

Chapter 45

TREES AND WOODLANDS PROTECTION

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Sec. 45-1. Purpose and intent.

The purpose and intent of this chapter is, through the preservation, protection, planting, and proper maintenance of trees and woodlands within the village and on land to be annexed to the village, to:

- (1) Prevent the unnecessary destruction of trees in the village.
- (2) Aid in the stabilization of soil by the prevention of erosion and sedimentation.
- (3) Aid in the control of drainage and restoration of denuded soil subsequent to construction or grading.
- (4) Reduce stormwater runoff and the costs associated therewith and replenish ground water supplies.
- (5) Provide a buffer and screen to protect against the adverse impacts associated against noise.
- (6) Provide moderation of temperature extremes.
- (7) Aid in the removal of carbon dioxide and generation of oxygen in the atmosphere and purify air and offset car emission pollution.
- (8) Provide a habitat and feed source for birds and other wildlife which, in turn, assists in the control of pests.
- (9) Protect and increase property values.
- (10) Conserve and enhance the village's unique physical and aesthetic environment.
- (11) Prevent the existence of trees which pose a threat, danger or nuisance to the public or to the property in the village.
- (12) Generally protect and enhance the quality of life and the general welfare of the village and its citizens.

(Ord. No. 2001-63, § 2(45.01), 7-16-2001)

Sec. 45-2. General scope.

Except as specifically exempted in this chapter the provisions of this chapter shall apply generally and uniformly to all development or redevelopment of commercial, industrial and residential

property. The provisions of this chapter shall apply for all new development, construction, expansion of existing land uses, structural alterations, or other improvement of a private or public building, structure or accessory building or the construction, extension or improvement of any parking lot or driveway which requires the removal of live trees having a breast diameter of six inches or more diameter breast height (DBH), and all areas seeking annexation to the village. Diameter breast height shall be considered to represent a height of four and one-half feet above the ground. This chapter shall also apply when removal of a tree with a DBH of six inches or greater is requested within the village limits, that is not connected with any construction, expansion, etc.

(Ord. No. 2001-63, § 2(45.02), 7-16-2001)

Sec. 45-3. Definitions.

Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

Caliper means as measured at a point 12 inches above the ground.

Closed canopy means a wooded area that allows little or no light into the forest floor.

Condition means life expectancy of trees. State whether good, poor, dying, or dead.

Conservancy means any area designated as "conservancy" or equivalent on a plat of subdivision or plat of dedication approved by the village and recorded.

Cutting means felling or removal of a tree or any procedure the result of which is to cause the death or substantial destruction of a tree. "Cutting" does not include normal pruning, trimming or maintenance topping of trees.

Designate means a person appointed by the planning department to inspect the subject property for compliance or violation of this chapter.

Destruction means any human or animal activity which destroys or shortens the life expectancy of a tree.

Development means any proposed material change in the use of or character of land from an undeveloped or natural state.

Diameter breast height (DBH) means the diameter of the trunk of the tree measured in inches at a point four and one-half feet above ground level. This point of measurement is used for mature and established trees.

Dripline means the outside perimeter of the tree's canopy extended to the ground to represent the preservation area.

Forest means a dense growth of trees and underbrush covering a large tract of land, or a significant portion of a large tract of land.

Landscape architect means one whose profession is the arrangement of land for human use and enjoyment, involving the design and placement of structures, vehicular and/or pedestrian circulation, plantings, and their relationships with adjacent areas and who has professional and educational qualifications in plant physiology.

Redevelopment means any increased use or restructuring of present use of land that was already considered developed.

Site means that tract, parcel or lot of land for which a tree removal permit is sought.

Structure means any structure, building, patio, pool, deck, fence, shed, gazebo, etc., that would require a building permit to construct.

Timberland means land covered with forest and especially with marketable timber.

Tree means any self-supporting woody plant together with its root system, growing upon the earth usually with one trunk, or a multi-stemmed trunk system. Supporting a definitely formed crown.

Tree and woodland plan means a plat indicating the woodlands and trees, indicating the trees to be preserved and new trees to be removed or planted. This may be included in a landscape plan.

Tree canopy means the area of space that live tree leaves and branches occupy.

Tree coverage means the total area of space a woodland canopy occupies.

Tree removal permit means the permit required by this chapter to remove any tree protected and regulated under the provisions of this chapter.

Tree survey [means that it] shows the number, diameter, location, condition and species-cultivars of all live trees on the subject property prior to any regulated tree destruction activity.

Viable means a tree which is capable of sustaining its own life process, unaided by man.

Woodlands a tract or parcel of land covered wholly or in substantial part with trees and related environs.

Yard area means an open space on the same lot or parcel with a building, said space being unoccupied with the exception of trees and other vegetation and/or accessory structures. (Ord. No. 2001-63, § 2(45.03), 7-16-2001; Ord. No. 2006-58, § I, 7-17-2006)

Sec. 45-4. Inside the village.

Trees and woodlands on vacant lots or lots already developed, built upon, and occupied.

- (1) *Tree permit required.* For removal or relocating of trees six inches or larger DBH or groves under the definition of "woodlands" with trees three inches or larger DBH, the conditions under which a permit may be issued include, but are not limited to the following:
 - a. Removal due to interference with the location or relocation of a parking lot, driveway, sidewalk, patio, deck, garden, fruit trees, swimming pool, and other structures.
 - b. Removal due to interference with the safe performance of planned, contemplated or existing underground or overhead utilities including water and sanitary and storm sewer lines, gas pipes, and telephone and electric poles and wires.
 - c. Removal in no-conservancy areas if the trees in a yard have matured to a point they are blocking reasonable

light and air reaching the yard and patio areas of the house or housing unit.

- d. Removal due to damage or injury to the extent that the tree is likely to die or become diseased.
 - e. Removal will avoid or alleviate an economic or health hardship of another nature on the property.
 - f. Removal is consistent with good forestry practice.
 - g. Removal will enhance a tree preservation area and the health of the remaining trees.
- (2) *Exceptions.* The permit requirements set forth in subsections d. and e., above, shall not apply to:
- a. Existing subdivided residential lots.
 - b. Emergencies involving, but not limited to tornadoes, windstorms, floods, freezes or other natural disasters.
 - c. Trees which have become, or immediately threaten to become, a hazard to persons, property or other vegetation and require immediate removal or destruction. The planning department may grant immediate verbal authorization by on-site inspection confirmed later with the issuance of a tree removal permit for record purposes.
 - d. Diseased, dead or dying trees as confirmed by the planning department and when necessary by a designated plantsman or other vegetation professional.
 - e. All active orchards and state or village approved tree nurseries shall be exempt from the terms and provisions of this chapter, but only in relation to those trees which are planted and growing for the sale or intended sale to the general public in the ordinary course of business or for some public purpose.

- f. Removal of invasive, non-native species, and village or state designated nuisance trees shall not require a tree removal permit.

(Ord. No. 2001-63, § 2(45.04), 7-16-2001; Ord. No. 2006-58, § I, 7-17-2006)

Sec. 45-5. Permit required; tree removal application form and tree removal fees.

Removal, relocation or replacement of trees is prohibited unless a permit therefor has been first obtained. Tree removal permits for the removal, relocation, or replacement of trees covered herein shall be obtained by submitting to the community development department an application on a form prescribed by the village. The tree removal, relocation or replacement permit fee shall be consistent with the zoning fee schedule for plan reviews.

- (1) *Application procedure.* For tree removals in conjunction with new development on lots:
 - a. Tree removal permit application not involving a building permit shall include:
 - 1. A sketch, photo or other description showing the location of the tree or trees to be removed.
 - 2. Information on the size and types of trees to be removed.
 - 3. Reasons for removing the trees.
 - 4. Any reports or studies if any indicating that the trees should be removed.
 - 5. Tree survey; see subsection (1)b.7. of this section.
 - 6. Such other relevant information as the planning department shall reasonably require.
 - b. A tree removal permit application involving a building permit shall include at the applicant's own expense, as an attachment to the application, two copies of a legible,

reproducible site plan drawn to scale and clearly showing the following information for the entire site:

1. Location, shape, and spatial arrangement of all existing and proposed walls, improvements, and structures.
2. Identification of uses on adjacent properties.
3. Location, shape, and spatial arrangement of all off-street parking and access roads.
4. Existing and proposed utility services.
5. Existing and proposed elevation.
6. Setbacks, yard requirements, and easements.
7. A tree survey, prepared by a landscape architect, overlaid directly upon the site plan and indicating the location, referenced to structures, of all trees with a DBH of six inches or greater. The survey shall distinguish existing trees which are proposed to be destroyed, relocated, replaced, preserved at their present location, or introduced into the development from an off-site source. All trees shall be identified by species and DBH. Groups of trees less than three feet apart may be designated as clumps, provided that any tree with a DBH of six inches or more must be specifically designated. The location of all tree removal activity is to be indicated on the tree survey. The planning department may exempt from inclusion in the tree survey those portions of the site which it determines will not be affected by the development activity.

(Ord. No. 2001-63, § 2(45.05), 7-16-2001; Ord. No. 2006-58, § I, 7-17-2006)

Sec. 45-6. Application review and approval.

Upon receipt of a completed application with required fees by the village, the planning department shall review said application. Such review may include site inspections and referral of the application for comment and recommendations to other appropriate village officials. A tree removal permit shall be granted only if:

- (1) It is found that all reasonable efforts have been undertaken in the architectural layout and design of the proposed development and proposed use of the land to preserve existing trees and to otherwise enhance the aesthetic appearance of the development by the incorporation of trees in the design process.
- (2) The removal of the trees is part of good forestry practice that will result in woodland or forest enhancement and in conservancy areas, the village may require an opinion of a forester.
- (3) A guarantee of performance is required for all sites where more than five trees (which qualify for replacement) are to be removed. Adequate security for the replacement trees thereof shall be posted with the village in the form of an irrevocable, unconditional standby letter of credit in the amount of 115 percent of the value of the replacement stock and the costs of installation.
 - (a) *Generally.* In order to provide for the protection and preservation of trees in the village and to further provide for the orderly replacement of trees, no clearing and grading permit or tree removal permit shall be issued without these requirements being met.
 - (b) *Tree protection letter of credit.* Before approval of a clearing and grading permit or tree removal permit, the zoning administrator must find that all tree protection, preservation, and replacements have been designed in accordance with the provisions of this chapter and all other applicable ordinances of the village; provided,

however, that a permit may be approved upon the posting of a tree protection letter of credit or other guarantee acceptable to the village as provided in this chapter:

1. **Amount.** The amount of the security replacement trees shall be equal to 115 percent of the estimated cost of tree replacement and installation as approved by the zoning administrator.
 2. **Time limit.** All guarantees shall be payable to the Village of Gurnee and shall be enforceable by the village prior to or on a date 18 months from the date of issuance of a clearing and grading or tree removal permit. Additional time may be allowed if approved by the zoning administrator when requested in writing by the developer or owner(s).
 3. **Release.** The village board may reduce guarantees when requested in writing by the developer or owner(s) and approved by the zoning administrator. The village shall retain 30 percent of the guarantee until such time as the replacements are completed as certified by the zoning administrator.
- (c) *Guarantees.* In lieu of a bond provided for in this section, the developer or owner(s) may post a certified or cashier check(s) with the village, each check equal to 115 percent of the estimated cost of replacement as provided for above.
- (d) *[Letter of credit.]* Prior to final acceptance of the replacement trees, the developer or owner(s) shall submit a 25 percent letter of credit for the estimated cost of tree replacement and installation as submitted by the developer or owner(s)'s landscape architect or landscape contractor. Such

letter of credit bond shall be the developer's guarantee against dead, dying, or diseased trees and shall terminate 12 months after acceptance of the replacement trees by the community development department.

- (e) *Default.* If the improvements are not completed within the required time, the corporate authority of the village may use the bond or any portion thereof to complete replacement of the trees or may appropriate any portion of the guarantee for the same purpose.

(Ord. No. 2001-63, § 2(45.06), 7-16-2001; Ord. No. 2006-58, § I, 7-17-2006)

Sec. 45-7. Permit time and expiration.

The following sets forth the time limitations and expiration time of a tree removal permit:

- (1) Tree removal permits shall expire and become null and void if work authorized by such tree removal permit is not commenced within six months from the date of the tree removal permit or if such work, when commenced, is suspended or abandoned at any time for a period of 90 days.
- (2) A tree removal permit extension may be granted when deemed necessary by the planning department.

(Ord. No. 2001-63, § 2(45.07), 7-16-2001)

Sec. 45-8. Maintenance and tree and woodland preservation and protection.

(a) *Planting standards.* Any tree required to be planted as a condition of a permit or approval pursuant to this chapter shall conform to the American Standard for Nursery Stock as approved by the American Standards Institute, Inc., (or equivalent nationally recognized standard, as may be chosen by the village).

(b) *Preservation techniques.* The technique to be used to preserve trees and woodlands during construction shall be stated in the tree/woodland plan. The preservation technique employed shall

be approved by the planning department and shall be sufficient to preserve the life of the trees and/or woodland, and shall include:

- (1) Leave woodland intact wherever possible.
- (2) Place buildings adjacent to the woodland rather than within the woodland.
- (3) Fencing outside the dripline of the tree(s) or woodland to be saved before any grading or construction activities. Do not cut, fill, or compact soil within the tree(s) dripline area.
- (4) During construction, all reasonable steps necessary to prevent the destruction or damaging of trees shall be taken and unless authorized by the issuance of a tree removal permit, no excess soil, additional fill, equipment, liquids or construction debris shall be placed within the dripline of any tree that is required to be preserved in its present location unless the addition of excess soil fill or excavation is required in order to comply with the watershed development ordinance.
- (5) The "Lake County Soil and Water Conservation District Opinion" includes the article "Preserving Trees During Construction". The article shall be referenced for construction guidelines.
- (6) No attachments or wires other than those of a protective or nondamaging nature shall be attached to trees during construction.
- (7) Unless otherwise authorized by a tree removal permit, no soil is to be removed from within the root zone of any tree that is to remain at its original location.
- (8) Retain natural conditions of woodland floor or simulate natural conditions with ground cover.
- (9) The drainage of tree(s) or woodland(s) shall not be impeded.
- (10) Where applicable all removal operations and resulting conditions of the land shall comply with the watershed development ordinance.

(Ord. No. 2001-63, § 2(45.08), 7-16-2001)

Sec. 45-9. Large properties and development sites.

The provision of this section shall apply generally and uniformly to all development, redevelopment or expansion of multifamily, commercial, industrial or agricultural properties or uses of any size and residential property greater than one acre or subdivision of residential property resulting in the creation of two or more lots within the village limits, as well as properties newly annexed or undergoing annexation.

- (1) *Application procedure.* Any person requesting the destruction or relocation of trees or woodland shall submit the following information to the village planning department.
 - a. An application containing the name, address and telephone number of the applicant as well as the owner(s) of the property.
 - b. Location of the subject property including address or legal description and the size of the subject property acreage.
- (2) *Tree survey and landscape plan.* The applicant shall submit a tree survey and landscape plan developed by a qualified landscape architect drawn at a scale not smaller than one inch to 50 feet.

Reduced copies or variation may be required by the planning department or village board. The survey and plan shall comply with the following:

- a. Show the acreage of woodland area, the location of woodland(s) and trees three inches, in diameter or larger at breast height (DBH) of desirable native species (using both common and botanical names). Show dead, dying and trees requiring major pruning six inches in diameter or larger DBH.
- b. Show all existing trees six inches in diameter or larger measured at breast height (DBH), all natural features, existing and proposed public and private rights of way and easements, proposed landscaping, including such

details as the species, varieties, size and quantity of plant materials and indication shown on the plan of those that are proposed to be removed.

- c. Have attached, a written statement from the landscape architect describing the environmental effect of the landscaping on the development and neighboring, adjacent properties. Include setting goals of the plan in the statement, reasons for selections of specific plant materials, and time required for the plan to produce the desired environmental effect. Include how the plan will deal with any special environmental conditions, including wetlands, lakes, ponds, rivers or streams (flowing or intermittent), existing on-site or to be created by the development.

(3) *Approval of landscape plan.* The landscape plan shall be subject to approval by the planning department and in recommended cases, by the village board.

(4) *Tree preservation.* The developer or owner(s) shall retain, and protect wherever possible, woodlands and trees in areas of construction, including existing public and private street rights of way and easements. The preservation techniques under section 45-8 of this chapter shall be followed.

(5) *Tree and woodland compensation / replacement.*

- a. The developer or owner(s) shall replace any trees six inches in diameter or greater at DBH that are to be removed in accordance with the following size schedule. In addition, for properties with woodlands, as defined in this chapter, the developer or owner(s) shall replace any native species trees greater than three inches but less than six inches in diameter at DBH at a ratio of one replacement for every two trees removed.

<i>Size (Diameter at DBH) of Existing Trees</i>	<i>Number of Replacement Trees</i>	<i>Trunk Caliper of Replacements*</i>
30 or greater	3	5"
20—29	2	5"
11—19	2	3"
6—10	1	3"
<6	1 per 2	3"

* Trunk caliper in inches as measured 12 inches above the established ground level.

- b. Replacement trees shall be of a high quality, disease free, regionally grown trees with a single straight stem with no scars. Trees selected shall be from the varieties described in [Village of] Gurnee Subdivision Ordinance, Part V, Paragraph G, Subsection 6.d. [section 70-402(d) of this Code], as amended.

(Ord. No. 2001-63, § 2(45.09), 7-16-2001; Ord. No. 2006-58, § I, 7-17-2006)

Sec. 45-10. Enforcement and appeals.

This chapter shall be a minimum standard and shall be enforced by the office of the zoning administrator.

Upon request, an applicant may petition the village board to waive any minimum standard established herein. The village board may grant such request provided the applicant has demonstrated enforcement of specific minimum standards on site would create a significant hardship and that an acceptable alternate means of compliance has been proposed which may include the payment of a fee in lieu of compliance.

Appeals from any administrative decision made under this chapter may be taken by the applicant to the village board upon recommendation by the Village of Gurnee Plan Commission.

(Ord. No. 2001-63, § 2(45.10), 7-16-2001; Ord. No. 2006-58, § I, 7-17-2006)

Sec. 45-11. Penalties, permit revocation.

Any tree removal permit issued under this chapter shall be revoked or suspended if the permit holder violates the terms of the permit or any other provisions of this chapter. Any violation of this chapter shall be subject to a fine up to \$750.00. Each day that a violation hereof exists shall be considered a separate offense. Each tree removed in violation hereof shall be considered a separate offense.

(Ord. No. 2001-63, § 2(45.11), 7-16-2001)

Sec. 45-12. Tree commission.

(a) *Title.* This section shall be known and may be cited as the "Village of Gurnee Tree Commission Ordinance" of the Village of Gurnee, Illinois.

(b) *Purpose and intent.*

(1) *Purpose.* It is the purpose of this section to promote and protect the public health, safety, and general welfare by establishing a commission to provide for the regulation of the planting, maintenance and removal of trees, shrubs and other plants within the Village of Gurnee, Illinois.

(2) *Intent.* It is the intent of the president and board of trustees of the Village of Gurnee that the terms of this section shall be construed so as to promote the following:

- a. The planting, maintenance, restoration and survival of desirable trees, shrubs and other plants within the village; and
- b. The protection of community residents from personal injury and property damage, and the protection of the Village of Gurnee from property damage, caused or threatened by the improper planting, maintenance, or removal of trees, shrubs, or other plants located within the community.

(c) *Definitions.* As used within this section, the following terms shall have the meanings set forth in this subsection:

- (1) *Village-owned property.* Property within the village limits of Gurnee, Illinois and;
 - a. Owned by the village in fee simple absolute; or

b. Implied or expressly dedicated to the public for present or future use for purposes of vehicular or pedestrian traffic or for public easements.

(2) *Property owner.* The record owner or contract purchaser of any parcel of land.

(3) *Trees, shrubs and other plants.* All vegetation, woody or otherwise, except lawn grass and flowers less than 24 inches in height.

(d) *The Village of Gurnee Tree Commission; establishment, composition, appointment of members, duties.*

(1) *Establishment.* The Village of Gurnee Tree Commission (hereinafter "tree commission") is hereby established. Its functions and duties are limited to those set forth in this section.

(2) *Composition.* The tree commission shall be composed of nine commissioners, six of whom are members of the board of trustees of the Village of Gurnee. The remaining three commissioners shall be ex-officio and shall not vote. The three ex-officio commissioners shall be the director of public works, the village administrator, and the village planner.

(3) *Appointment of members.* The term of each commissioner shall start on the date each member of the board of trustees is sworn into office. The length of terms of the commissioners appointed shall be the same as each board members' term of office. The mayor shall act as the chairperson of the tree commission.

(4) *Expiration or vacation of terms.* Should any commissioner resign from office as a member of the board of trustees, a successor shall be appointed by the mayor and shall serve for the unexpired period of the vacated term.

(5) *Duties.* The tree commission shall perform the following duties:

- a. Within a reasonable time after the appointment of the tree commission, upon call of the chairperson of the

tree commission, the tree commission shall meet and adopt rules of procedure for regular and special meetings to fulfill the duties imposed upon it by this section.

- b. The tree commission shall advise and consult the village administrator or his designee on any matter pertaining to the Village of Gurnee Ordinance 88-36, 88-37, 88-38, or 91-157, which outline landscape regulations and their enforcement. The topics under which this advice and consultation may be given may include, but are not limited to, any of the following:

1. Amendments to the Village of Gurnee Ordinance, and creation, alteration, or revision of the arboricultural specifications manual, and creation, alteration, or revision of the urban forestry plan;
2. Policy concerning selection, planting, maintenance and removal of trees, shrubs and other plants within the village;
3. Allocation of funds to the public works department, and expenditures of funds by the public works department;
4. Establishment of educational and informational programs;
5. Development of policies and procedures regarding the public works director or his designee's duties; and
6. Issuance of permits required by this section.

- c. The tree commission, upon the request of any person who disagrees with the decision of the village administrator or his designee, shall hear all issues of the disputes which arise between the village administrator or his designee and any such person whenever those issues involve matters or the interpretation

or enforcement of the arboricultural specifications manual, the urban forestry plan, or of the interpretation or enforcement of this section, including disputes regarding the issuance of permits, or the concurrence or nonconcurrence of the village administrator or his designee, in permits required under other ordinances or laws, or the abatement of nuisances. The decision of a majority of the appointed members of the tree commission with regard to such dispute shall be binding upon the village administrator or his designee. Nothing in this section shall be construed to limit the jurisdiction of any court of law with respect to such disputes.

(e) *Public nuisances.*

- (1) *Definition.* The following are hereby declared public nuisances under this section:
 - a. Any dead or dying tree, shrub, or other plant, whether located on village-owned property or on private property;
 - b. Any otherwise healthy tree, shrub, or other plant, whether located 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;
 - c. Any tree, shrub or other plant or portion thereof, whether located on village-owned property or on private property, which by reason of location or condition constitutes an imminent danger to the health, safety or welfare of the general public;
 - d. Any tree, shrub or other plant or portion thereof whether located on village-owned property or on private property which obstructs the free passage of pedestrian or vehicular traffic or which obstructs a street sign on village property;

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- e. Any tree, shrub or other plant or portion thereof whether located on village-owned property or on private property which dangerously obstructs the view as such may be determined by the village engineer pursuant to section.
- (2) *Right to inspect.* The officers, agents, servants and employees, of the village have the authority to enter onto private property whereon there is located a tree, shrub, plant or plant part that is suspected to be a public nuisance.
 - (3) *Abatement.* The following are the prescribed means of abating public nuisances under this section:
 - a. Any public nuisance under this section which is located on village-owned property shall be pruned, removed or otherwise treated by the property owner or his/her agent in whatever fashion is required to cause the abatement of the nuisance within a reasonable time after its discovery.
 - b. Any public nuisance under this section which is located on private-owned property shall be pruned, removed or otherwise treated by the property owner or his/her agent in whatever fashion is required to cause the abatement of the nuisance. No property owner may be found guilty of violating this provision unless and until the following requirements of notice have been satisfied:
 1. The public works director or his designee shall cause a written notice to be personally served or sent, by registered mail, to the person to whom was sent the tax bill for the general taxes for the last preceding year;
 2. Such notice shall describe the kind of tree, shrub or other nuisance, its location on the property and the reason for declaring it a nuisance;
 3. Such notice shall describe by legal description or by common description the premises;
 4. Such notice shall state the actions that the property owner may undertake to abate the nuisance;
 5. Such notice will require the elimination of no less than 30 days after the notice is sent to the person to whom was sent the tax general taxes for the last preceding year.
 - c. The public works director or his designee is empowered to cause the immediate abatement of any public nuisance provided that the nuisance is determined by the public works director or his designee to be an immediate threat to any person or property.
 - (f) *Interference with public works director.* No person shall unreasonably hinder, prevent, delay or interfere with the public works director or his/her agents while engaged in the execution or enforcement of this section.
 - (g) *Violation and penalty.* Any person who violates any provision of this section or who fails to comply with any notice issued pursuant to the provisions of section, upon being found guilty of violation, shall be subject to a fine not to exceed \$200.00 for each separate offense, each day during which any violation of the provisions of this section shall occur or continue shall be a separate offense. If, as the result of the violation of any provision of this section, the injury, mutilation, or death of a tree, shrub or other plant located on village-owned property is caused, the cost of repair or replacement of such tree, shrub or other plant shall be borne by the party in violation. The replacement value of trees and shrubs shall be determined in accordance with the latest revision of A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs and Evergreens, as published by the International Society of Arboriculture.

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(h) *Appeal.* Any party who elects to dispute any action or decision by the village public works director or his designee or tree commission shall be entitled to appeal to the village board of trustees for a final determination.
(Ord. No. 97-149, §§ 1—10, 12-15-1997)