

## **CHAPTER 21. TREES AND VEGETATION**

### **Article 4. Tree Preservation**

#### **21.4-1. TITLE:**

This Article 4 of Title 21 of the Municipal Code of the Village of Deerfield shall be known, cited and referred to as the *Deerfield Tree Preservation Ordinance*.

#### **21.4-2. INTENT AND PURPOSE:**

While allowing for reasonable improvement of land within the Village, it is the stated public policy of the Village to maintain, to the greatest extent possible, existing Trees within the Village and to add to the Tree population within the Village, where possible. The preservation of existing Trees in the Village and the planting of additional Trees is intended to accomplish, where possible, the following objectives:

- A. To preserve Trees as an important public resource enhancing the quality of life and the general welfare of the Village and enhancing its unique character and physical, historical, and aesthetic environment;
- B. Encourage the protection of healthy trees and provide for the replacement and/or replanting of trees that are necessarily removed during construction, development or redevelopment;
- C. Generally protect and enhance the quality of life and the general welfare of the Village and its citizens;
- D. To preserve and enhance the unique character, physical, historical, and aesthetic environment of the Village;
- E. To aid in the control of storm water runoff, the stabilization of soil by the prevention of erosion and sedimentation, and the replenishment of ground water supplies;
- F. To enhance air quality by aiding in the removal of carbon dioxide, generation of oxygen, and filtering of air pollutants;
- G. To reduce noise by providing a buffer and screen from the spread of noise;
- H. To reduce energy consumption through the shade and windbreak effect of trees;
- I. To preserve and enhance the habitat and food source for birds and other wildlife;
- J. To protect property values;
- K. To prevent the clear cutting of land;
- L. To prevent the existence of trees which pose a threat, danger or nuisance to the public or to property in the Village.

#### **21.4-3. SCOPE AND ENFORCEMENT:**

- A. The provisions of this Ordinance shall apply generally and uniformly to all residential areas within the Village of Deerfield except as specifically provided herein.
- B. The provisions of this Ordinance shall be cumulative with consistent provisions of other ordinances of the Village of Deerfield and of the Statutes of the State of Illinois, and to the extent consistent shall be applied and enforced simultaneously. Whenever inconsistent, the provision resulting in the maximum protection, preservation or planting of trees or the highest quality of trees shall govern, except where limited by law.
- C. It is intended in particular that the provisions of this Ordinance shall be applied cumulatively and simultaneously with the provisions of the Zoning and Subdivision Ordinances and the Building Code, and no approvals or permits issued pursuant to such ordinances and codes shall be deemed to authorize the killing, destruction, removal or planting of trees without also complying with the applicable provisions of this Ordinance.

**21.4-4. DEFINITIONS:** As used in this Article and in the Administrative Manual, the following words and phrases shall have the following meanings:

***Action Plan:*** A listing of trees on a property, in chart form, that identifies each tree by tag number and shows, species, size (DBH), condition, form, percent critical root zone saved and the actions to be taken with each Tree. The Action Plan must be submitted with each Lot Redevelopment Plan or Lot Improvement Plan

***Ad Hoc Tree Removal:*** Tree removal not related to lot redevelopment or lot improvement.

***Administrative Manual:*** A document prepared by the Village Manager at the direction of the Village Board of Trustees that identifies the requirements for tree preservation and procedures to establish a comprehensive review process for the Village to follow in enforcing the tree preservation ordinance.

***Caliper:*** Measurement used for nursery stock. The diameter of a tree trunk as measured six inches (6") above ground line for nursery trees up to and including four inches (4") in caliper and as measured twelve inches (12") above ground line for nursery trees larger than four inches (4") caliper.

***Construction Envelope:*** The defined area of the lot or development that contains all of the construction or site disturbance activities.

***Critical Root Zone:*** The area inscribed by an imaginary circular line on the ground beneath a Tree having as its center point the center of the trunk of the Tree and a radius equal to one foot (1') for every one inch (1") of trunk diameter (DBH).

**Damage:** The taking of any direct or indirect action that causes, or is reasonably likely to cause, the death of a Protected Tree or a significant loss of a Protected Tree's structural integrity including, without limitation, destruction, poisoning, carving, mutilating, girdling, severing the main trunk, leader, or large branches, touching with live wires, crushing or exposing the roots, digging or drilling any hole or trench within the root zone, filling with soil or other materials within the root zone, compacting a substantial portion of the soil in the critical root zone, or moving a tree to another location. Without limiting of the foregoing, "Damage" does not include the pruning of Protected Trees in accordance with "Standard Practices for Tree, Shrub, and Other Woody Plant Maintenance" (ANSI A300) and "Tree Pruning Guidelines" published by the International Society of Arboriculture or similar standards and guidelines from time to time recommended for residents of the Village by the Village Forester.

**Demolition Plan:** A plan for the demolition of existing structures on a lot. The Demolition Plan shall include a Tree Preservation Plan that provides for the protection of Trees during demolition of the structures and the removal of the debris.

**Diameter at Breast Height (DBH):** Measurement for Trees other than nursery stock. The diameter of a Tree measured at four and one-half feet (4.5 ft.) above the existing ground line.

**Director:** Shall mean the Director of Community Development or his or her designee.

**Ground Line:** The elevation of the existing ground at the point where the trunk of the Tree meets existing ground. If the Tree is on a slope, then the average elevation of the existing ground is used.

**Healthy Tree:** Any Tree rated by the Village Forester as being in fair or better condition.

**Lot Improvement Plan:** A plan submitted to the Village that shows all of the existing features and proposed changes to a parcel of land and existing structures. The Lot Improvement Plan must be approved prior to the issuance of a building permit.

**Lot Redevelopment Plan:** A plan submitted to the Village that shows all of the existing features and proposed changes to a parcel of land, including the demolition of existing structures.

**Mitigation:** The required replacement of Protected Trees on a Site that are damaged or removed during demolition, lot redevelopment, lot improvement, or on an ad hoc basis, or of Public Trees in the public ways or on public property adjacent to a Site that are damaged or removed during demolition, lot

redevelopment, lot improvement, or on an ad hoc basis, in accordance with the evaluation of the Village Forester and mitigation formulas set forth in this Ordinance and the Administrative Manual

***Owner:*** The person or entity legally or beneficially owning a Site in the Village who is undertaking actions with respect to Protected Trees on such real estate which are regulated by the provisions of this Ordinance. The term “Owner” shall include the family members, guests, tenants, licensees, contractors, agents, officers, directors, shareholders and employees of the person or entity legally or beneficially owning the real estate in question under the provisions of this Ordinance.

***Protected Tree:*** All Public Trees without regard to DBH, and any Healthy Tree located on a Site that is either: (i) a Tree having a diameter at breast height (DBH) of eight inches (8”) or greater; or (ii) a multi-stem Tree having an aggregate total of fifteen inches (15”) DBH or greater.

***Pruning:*** The cutting or trimming of Protected Trees in accordance with “Standard Practices for Tree, Shrub, and Other Woody Plant Maintenance” (ANSI A300) and “Tree Pruning Guidelines” published by the International Society of Arboriculture or similar standards and guidelines from time to time recommended for residents of the Village by the Village Forester.

***Public Tree:*** Any Tree located on the dedicated right-of-way of all public roads and streets (parkway trees) in the Village within or adjacent to a residential zoning district.

***Remove or Removal:*** The physical detachment, removal or elimination of a Tree, or the effective detachment or elimination of a Tree through damage, cutting, complete extraction or killing by spraying, girdling, root cutting, or otherwise. Without limitation of the foregoing, “remove” or “removal” does not include the pruning of Trees in accordance with National Pruning Standards.

***Site:*** A lot, block, tract or parcel of residential zoned land under unified ownership in the Village of Deerfield upon which demolition, lot redevelopment, lot improvement, or ad hoc tree removal is planned or taking place.

***Tree:*** A self-supporting, woody plant, together with its root system, having a well-defined stem or trunk or a multi-stemmed trunk system with a more or less well-defined crown.

***Topographic Survey:*** A plan prepared by a licensed surveyor or engineer that depicts the existing contour and ground elevations of a Site in accordance with the Village Engineering Department's requirements.

***Tree Emergency:*** The existence of any Tree within the Village that has become an immediate danger or hazard to persons or property as a result of any tornado, windstorm, flood, freeze, natural disaster or other sudden, unforeseen accident.

***Tree Inventory:*** A listing by tag number of the existing Protected Trees on the Site and on adjacent properties that are within ten feet (10') of the property line of the Site, or that have a critical root zone extending into the Site. The tree inventory shall also include all Public Trees in the right-of-way adjacent to the Site and all Public Trees that may be impacted by the construction. Data provided shall include tag number, species, size in DBH, condition rating, form rating, and any observed problems.

***Tree Preservation Plan:*** A plan that provides all of the detail necessary as may be required by the Village Manager or his/her designee to verify how the existing Public Trees, Protected Trees and site features will be preserved.

***Tree Removal Permit:*** The written permit issued by the Village to authorize the removal of a Public Tree or Protected Tree pursuant to the provisions of this Ordinance.

***Tree Removal Permit Application:*** The application required for issuance of a Tree Removal Permit pursuant to Section 21.4-10 of this Ordinance. A tree removal application fee in the amount established in the Village Fee Ordinance shall be submitted with the application.

***Tree Replacement Plan:*** The written plan submitted by an Owner to the Village pursuant to this Chapter under which the Owner becomes obligated to provide mitigation for Protected Trees for which Removal is sought at a rate and subject to such terms and conditions as shall be specified in the plan, as approved by the Village.

***Tree Survey:*** A document consisting of text and graphics that includes the tag number and location of all live Protected Trees on the Site or on adjacent properties that are within ten feet (10') of the property line of the Site or that have a critical root zone extending into the Site. The tree survey shall also include all Public Trees in the right-of-way adjacent to the Site and all Public Trees that may be impacted by the construction. The survey will contain a level of detail and other pertinent information as may be required by the Village Manager or his/her designee.

***Village Fee Ordinance:*** Article 10 (Comprehensive Building Fee Schedule) of Chapter 6 (Building) of the Municipal Code of the Village of Deerfield.

***Village Forester:*** A qualified arborist employed or engaged by the Village of Deerfield who is designated to act as Village Forester by the Village Manager.

**21.4-5. APPLICABILITY:**

The provisions of this Ordinance shall apply generally and uniformly to all Sites in residential zoned districts and to all Public Trees as defined herein, except as provided below:

- A. Tree preservation on properties for which a specific landscaping or tree preservation plan has been approved pursuant to the terms of an annexation agreement, a special use permit, or another agreement of ordinance in existence on the effective date of this Ordinance shall be governed by the terms of such agreement, permit or ordinance.
- B. The ad hoc tree removal regulations contained in this Ordinance shall not apply to privately owned recreational land with a special use in excess of three (3) acres in size, except for that portion of such land that is located within thirty feet (30') of a property line shared with a property or properties containing residential dwelling units.
- C. Tree Emergencies to the extent provided in this Ordinance.
- D. Pruning of Trees in compliance with the pruning standards is not subject to this Ordinance.
- E. The removal of public nuisance trees identified in Section 21.4-7 shall not be subject to mitigation.

**21.4-6. PRIOR DESTRUCTION:**

If any Public Tree or Protected Tree is damaged or destroyed prior to the submission of a tree removal permit application, or a demolition, grading or building permit application, and it is reasonable to infer that the damage or destruction was effected so as to avoid the requirements of this Ordinance, the Director may require mitigation for any such damaged or destroyed tree in addition to compliance with any other applicable requirements of this Ordinance.

**21.4-7. REMOVAL OF HAZARDOUS, DISEASED, AND INSECT INFESTED TREES REQUIRED:**

The following trees are hereby declared to be a public nuisance and shall be pruned or removed and properly disposed of by the Owner within ten (10) days following written notification by the Village:

- A. Trees and limbs which overhang any sidewalk, street or other public place that are hazardous to the public way, public property, or private roads with public access.

- B. Tree infected with Dutch elm disease, Oak wilt, Asian longhorn beetles, Emerald ash borers or other insects and diseases that are a serious threat to the community's trees as determined by the Village Forester.

All such trees shall be removed and properly disposed of by the Owner within ten (10) days of notification by the Village.

**21.4-8. ADMINISTRATION:**

This Ordinance establishes the policy of the Village of Deerfield as it relates to the preservation of existing trees, landscaping, and street tree planting. The Village Manager or his/her designee shall administer and enforce this ordinance. The Village Manager or his/her designee shall adopt and promulgate an Administrative Manual to implement and promote the purposes and provisions of this Ordinance consistent with good forestry practice. Without limiting the generality of this authority, the Administrative Manual may, among other things, prescribe:

- A. The classification of tree species considering relative desirability, hardiness and disease and pest resistance for tree preservation and replacement purposes;
- B. Specifications for protecting trees during construction activities;
- C. Requirements for tree removal permits;
- D. Procedures for permit and plan review and approval;
- E. Requirements for tree replacement plans;
- F. Requirements for tree protection, construction envelope and conservancy area fencing;
- G. A tree replacement formula considering the size, condition and species value of the tree to be replaced;
- H. Evaluation and assessment of construction sites.

**21.4-9. EXCEPTIONS:**

It is the purpose of this Section to authorize relief from the mitigation requirements of this Ordinance when some exceptional physical, environmental or topographical condition affecting a Site poses practical difficulty or unnecessary hardship in preserving or replacing a Protected Tree consistent with this Ordinance and good forestry practice.

- A. Applications for an exception to the mitigation requirements of this Ordinance may be made by the Owner of a Site that is (i) seeking the issuance of a demolition, grading or building permit that may affect a Protected Tree or require mitigation of a Protected Tree, or (ii) approval of an Ad Hoc Tree Removal permit.

- B. Applications for an exception shall be filed with the Director and shall be accompanied by: (i) Demolition Plan, a Lot Improvement Plan or a Lot Redevelopment Plan, as applicable when the Tree removal is related lot redevelopment or lot improvement; (ii) a Tree Inventory; (iii) a Tree Preservation Plan; (iv) proof of ownership of the Site; (v) a filing fee as established by the Annual Fee Ordinance; and (vi) a sworn statement identifying the exceptional physical, environmental or topographical condition affecting one or more Protected Trees that poses a practical difficulty or unnecessary hardship in preserving or replacing a Protected Tree consistent with this Ordinance and good forestry practices.
- C. The Director shall have the authority to grant an exception to the mitigation requirements of this Ordinance when the applicant demonstrates to the satisfaction of the Director that an exceptional physical, environmental or topographical condition affecting a Site poses practical difficulty or unnecessary hardship in preserving or replacing a Protected Tree consistent with this Ordinance and good forestry practice.
- D. An applicant may appeal any decision of the Director granting or denying an exception by filing a written notice of appeal with the Village Manager within twenty-one (21) days after the date of the Director's decision. Such appeals shall be heard and decided by the Village Manager, or his designee, who shall give the applicant written notice of his decision. The decision of the Village Manager may be further appealed to the Village Board of Trustees, whose decision shall be final. Any appeal to the Village Board of Trustees shall be initiated by filing a written notice of appeal with the Village Clerk within fourteen (14) days after the date of the Manager's decision.

**21.4-10. PERMIT REQUIRED FOR REMOVAL OF PUBLIC TREES OR PROTECTED TREES ON PRIVATE PROPERTY:**

Unless otherwise specifically authorized in this Ordinance, it shall be unlawful for any Owner to damage or remove any Public Tree or any Protected Tree without a Tree Removal Permit from the Village. Any Owner that removes or damages one or more Protected Tree or Public Trees without a Tree Removal Permit shall be required to prepare, submit and obtain approval of a Tree Replacement Plan and to mitigate the removal of or damage to such trees.

**21.4-11. ACTION ON APPLICATIONS FOR DEMOLITION, LOT REDEVELOPMENT OR LOT IMPROVEMENT:**

As a condition to the issuance of a demolition permit, grading permit, or a building permit, the Owner shall submit a Demolition Plan, Lot Redevelopment Plan, or Lot Improvement Plan that includes the information and detail specified herein.

A. Upon receipt of the permit application for the removal of Public Trees or Protected Trees, the Village Forester shall visit the Site as well as contiguous and adjoining lands to investigate Site conditions and the condition and location of Protected Trees and Public Trees in relation to the proposed Demolition Plan, Lot Redevelopment Plan, or Lot Improvement Plan, and make recommendations concerning measures to preserve trees on the property, to mitigate those Protected Trees which must be removed to reasonably effectuate Owner's Demolition Plan, Redevelopment Plan or Lot Improvement Plan, and to preserve or replace Public Trees affected by the construction.

B. If the Village Manager or his/her designee shall, based on the recommendation of the Village Forester, determine that the construction will cause no more Protected Trees to be removed than are reasonably necessary to achieve the applicant's objectives, and the method for preservation of other Protected Trees is appropriate, the permit application shall be approved subject to the provisions of this Ordinance; otherwise the application shall be denied or approved subject to such conditions as the Village Manager or his/her designee shall determine to be necessary to protect the public welfare, achieve the purposes of this Ordinance, prevent the undue destruction of trees and encourage tree replacement and the planting of additional trees.

C. An Owner that submits a Demolition Plan, Lot Redevelopment Plan, or Lot Improvement Plan that requires that a Public Tree or a Protected Tree on a Site to be damaged or removed shall be required to submit the plan review fee established in the Village Fee Ordinance and, if applicable, the mitigation fee required by this Ordinance.

**21.4-12. TREE PRESERVATION PLAN REQUIRED FOR DEMOLITION, LOT REDEVELOPMENT, AND LOT IMPROVEMENT:**

As a condition to the issuance of a demolition permit, grading permit, or a building permit, an Owner is required to submit a Tree Inventory and Tree Preservation Plan that includes the following information and detail as specified by the Village Manager or his/her designee:

A. All Protected Trees on the Site and all Public Trees in the public right-of-way adjacent to the Site which are to be preserved shall be protected from unreasonable damage by the use of acceptable tree protection measures in accordance with a Tree Preservation Plan approved by the Village Forester. Such fencing shall remain in place during construction, and removed as authorized by the Village Forester at the completion of construction.

B. All Protected Trees on property adjacent to the Site that are within ten feet (10') of a property line shared with the Site, or that have a critical root zone extending into the Site, shall be protected from unreasonable damage by the use

of acceptable tree protection measures in accordance with a Tree Preservation Plan approved by the Village Forester.

C. For purposes of this section, acceptable tree protection measures are those measures designed and implemented to reasonably limit the damage to such Protected Trees while enabling lawful construction activity consistent with best construction practices as determined by the Village. Acceptable tree protection measures include:

- (1) The installation of tree protection fencing along the perimeter of the critical root zone located within construction site, which shall remain in place during construction and removed only when construction is complete or as authorized by the Village Forester. The fencing shall be wood slat fencing, or such other fencing as approved by the Village Forester. The proposed location of tree protection fencing shall be shown on the Demolition Plan, Lot Redevelopment Plan, or Lot Improvement Plan. Tree protection fencing shall be placed along the perimeter of the critical root zone of each tree to the extent practical. Such fencing shall be contained within the limits of the Site and within the limits of the adjacent public parkway. Such fencing shall not encroach on to public streets or sidewalks.
- (2) The installation of security fencing for the Site as provided in Section 6.11-3 of the Municipal Code of the Village of Deerfield, which shall remain in place during construction and removed only when construction is complete or as authorized by the Village Forester.
- (3) Tree protection measures recommended by a professional arborist and approved by the Village Forester to reasonably involve the least amount of damage to Protected Trees.

D. Nothing in this Section shall be construed as effectively prohibiting otherwise lawful construction that conforms to the zoning ordinance and building codes of the Village.

**21.4-13. ACTION ON APPLICATIONS FOR AD HOC TREE REMOVAL:**

A. Unless otherwise specifically authorized in this Ordinance, it shall be unlawful for any Owner without a Tree Removal Permit from the Village to damage or remove any Public Tree or any Protected Tree.

B. Any Owner that damages or removes, or authorizes anyone to damage or remove, any Protected Tree located on such Owner's land, or any Protected Tree located on adjacent property and within ten feet (10') of a lot line shared with the Owner's land or that has a critical root zone extending onto the Owner's land, shall also be responsible for the damage or removal of such Protected Tree, notwithstanding that the damage or removal was performed or caused by another person acting under the authority of such Owner.

C. An Owner that seeks to remove a Public Tree or a Protected Tree on a Site must complete a Tree Removal Permit application and shall be required to submit the application fee established in the Village Fee Ordinance and, if applicable, the mitigation fee required by this Ordinance; provided, however, that no tree removal application fee, permit fee or mitigation fee shall be required if an application is approved for removal of a Protected Tree for the following reasons:

1. The Protected Tree must be removed because it is dead, dying or diseased.
2. The Protected Tree is weakened by disease, age, fire, storm or other natural causes such that it is likely to die or become diseased.
3. The Protected Tree constitutes a hazard to pedestrian or vehicular traffic.
4. The Protected Tree constitutes a hazard to a building.
5. Removal of the Protected Tree is consistent with good forestry practices.
6. The Protected Tree is causing or is likely to cause a public nuisance as a result of root invasion into public utility lines or private utility services on the Owner's property.

D. Upon receipt of the Owner's application, the Village Forester shall visit and inspect the Owner's property and contiguous and adjoining lots in order to evaluate the application. Subject to compliance with other applicable provisions of this Code, the Village Forester shall approve the application and issue a Tree Removal Permit subject to such conditions as may be required for the preservation of Protected Trees and/or for mitigation of necessary removal of Protected Trees.

E. Prior to the removal of any Protected Tree authorized for removal, the tree shall be clearly marked by the Village Forester.

#### **21.4-14. PERMIT REVOCATION AND EXPIRATION:**

A. An Owner receiving an Ad Hoc Tree Removal Permit shall have a duty to remove the Trees identified in such permit within ninety (90) days after the date of the Tree Removal Permit. An Owner receiving a Tree Removal Permit shall be authorized to remove the Tree(s) identified in such permit in accordance with the terms and conditions set forth in the Tree Removal Permit Application as approved by the Village Forester.

B. Any permit issued by the Village for demolition, lot development or lot improvement permit as provided in this Ordinance is subject to stop work order, suspension or revocation by the Director if the permit holder violates the terms of the permit or any other provision of this Ordinance.

C. Any building permit issued for a single-family residence expires one (1) year from the date of issuance thereof and no construction, alteration or removal shall take place after such expiration. A building permit may be extended for a period not exceeding six (6) months only upon the approval of the Director of Building and Zoning and only in the event that the plans for construction comply with all aspects of this Code and all other ordinance in effect at said time. If granted, such an extension shall also extend the Demolition, Lot Development or Lot Improvement Permit issued under this Ordinance for a like period of time.

**21.4-15. MITIGATION REQUIRED FOR THE REMOVAL OF PROTECTED TREES:**

A. An Owner receiving a Permit for the removal of Public Trees or Protected Trees on the subject property shall have a duty to provide mitigation of the Protected Trees as specified in the Tree Removal Permit issued by the Village

B. An Owner that removes a Public Tree or a Protected Tree without a Tree Removal Permit or in violation of a Tree Removal Permit shall provide mitigation of such Tree(s) in accordance with a Tree Replacement Plan approved by the Village Forester.

C. An Owner that has damaged a Public Tree such that the tree is dying or diseased or is likely to die or become diseased shall replace such tree(s) in accordance with a Tree Replacement Plan approved by the Village Forester.

D. An Owner that has damaged a Protected Tree such that the tree is dying or diseased or is likely to die or become diseased shall provide mitigation of such tree(s) in accordance with a Tree Replacement Plan approved by the Village Forester.

E. The removal of Protected Trees and Public Trees requires mitigation as determined by the Village Forester. Protected Trees and Public Trees shall be mitigated by either planting replacement trees or by payment of a mitigation fee at the rate specified in the Annual Fee Ordinance, considering the size, condition rating and species rating of the trees requiring mitigation. The Village Forester shall determine the replacement rate for Protected Trees and Public Trees requiring mitigation pursuant to the following formula utilizing the Species Rating Guide set forth in Appendix E to the Administrative Manual, and the Tree Condition and Rating Guide set forth as Appendix D of the Administrative Manual which are adopted and incorporated herein by this reference.

Species Group	Replacement Rate	
	D.B.H. Removed	No. Caliper Inches Replaced
A	1"	1.0" caliper
B	1"	0.6" caliper
C	1"	0.3" caliper

**21.4-16. TREE REPLACEMENT PLANS:**

A. When required by this Ordinance, a Tree Replacement Plan shall be submitted providing for the planting of new trees of species, caliper and at locations approved by the Village Forester and for a program of watering and maintenance to ensure that the new plantings will become established for the replacement of Protected Trees and/or Public Trees removed or damaged by the Owner.

B. Any Owner required to make replacements for a Protected Tree shall make all such replacements with a new tree or saplings of not less than two inches (2") caliper or eight feet (8') in height when deciduous ornamental trees in clump form or evergreens are used (an eight foot (8') tree is considered equivalent to a 3" caliper tree). The total aggregate caliper of all such trees and/or saplings used as replacements based on good forestry practices as approved by the Village Forester shall equal or exceed the DBH of the Protected Tree(s) so removed.

C. A cash tree replacement fee shall be submitted with the Tree Replacement Plan as a guarantee that Protected Trees will be replaced pursuant to the plan. The total fee shall be the replacement cost per inch at breast height as established in the Village Fee ordinance times the replacement rate specified in Section 21.4-15 of this Ordinance.

D. Replacement of Protected Trees shall be made within twelve (12) months of the date of issuance of the Tree Removal Permit. The Village Forester upon request may grant an extension of not more than twelve (12) months time. Upon the planting of the mitigation trees and after the inspection and approval of the mitigation trees by the Village Forester, the amount of cash tree replacement fee guarantee equal to the number of inches planted will be refunded to the applicant.

**21.4-17. INSPECTIONS:**

A copy of the Tree Removal Permit or approved Tree Preservation Plan shall be kept at the Site during the time that work is underway, and the Village Forester shall make whatever inspections are required to ensure compliance. The Director is authorized to issue a stop work order for all construction work on the Site if the Owner fails to comply with the requirements of Tree Removal Permit or Tree Preservation Plan.

**21.4-18. TREE EMERGENCIES:**

A. If a Tree Emergency shall occur such that there arises a risk of imminent danger or hazard to persons or property from any Protected Tree which ought to be cut or removed immediately or with as little delay as possible (e.g., Protected Trees which threaten to fall or have fallen on houses or power lines or impede safe passage of streets or have become uprooted or unstable as a result of severe weather, floods or high winds), then it shall be lawful for the Owner to remove such Protected Tree to the extent necessary to avoid immediate danger or hazard without a Tree Removal Permit provided that within fourteen (14) days after taking any such action the Owner shall submit an after-the-fact Tree Removal Permit Application describing the Tree Emergency and the actions taken.

B. If the Village Forester upon his review of the Tree Removal Permit Application concurs that a Tree Emergency existed and that the Owner's actions were warranted in response to the Tree Emergency, an after-the-fact Tree Removal Permit shall be issued without fee and no further action under these regulations shall be necessary. If the Village Forester determines that no genuine Tree Emergency existed to justify the cutting or removal of the Protected Tree(s), then such actions by the Owner shall be deemed a violation of these regulations and the Owner shall be required to provide mitigation as provided in Section 21.4-10.

**21.4-19. PENALTY:**

Whoever violates any of the provisions of this Ordinance shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Five Hundred Dollars (\$1500.00) for each such violation. A separate and distinct violation shall be deemed to have occurred for each Protected Tree or Public Tree unlawfully damaged, removed and/or not replaced in violation of this Article, and a separate and distinct violation shall be deemed to have occurred for each day that such violation exists or continues. Any penalties imposed are in addition to any required mitigation.

**21.4-20. FEES:**

Fees for tree removal permit applications, tree removal permits, and plan reviews shall be paid as provided in the Village Fee Ordinance.

**21.4-21. APPEALS:**

Except as otherwise provided in this Ordinance, an applicant may appeal in writing to the Village Manager any decision made by the Director or Village Forester within thirty (30) days of the decision being rendered. If not satisfied with the decision of the Village Manager, the applicant may appeal in writing to the Village Board of Trustees within thirty (30) days of the decision rendered by the Village Manager, but the Board of Trustees is not obliged to consider any such appeal.

**21.4-22. NON LIABILITY OF VILLAGE:**

Nothing in this Ordinance shall be deemed to impose any liability upon the Village or upon any of its officers or employees nor to relieve the owner of any private property from the duty to keep trees and shrubs upon private property or under his control in a safe and healthy condition.

**SECTION 2:** That Section 6.11-4 (Tree Protection) of Article 11 (Construction Management) of Chapter 6 (Building) of the Municipal Code of the Village of Deerfield be and the same is hereby repealed.

**SECTION 3:** That Section 6-10-3 (Schedule of Chapter 6 Fees, Charges and Rates) of Article 10 (Comprehensive Building Fee Schedule) of Chapter 6 (Building) of the Municipal Code of the Village of Deerfield be and the same is hereby amended to add the following:

	<u>Description</u>	<u>Amount</u>	<u>Corresponding Section of the Municipal Code</u>
(U)	cash tree replacement fee	\$125 per caliper inch	21.4-16
(V)	Tree Preservation Plan Review:		21.4-11C
	i. Lot Redevelopment, without demolition	\$450	
	ii. Lot redevelopment, with demolition	\$525	
	iii. Demolition with no building permit	\$275	
	iv. Lot Improvement (no demolition)		
	(a) Room additions	\$275	
	(b) Driveways	\$150	
	(c) Pools and tennis courts	\$195	
	(d) Fences, sheds and accessory structures	\$125	
	(e) Decks and patios	\$140	
	(f) Irrigation systems	\$125	
(W)	Ad Hoc Tree Removal		
	i. Permit Application	\$75	21.4-13C
	ii. Permit	\$125	
	iii. Permit for dead, hazardous and nuisance trees	\$ 0	