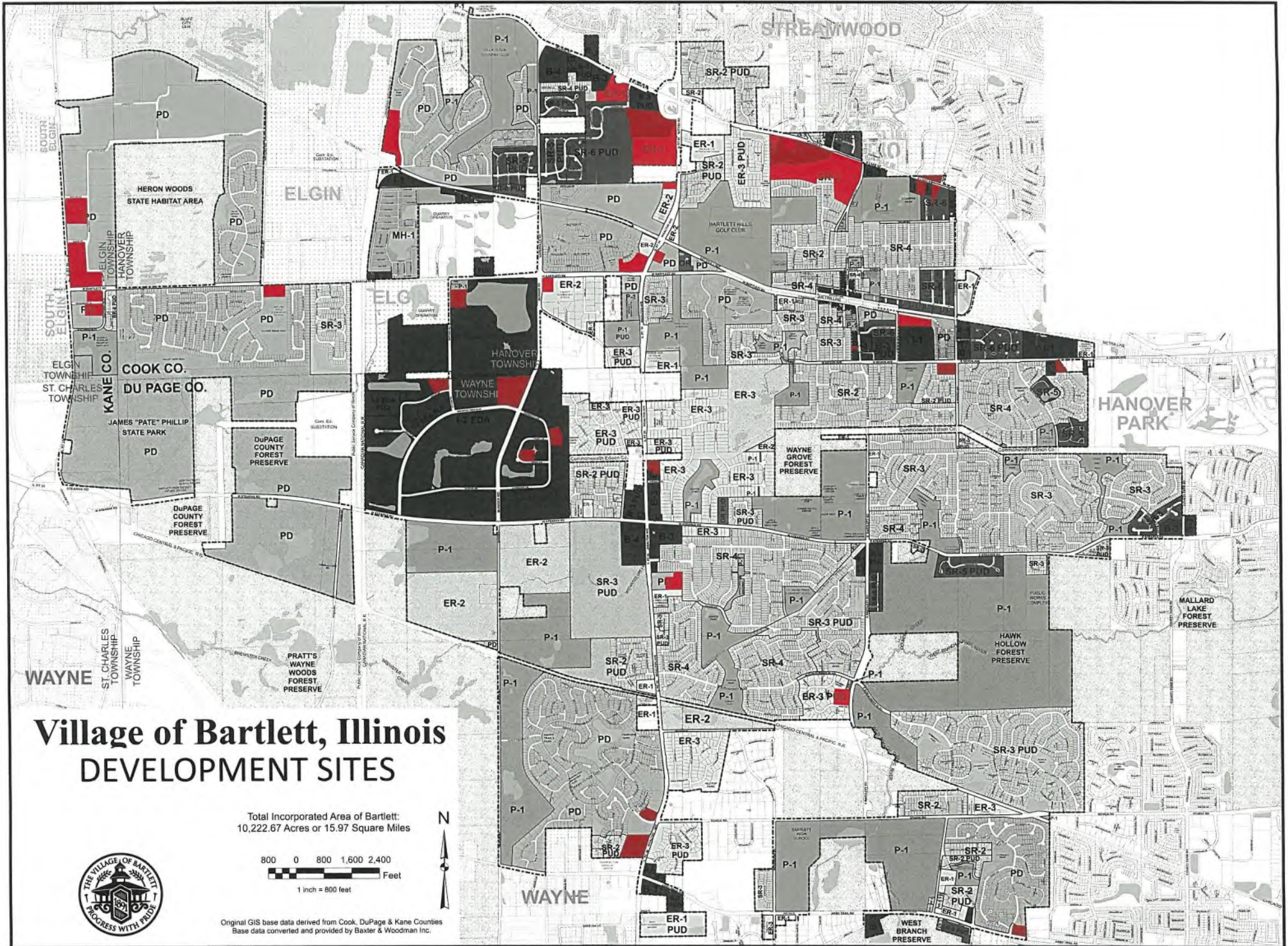
Staff also researched how the current Tree Preservation Ordinance has been applied to developments within the Village and found that projects were required to record tree preservation easements along the perimeter of the sites to provide a buffer between adjacent uses. The existing preservation buffers range from 25 to 50 feet in width.

RECOMMENDATION

Staff is requesting that the Committee discuss whether the building code should be amended to require a permit for tree removal/site clearing for properties that do not have a development application submitted.

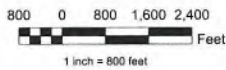
If the Committee chooses to require a site clearing permit, Staff recommends the following regulations:

- A site clearing permit be required for undeveloped lots that are larger than 2.0 acres.
- A 50-foot tree preservation buffer shall be maintained along property lines that directly abut developed lots; however, if any trees within the 50-foot tree preservation buffer are to be removed, a tree survey and tree preservation plan shall be submitted to the Village Forest for approval.
- The tree survey shall include the location, size and species (both scientific and common names) of all deciduous trees on the property located within 50 feet of all property lines that directly abut developed lots with a trunk size of four inches (4") or greater in diameter measured one foot (1') above natural ground level, all multistemmed trees greater than six feet (6') in height with an aggregate trunk diameter of ten inches (10") or greater measured at diameter at breast height (54 inches above natural ground level), and all evergreen trees measuring five feet (5') or greater in height, hereinafter the "significant surveyed trees". All of the significant surveyed trees illustrated on the tree survey shall be numbered on the tree survey and on the tree preservation plan and the significant surveyed trees on the proposed development property shall be tagged with the corresponding number.
- Invasive species, as determined by the Village Forester, are not required to be preserved within the 50-foot wide buffer.
- Site clearing permits shall be issued by Public Works.



Village of Bartlett, Illinois DEVELOPMENT SITES

Total Incorporated Area of Bartlett:
10,222.67 Acres or 15.97 Square Miles



Original GIS base data derived from Cook, DuPage & Kane Counties
Base data converted and provided by Baxter & Woodman Inc.

Municipality	1. Do you have a tree preservation ordinance? Please attached or provide a link.	2. Does it apply to public or private property or both?	3. Does it apply to developed residential, commercial and industrial properties?	4. Does it apply to undeveloped lots?	5. Does the ordinance mention anything specifically regarding lot clearing (when not in conjunction with a development application or building permit)? If so, is a preservation buffer required along property lines?	6. Are any permits required for tree removal?	7. Is there a tree size requirement (permit required over certain size, etc.)?	8. What department is responsible for the enforcement? (Building, Planning, Public Works, etc.)	9. What are the fees associated with permits/removals (if any)?	10. Do you have any species that are exempt from the tree preservation requirements (invasive species, etc.)?	11. Are any agencies exempt from the tree preservation ordinance? (utilities, park district, municipality, forest preserve, etc.)	12. Please provide any other details of your ordinance that you feel work well or could use improvement.
Barrington	Yes. See attached.	Both.	Yes.	Yes.	No specific mention of lot clearing, but there is a section about protection of trees on critical sites to prevent lot clearing. A buffer may be protected if it is used to reduce noise or to separate residential and non-residential properties.	Not unless it is part of a larger permitted project or has been identified as a key or significant tree located in a critical area	Trees over 12" DBH for subdivisions Trees over 6" DBH for individual lots.	Public Works and Development Services.	Yes, but permits are not required for a general, individual tree removal.	Yes.	Yes.	
Deerfield	Yes. Attached.	Both.	Residential. Commercial and Industrial are handled separately.	Yes.	A developer can clear a residential lot, if they are willing to pay the price. Commercial development is subject to development agreements and approved landscape plans.	Yes.	yes 8" DBH and up	PW	See ordinance.	Yes. See ordinance.	The Village. Utilities are granted an exception for emergencies.	The ordinance has been in place for more than 20 years. There have been several updates, the most recent in 2020-2021. It works well and is legally defensible.
Glencoe	https://codeibrary.amle.gal.com/codes/glencoe/latest/glencoe_i/0-0-0-21047	Private.	Yes.	Yes.	No.	Yes.	Yes, permits required over 8" for healthy, non-nuisance trees.	Development Services.	\$175-350 per inch diameter for removal, can be refunded with replanting.	Yes, invasive species are exempt.		
Glenview	Yes. See attached.	Private.	Yes - all.	Yes.	N/A.	Yes - when over 16 inches (DBH) per Ordinance.	Yes - over 16 inches (DBH).	Community Development (Natural Resources Manager)	Yes.	Yes.	No.	Our Environment and Natural Resources Commission (ENRC) is now reviewing our current Tree Preservation Ordinance, so changes could be recommended to the Village Board within the next year.

Municipality	1. Do you have a tree preservation ordinance? Please attached or provide a link.	2. Does it apply to public or private property or both?	3. Does it apply to developed residential, commercial and industrial properties?	4. Does it apply to undeveloped lots?	5. Does the ordinance mention anything specifically regarding lot clearing (when not in conjunction with a development application or building permit)? If so, is a preservation buffer required along property lines?	6. Are any permits required for tree removal?	7. Is there a tree size requirement (permit required over certain size, etc.)?	8. What department is responsible for the enforcement? (Building, Planning, Public Works, etc.)	9. What are the fees associated with permits/removals (if any)?	10. Do you have any species that are exempt from the tree preservation requirements (invasive species, etc.)?	11. Are any agencies exempt from the tree preservation ordinance? (utilities, park district, municipality, forest preserve, etc.)	12. Please provide any other details of your ordinance that you feel work well or could use improvement.
Grayslake	We do have a tree preservation - section 12.16 of the Village Code - however we are planning to update it in the near future, and all answers here are subject to change.	Both- we require tree preservation plans for development, and the ordinance also protects village trees on public property.	All lots.	The ordinance does not mention undeveloped lots.	The only mention of lot clearing is that no more than 30% of mature trees on any given lot can be cleared for development. The ordinance has no mention of a preservation buffer except for being consistent with the normal setbacks.	Yes.	No, any public tree or shrub removal requires permitting.	Building/Public Works.	No mention of fees on village website.	Any trees found to be "detrimental" aren't included in the calculations for things like mature woodland, and therefore are much less protected than other trees.	The municipality conducts tree trimming on a regular basis, but does not typically remove trees. ComEd has a franchise agreement that allows them to trim trees as needed.	Like mentioned in Q1, last summer we started to plan out updates that enhances the effectiveness of the ordinance, by adhering to Morton Arboretum standards. This will enhance the tree trimming standards, provide for significantly more protection by making sure that developers also protect public trees near the lot they are developing, and provide for a more comprehensive penalty/appeal system. This may take a while to fully implement.
Hanover Park	Do we have an ordinance that covers trees and ostensibly protects them, yes. Is it like a Highland Park style tree protection ordinance. No, they're the gold standard. https://library.municode.com/ill/hanover_park/codes/code_of_ordinances?nodeId=CH102TRSH_ARTIPRPR_S102-7PRPJTR https://library.municode.com/ill/hanover_park/codes/code_of_ordinances?nodeId=CH38ENSTSP_ARTXIPREXTRLAPAGR_S38-311PREXTR	Public property.	Not meaningfully.	Yes, as part of the development process.		As part of an RDA or PUD, it is part of the larger application. It is not a permit specific to a tree.	Trees over 4 inches are identified but not separately permitted.	It may be community development, public works or inspectional services depending on where it is physically or in the process.	Nothing beyond the ordinary permit.	No.	No.	I'd really start with the Highland Park and Lake Forest. I'm not sure if Highland Parks forester might also be able to help discuss enforcement of the ordinance.

Municipality	1. Do you have a tree preservation ordinance? Please attached or provide a link.	2. Does it apply to public or private property or both?	3. Does it apply to developed residential, commercial and industrial properties?	4. Does it apply to undeveloped lots?	5. Does the ordinance mention anything specifically regarding lot clearing (when not in conjunction with a development application or building permit)? If so, is a preservation buffer required along property lines?	6. Are any permits required for tree removal?	7. Is there a tree size requirement (permit required over certain size, etc.)?	8. What department is responsible for the enforcement? (Building, Planning, Public Works, etc.)	9. What are the fees associated with permits/removals (if any)?	10. Do you have any species that are exempt from the tree preservation requirements (invasive species, etc.)?	11. Are any agencies exempt from the tree preservation ordinance? (utilities, park district, municipality, forest preserve, etc.)	12. Please provide any other details of your ordinance that you feel work well or could use improvement.
Highland Park, IL	Highland Park Tree Preservation Ordinance: https://library.municode.com/il/highland_park/codes/code_of_ordinances?nodeId=COOR_TITIXGERE_CH94TRSH City of Highland Park Annual Fee Resolution (Ch 94): https://www.cityhpil.com/government/city_departments/finance/annual_fee_resolution.php	Both.	Yes.	Yes.	No, no.	Yes. Any tree 8"+ DBH, regardless of condition, or any vegetation in steep slope zone.	8"+ DBH (single-stem), or 15"+ (clump-form).	Public Works: Forestry Section	See attached.	Buckthorn & Willow	No.	
Lake Zurich	See attached	Both.	Yes.	Yes.	Yes, Private Protected tree permit must be filled out.	Yes.	10" dbh or larger.	Code enforcement.		Invasive species, IE Buckthorn.	No.	
Lincolnshire	Yes. See attached.	Yes.	Yes.	Yes.	No.	Yes. Tree Removal Permits.	Any single tree or grouping of trees growing in close proximity that have a combined DBH of 6" or greater.	Public Works/Building - (both).	\$50.00 for up to 10 trees, \$5.00 per additional tree.	Buckthorne.	No.	
Niles	See attached.	Public.	Yes.	Only public land owned by the village.	No.	No.	No.	Public works/Community Development.	N/A.	N/A.	N/A.	
Northbrook	Yes. See attached ordinance.	Both.	All properties.	Yes.	The property boundary and buffer are part of the Zoning Code. Clear cutting a lot must be approved prior to permit issuance.	Yes.	6 diameter inches or larger. (DBH).	Public Works.	Fees only associated for replanting requirements. No permit fees for the actual permit.	All species require a review. Lesser requirements for invasive species replacements. Buckthorn is generally allowed to be removed with more leniency.	School Districts are not required to comply, but do as a matter of cooperative intent with the Village. Remaining agencies all comply.	Our replanting commitment value per diameter inch would do well to be updated for current market values. Since the landmark tree replacement value is \$150 per diameter inch, a 3 inch tree is valued at \$450, whereby the market rate for a new tree can be as much as \$750.
Palatine	https://weblink.palatine.il.us/weblink/0/edoc/2648684/Appendix%20B%20-%20Subdivisions,%20Site%20Development%20%20Floodplain%20Regulations.pdf Article VIII	Private.	No.	Yes.	No.	No.	No permit required but any tree over 12" DBH shall be preserved or replaced in some manner.	Community Development Department.	Any damaged trees over 12" incur a \$100 per inch fee.	No specification.	No.	Specification of species.

Municipality	1. Do you have a tree preservation ordinance? Please attached or provide a link.	2. Does it apply to public or private property or both?	3. Does it apply to developed residential, commercial and industrial properties?	4. Does it apply to undeveloped lots?	5. Does the ordinance mention anything specifically regarding lot clearing (when not in conjunction with a development application or building permit)? If so, is a preservation buffer required along property lines?	6. Are any permits required for tree removal?	7. Is there a tree size requirement (permit required over certain size, etc.)?	8. What department is responsible for the enforcement? (Building, Planning, Public Works, etc.)	9. What are the fees associated with permits/removals (if any)?	10. Do you have any species that are exempt from the tree preservation requirements (invasive species, etc.)?	11. Are any agencies exempt from the tree preservation ordinance? (utilities, park district, municipality, forest preserve, etc.)	12. Please provide any other details of your ordinance that you feel work well or could use improvement.
Park Ridge	See attached.	Both.	Yes.	Yes.	No.	Yes.	10 inches dbh.	Forestry Division (Public Works).	No fees for "at-risk" trees. Healthy tree removals require escrow fee of \$400 per replacement tree required which is refundable for each tree planted.	Unofficially, yes, for invasives or native trees with invasive traits (boxelder, mulberry, siberian elm, willow, russian olive).	Park District, Municipality, Forest Preserve and utilities to certain extent.	Ordinance not achieving the goals it set out to accomplish. Most mature historic oaks still being removed to large developments on small lots and trees not being replanted. Only about 15% of trees are replaced resulting in loss of canopy.
Rolling Meadows	Yes, we just updated our ordinance in 2023- see attached.	Both.	All of the above, single family residential under 20,000 sq ft lots are exempted, until tree removals exceed 40 total DBH inches of protected trees.	Yes, our ordinance was recently updated primarily due to several incidents of undeveloped lot clearing prior to a plan submittal.	Yes, based on protected tree removals-for development projects a tree survey / protection is considered for anything on neighboring properties within 15' of the lot line.	Yes.	Yes-see attachments.	Primary enforcement is Public Works (City Forester), Community Development also helps and we do joint plan reviews, and communicate regularly on tree removal permits / development related tree impacts.	No cost for the permit, there is a fee structure for replacement trees, and extensive tree survey reviews if warranted.	Yes	No, we specifically did not exempt any other entities, primarily due to a lack of communication in coordinating projects, or replacing trees. We primarily ask for a heads up from the other government entities via email, and will be flexible to accommodate their projects where we have a good working relationship, the school districts have been our primary challenge with this.	Try to maintain some flexibility, or allow the primary enforcement person the ability to waive certain requirements to allow reasonable projects to move forward, try to focus on protecting any remaining mature canopy from development, and less focused on single trees on smaller residential lots.
Schaumburg	Yes. https://library.municode.com/il/schaumburg/codes/code_of_ordinances/?nodeId=TIT15LAUS_CH15420_TRPRLASC	It applies to both.	Yes it applies to commercial and industrial properties. Developed residential properties are exempt with the exception of single family teardown and replacements.	Yes.	Yes. No clearing is permitted without review of development proposal.	Yes.	A trunk size of four inches (4") or greater, a multi-branch tree with an aggregate diameter of eight inches (8") or greater as measured at diameter breast height (fifty-four inches (54")) above the established ground level, or evergreen trees measuring five (5) vertical feet or more in height.	Community Development Department. Planning.	\$0	No.	No.	One detail that works well for us is that we have a dedicated landscape inspector who conduct code enforcement and checks for compliance with approved Landscape plans.

Municipality	1. Do you have a tree preservation ordinance? Please attached or provide a link.	2. Does it apply to public or private property or both?	3. Does it apply to developed residential, commercial and industrial properties?	4. Does it apply to undeveloped lots?	5. Does the ordinance mention anything specifically regarding lot clearing (when not in conjunction with a development application or building permit)? If so, is a preservation buffer required along property lines?	6. Are any permits required for tree removal?	7. Is there a tree size requirement (permit required over certain size, etc.)?	8. What department is responsible for the enforcement? (Building, Planning, Public Works, etc.)	9. What are the fees associated with permits/removals (if any)?	10. Do you have any species that are exempt from the tree preservation requirements (invasive species, etc.)?	11. Are any agencies exempt from the tree preservation ordinance? (utilities, park district, municipality, forest preserve, etc.)	12. Please provide any other details of your ordinance that you feel work well or could use improvement.
Streamwood	Yes. https://codelibrary.amlegal.com/codes/streamwood/latest/streamwood-ii/0-0-0-9351#JD_10-6-9	Both	Yes	Yes	No.	Yes.	No	Public Works & Community Development	None.	Yes.	No	It could be more specific.
Wheeling	Yes. https://library.municode.com/il/wheeling/codes/code_of_ordinances?nodeId=TIT12TRVE_CH12.08TRCAMA_12.08.09_OTRPREN	The linked section applies to private trees. Other sections address public trees.	Yes.	Yes	No.	Yes.	8" DBH.	Public Works & Community Development	\$35-500	No.	Yes.	None at this time
Wilmette	https://library.municode.com/il/wilmette/codes/code_of_ordinances?nodeId=COOR_CH29TRRE	Both. You may want to look into the Canton, Michigan cases whose courts (State Supreme Court & 6th Dist Federal Appeals Court) found that the burden needs to be placed equally across the community.	All.	All.	No specifics regarding lot clearing but the ordinance covers it.	Yes.	Permit is required for private trees 6" DBH or greater and all Village owned trees in the right-of-way.	Public Works & Community Development.	Read ordinance. For Protected trees there are replacements trees or fee in lieu of replacements ranging from 2-4 replacement trees or \$1,000-2,000 fee in lieu. For Heritage Trees there is an inch for inch replacement requirement or a \$125/inch fee in lieu.	Arborvitae mainly. We do have an invasive list that does not require fees or replacement trees but a permit is still required at which time we field verify the proposed removal. We field verify every application.	Municipal agencies and any land they own and lease is except	Higher fees in lieu.

DMMC Survey - Tree Preservation Ordinance

4/23/2024

Municipality:	Link:	1. Does your community have a tree preservation ordinance?	a. Does the ordinance apply to public, private property, or both?	b. Does it cover developed residential, commercial, and industrial properties?	c. Is it applicable to undeveloped lots?
<i>City of Aurora</i>		The City of Aurora does not currently have a "Tree Preservation Ordinance."			
<i>Village of Bensenville</i>	WEBSITE LINK	Yes.	It applies to both public and private property.	It covers developed residential, commercial, and industrial properties, but it does not apply to the removal of trees located on lots for single-unit or two-unit dwellings.	Yes.
<i>Village of Bloomingdale</i>	WEBSITE LINK	Yes.			
<i>Village of Downers Grove</i>	WEBSITE LINK	Yes.	Public trees.	Regulations pertain to all trees owned by the Village.	Regulations pertain to all trees owned by the Village.
<i>City of Elmhurst</i>	ATTACHMENT LINK	Yes.	City Owned - Public trees only.	Yes.	Yes.
<i>Village of Hinsdale</i>	ATTACHMENT LINK	Yes.	Both.	N/A	N/A
<i>Village of Lisle</i>	WEBSITE LINK	Yes.	Both.	Detached houses, duplexes, and townhouses are exempt if not part of a new subdivision.	Yes.
<i>Village of Roselle</i>		Roselle doesn't have such an ordinance.			
<i>Village of Schaumburg</i>	WEBSITE LINK	Yes. Generally speaking, the requirements pertain to all types of development, including residential. Fee simple residential properties are exempt, but that does NOT apply to teardown/infill development.			
<i>City of Warrenville</i>		Warrenville does not have one currently, but we are in the process of drafting one that is intended to cover public, city property only.			
<i>City of West Chicago</i>		West Chicago does not.			
<i>Village of Western Springs</i>	WEBSITE LINK 1	We don't specifically have a tree preservation ordinance, but we have an Urban Forest Management Plan which is referenced to our municipal code. That identifies "Legacy Trees" and underrepresented species to be preserved, but for parkway locations only.		Public ROW and trees only with the exception of items identified as a "public nuisance".	Yes, with the note above to public nuisance only.
	WEBSITE LINK 2				
<i>Village of Westmont</i>	WEBSITE LINK	Westmont has no one ordinance that blanketly addresses tree preservation/ removal. The best we can do is provide the Code Section for reference (linked). We address public trees more stringent than private and then only when considered a Heritage Tree as defined therein. Otherwise, we do not regulate lone tree removal on private properties (unless part of a bigger development/permit).			
<i>Village of Winfield</i>	ATTACHMENT LINK	Yes.			

DMMC Survey - Tree Preservation Ordinance

4/23/2024

Municipality:	d. Does it specify regulations regarding lot clearing (when not related to a development application or building permit)? If yes, is a preservation buffer required along property lines?	e. Are permits required for tree removal?	f. Is there a specific tree size requirement for permits? (e.g., permit required for trees over a certain size)	g. Which department is responsible for enforcement (Building, Planning, Public Works, etc.)?
<i>Village of Bensenville</i>	No.	Not if the tree is on private property. If it is on public property, there is a permit through the Forestry division of Public Works.	No, but trees with a caliper of 4 or greater must be replaced.	Community & Economic Development, Public Works.
<i>Village of Downers Grove</i>	No.	Yes, permits are required for the removal of public trees.	No, a permit is required for the removal of any public tree.	Public Works and Community Development.
<i>City of Elmhurst</i>	Only to trees on the Public Right of Way.	Permission must be requested for trees on the Public Right of Way.	Any size tree on the Public Right of Way.	Engineering/Planning enforces with consultation/evaluation from Public Works - Forestry.
<i>Village of Hinsdale</i>	No.	Yes, for public tree. No for private property trees.	No.	Public Services.
<i>Village of Lisle</i>	Tree preservation buffer not.	Yes.	Tree preservation regulations apply to trees 6 inches or greater DBH.	Development Services Department.
<i>Village of Western Springs</i>	No.	No.	Permit process required for new trees proposed by a resident to be planted (or removed) from the Village ROW. Private trees are reviewed through a plan review process only for new construction and typically only for the purposes of grading in most cases.	Public trees fall under Municipal Services Department, however if a building permit is tied to work it is issuance and coordination occurs with the Community Development Department.

DMMC Survey - Tree Preservation Ordinance

4/23/2024

Municipality:	h. What are the fees associated with permits or removals, if any?	i. Are any species exempt from the preservation requirements? (e.g., invasive species)	j. Are any agencies (e.g., utilities, park district, municipality, forest preserve) exempt from the ordinance?	k. Please provide any other details of your ordinance that work well or could be improved.	l. Please share a copy of the ordinance.
<i>Village of Bensenville</i>	None.	No.	Per Municipal Code Section 10-9-2A-1, the tree preservation and removal plan shall specify the tree to be removed and shall be approved by the Zoning Administrator in writing. Such approval is not required if tree removal is performed by Village employees or contractors.	We allow a fee-in lieu through the variance process if the tree replacement rate may lead to overplanting of a property.	Linked.
<i>Village of Bloomingdale</i>					Linked.
<i>Village of Downers Grove</i>	Fees for Tree Removal Permit. A tree removal permit fee shall be based upon the appraised value of each tree to be removed. The appraisal values shall be determined using the most current edition of the Guide for Plant Appraisal prepared by the Council of Tree and Landscape Appraisers In the event a tree removal permit is sought in connection with work where no building permit is required, but a right-of-way permit may be required, there shall be no charge for such tree removal permit other than the appraised tree value. There are, however, costs associated with a right-of-way permit in Chapter 19.	No.	No.		Linked.
<i>City of Elmhurst</i>	Trees requested for removal are evaluated for a Landscape Value by the Forestry Division. This information is provided to the Engineering/Planning Division for review and submitted to the Director of Public Works for final disposition.	All trees must be submitted for review. Trees that are invasive, declining, etc., may receive a lower Landscape Value or the Landscape Value may be waived. The cost of removal is still the responsibility of the entity requesting removal unless the tree meets the normal removal criteria of the City in which case the Forestry Division will remove.	No, as long as the trees are located Public Right of Way. Trees located on utilities, park district, municipality, forest preserve owned property are not regulated by the ordinance.		Attached.
<i>Village of Hinsdale</i>	\$5,000 fee to the Village for any removal or cut down of a tree in any public street or parkway.	No.	No.	N/A	Attached.
<i>Village of Lisle</i>	Site development permit fee schedule is as follows: Plan Review: 2% EOPC Inspection: 1% EOPC	(1) Black locust (<i>Robinia psueodoacacia</i>) (2) Box elder (<i>Acer negundo</i>) (3) Buckthorn (<i>Rhamnus cathartica</i>) (4) Cottonwood (<i>Populus deltroides</i>) (5) Mulberry (<i>Morus sp.</i>) (6) Osage orange (<i>Maclura pomifera</i>) (7) Russian olive (<i>Elaeagnus angustifolia</i>) (8) Siberian elm (<i>Ulmus pumila</i>) (9) Tree of heaven (<i>Ailanthus altissima</i>) (10) White willow (<i>Salix alba</i>)	No.	The exemptions provide reasonable flexibility. A fee-in-lieu option has provided over \$500,000 to the Village's Forestry Department this FY.	Linked.
<i>Village of Schaumburg</i>					Linked.

<i>Village of Western Springs</i>	N/A to my knowledge. If a new house construction requests a parkway tree to be removed, and it is approved he tree will be evaluated for "Wood value" based upon IAA standards and that cost will be charged to the resident/builder along with any additional removal costs. A replacement tree(s) is typically required as stipulated under the plans for the development.	We have prohibited species per code along with other restrictions for parkway tree planting, but applicable to ROW/parkway only.	No, since it applies to ROW only.		
<i>Village of Winfield</i>					Attached.